

PRANATA HUKUM

Jurnal Ilmu Hukum

e-ISSN 2685-3213 | p-ISSN 1907-560X

EXISTENCY ROLE OF THE GENERAL ELECTION SUPERVISORY AGENCY IN LAMPUNG LAW ENFORCEMENT OF THE 2019 ELECTION

Maimun, Rudi Santoso

IMPLEMENTATION OF ARTICLE 3 LAW NUMBER 4 OF 2009 CONCERNING MINERAL AND COAL MINING IN THE GRANTING OF EXPLORATION MINING BUSINESS LICENSE

Anggalana, Dery Permana Putra, Chandra Reformasi

JURIDICAL ANALYSIS OF THE IMPACT OF CATCALLING ON WOMEN AND SANCTIONS FOR CATCALLING ACTORS IN INDONESIA

Budi Hidayat A, Yulia Hesti, Fauzi

REVIEW OF SHARIA ECONOMIC LAW ON THE IMPLEMENTATION OF THE MURABAHAH ACCOUNT AT MANDIRI SYARIAH BANK, BANDAR LAMPUNG CITY

Heru Fadli, Khumedi Ja'far, Iskandar Syukur

IMPLEMENTATION OF PRESIDENTIAL POWER BASED ON THE 1945 STATE CONSTITUTION OF THE REPUBLIC OF INDONESIA

Baharudin, Indah Satria, Sopian Efendi

INITIATING EQUITABLE START-UP IN THE CONTEXT OF LABOR LAW

Rifka Yudhi

ANALYSIS OF THE APPLICATION OF ARTICLE 88 OF THE REGULATION OF THE MINISTER OF HOME AFFAIRS NUMBER 120 OF 2018 CONCERNING AMENDMENTS TO THE REGULATION OF THE MINISTER OF HOME AFFAIRS NUMBER 80 OF 2015 CONCERNING THE ESTABLISHMENT OF REGIONAL LAW PRODUCTS

Lintje Anna Marpaung, Herlina Ratna Sumbawa Ningrum, Erman Syarif

THE URGENCY OF REGIONAL REGULATIONS IN REALIZING DISASTER RESILIENT VILLAGES IN SOUTH LAMPUNG DISTRICT

Agung Budi Prastyo, Okta Ainita



**MAGISTER HUKUM
UNIVERSITAS BANDAR LAMPUNG**

PRANATA HUKUM	Volume 16	Nomor 1	Halaman 1 - 98	Bandar Lampung Januari 2021
------------------	--------------	------------	-------------------	-----------------------------------

p-ISSN 1907-560X
e-ISSN 2685-3213

PRANATA HUKUM

Journal of Law

Universitas Bandar Lampung

First Published, July 2006

Published Twice a Year, Every January and July

EDITOR IN-CHIEF

Prof. Dr. Lintje Anna Marpaung, S.H., M.H

EDITORIAL BOARDS

Dr. Bambang Hartono, S.H., M.Hum

Dr. Erlina B, S.H., M.H

Dr. Tami Rusli, S.H., M.Hum

Dr. Zainab Ompu Jainah, S.H., M.H

Dr. Zulfi Diane Zaini, S.H., M.H

MANAGING EDITOR

Indah Satria, S.H., M.H

Yulia Hesti, S.H., MH

ASSISTANT EDITORS

Shany Carolina Mawuntu

PEER REVIEWERS

Prof. Dr. I Gusti Ayu Ketut Rachmi Handayani, S.H., M.M (Universitas Sebelas Maret)

Prof. Dr. I Gede A.B Wiranata, S.H., M.H (Universitas Lampung)

Dr. Nurhadiantomo, S.H., M.Hum (Universitas Muhammadiyah Surakarta)

Dr. Erina Pane, S.H., M.H (UIN Lampung)

Address:

Universitas Bandar Lampung

Jl. Z.A Pagar Alam No.89 Labuhan Ratu, Bandar Lampung 35142

Telp: 0721-789825 Fax: 0721-770261

Email: jurnal.mh@ubl.ac.id

Journal of **PRANATA HUKUM** is intended as a medium of communication, education and scientific information in the field of legal science. Servings and packaging are sought communicatively through scientific language.

The editor invites all elements of society, both academicians, practitioners, community institutions, and individuals interested in the field of law to participate in developing ideas, insights, and knowledge through writings to be published in this journal. Through **PRANATA HUKUM** is expected to occur the process of developing the field of law as an important part of a long series of processes to advance the nation's society

THE URGENCY OF REGIONAL REGULATIONS IN REALIZING DISASTER RESILIENT VILLAGES IN SOUTH LAMPUNG DISTRICT

Agung Budi Prastyo¹, Okta Ainita²

Abstract

This research examines the urgency of Village Regulations as a basis To realize disaster resilient villages based on the understanding that villages as community disaster resilients, this research will identify village regulations as potential legal instruments governing disaster risk management. The research methods used are normative and empirical research, while data collection required will be carried out through studies. document. The results show that village regulations are a legal instrument needed to implement disaster resilient communities, village regulations serve as the basis for strengthening disaster resilient villages and serve as guidelines in communities at village level resilient to disasters, village regulations are also the key to overcoming community vulnerability to disasters Basically, the risk is managed through strengthening coordination and increasing the capacity of village government officials. This research was conducted in South Lampung Regency in a village that was affected by the 2018 tsunami disaster. The contribution of this research is to encourage the village government as the leading government organizing entity to build disaster awareness through village regulations as a legal instrument to form a disaster management-based framework.

Keywords: *Urgency, Village, Village Regulations, Resilient Disaster*

I. INTRODUCTION

South Lampung Regency consists of 17 Districts and 260 Villages / Kelurahan³ is a regency where most of its territory is rural and has a high potential for natural disasters. Geographical conditions consisting of lowlands, mountains, coastal areas, and several islands adjacent to the Mount Krakatau, as well as development developments in South Lampung Regency are factors causing natural disasters such as landslides, floods, drought, abrasion, volcanic eruptions, tsunami, and tornado. According to the disaster-prone score index data of the National Disaster Management Agency, it can be seen that the level of natural disaster prone in South Lampung Regency is as follows:

¹ Lecturer of Law Faculty Universitas Lampung, agung.prastyo@fh.unila.ac.id

² Lecturer of Law Faculty Universitas Bandar Lampung, okta.anita@ubl.ac.id

³ Central Statistics Agency, *Kabupaten Lampung Selatan dalam angka*, 2020

Table.1 Disaster-prone score index for South Lampung Regency

No	Natural disasters	Score Index	National Ranking	Risk Class
1	Flood	54	22	High
2	Hurricane	24	169	High
3	Floods and Landslides	22	115	High
4	Landslide	32	42	High
5	Volcanic Eruption	15	34	Moderate
6	Ocean waves / Abrasi	42	5	High
7	Drought	19	66	High

The level of disaster prone in South Lampung Regency as in the table above indicates that natural disaster events that often occur in South Lampung Regency are included in the high risk class. One of the factors influencing the calculation of the disaster-prone index is the intensity of the disaster in the Regency / City region. Based on data from the National Disaster Management Agency, the number of natural disaster events in South Lampung Regency between 2010 and 2019 can be seen as follows:

Table.2 Number of natural disaster events in South Lampung Regency

No.	Natural disasters	Number of Natural Disaster Events per Year									
		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
1	Flood	6	3	5	3	1	6	-	-	2	-
2	Drought	-	3	3	1	-	-	-	-	1	-
3	Tsunami	-	-	-	-	-	-	-	-	-	-
4	Volcanic Eruption	-	-	-	-	-	-	-	-	2	-
5	Tornado	-	6	3	2	4	5	7	7	-	-
6	Ocean Waves / Abrasion	-	-	1	-	-	-	-	-	-	-

The series of natural disasters that occur as in the table above, shows that natural disasters occur almost every year in South Lampung Regency. This should be a serious concern of the Central Government, Regional Government and Village Government without forgetting the active role of the Community in making efforts to strengthen preparedness for disasters through disaster management. so that the adverse effects of natural disasters such as casualties, material losses, environmental damage and psychological impacts can be minimized.

Disaster Management Implementation based on Law Number 24 of the Year 2007 was divided into 3 (three) stages, namely: (1) Pre-disaster; (2) Emergency response / during disaster; and (3) Post-disaster, the three stages of disaster management constitute a series of interrelated activities, the implementation of which is not focused on just one stage. Often in every disaster, the focus of management is only on the emergency response stage, so that the dimensions of disaster management cannot be fully implemented which results in the inability to achieve the objectives of the implementation of disaster management.

One of the government's efforts in implementing disaster management and disaster risk reduction is to develop community-based disaster resilient villages by making the community the main actors, integrated with regular development planning and practices. So that in its implementation, the disaster resilient village / kelurahan program becomes part of the Regional / Village Medium Term Development Plan. In addition, the village as the smallest unit of government that deals directly with the community, needs to increase community capacity and environmental capacity in parallel by optimizing local wisdom that develops in the community in order to achieve community independence in the face of natural disasters.

Efforts to develop disaster resilient villages that make the community the main actors are a program that needs to be supported by a legal basis in the form of regulations at the village level, as an instrument in shaping disaster response communities, as well as a basis for designing activities related to disaster management as a priority for village development. Based on the facts previously mentioned, the background for the author to conduct research is to find out the important role of a Village Regulation in realizing the achievement of community independence in facing natural disasters in the disaster resilient village program in South Lampung Regency, and is oriented towards encouraging the village government as a leading government organizing entity to build awareness disaster through village regulations as a legal instrument so that disaster response communities are formed and the creation of disaster resilient villages.

II. DISCUSSION

Disaster Resilient Village Program

a) Dimensions and goals

Disaster Resilient Village is a village that has the independent ability to adapt and face the threat of a disaster, as well as to recover quickly from the impact of a disaster, if it is hit. Thus a Disaster Resilient Village is a village or kelurahan that has the ability to recognize threats in its area and is able to organize community resources to reduce vulnerability and at the same time increase capacity to reduce disaster risk. This capability is manifested in development planning that includes

efforts to prevent, prepare for, reduce disaster risk and increase capacity for post-emergency recovery.

One of the efforts to reduce community-based disaster risk is the Development of Disaster Resilient Villages. Community-based disaster risk reduction is all forms of efforts to reduce the threat of disaster and community vulnerability, and increase preparedness capacity, which is planned and implemented by the community as the main actor. In the Disaster Resilient Village, the community is actively involved in assessing, analyzing, managing, monitoring, evaluating and reducing disaster risks that exist in their area, especially by utilizing local resources to ensure sustainability.

Implementation of disaster management after the issuance of Law number 24 of 2007 concerning Disaster Management which was followed by several related implementing regulations, namely Presidential Regulation No. 08 of 2008 concerning the National Disaster Management Agency, Government Regulation (PP) No. 21 of 2008 concerning Disaster Management, PP. 22 of 2008 concerning Disaster Aid Funding and Management, and Government Regulation No. 23 of 2008 concerning the Participation of International Institutions and Foreign Non-Government Organizations in Disaster Management, has the following dimensions of disaster management⁴ :

- a) Disaster management as a comprehensive and proactive effort starts from disaster risk reduction, emergency response, and rehabilitation and reconstruction.
- b) Disaster management is an effort made jointly by stakeholders with complementary roles and functions.
- c) Disaster management as part of the development process so as to create resilience to disasters.

The provisions of Article 4 of Law No. 24 of 2007 concerning Disaster Management states that disaster management aims to provide protection to communities from the threat of disasters. Furthermore, Regulation of the Head of BNPB Number 3 of 2008 concerning Guidelines for the Establishment of Regional Disaster Management Agencies, stipulates that local governments are responsible for, among other things, protecting communities from the threat and impact of disasters, through:

- 1) Providing information and knowledge about disaster threats and risks in the region;

⁴ Yana SafrieHijri, WahyudiKurniawan, Yusuf Adam Hilman.2020.*PraktikPenyusunanPeraturanDesa (Perdes) sebagaiPenguatanDesaTangguhBencana di Kabupaten Malang*.Amalee: Indonesian Journal of Community &Society.Vol 1 No 01.p. 3

- 2) Education, training and skills enhancement in disaster management;
- 3) Social protection and providing a sense of security, especially for disaster-prone groups;
- 4) Prevention, mitigation, preparedness, emergency response, rehabilitation and reconstruction.

b) Disaster Resilient Village Model

The Disaster Resilient Village Program contains aspects of governance; risk assessment; increasing disaster knowledge and education; risk management and vulnerability reduction; and aspects of disaster preparedness and response. Because it will not be easy for the Village to directly achieve the ideal conditions containing all these aspects, the Village Resilient Disaster is divided into three main criteria, namely the Main, Middle and Primary TangguhBencana Villages. These criteria are determined based on the level of achievement of several predetermined indicators, adjusted to the characteristics of each village, these indicators include aspects of policy, planning, institutions, funding, and capacity development. the following table:

No	Indicator	Disaster Resilient Village Model		
		Main	Madya	Primary
1.	Legal Basic / Policy	1. There is a Disaster Risk Reduction (PRB) policy that has been legalized in the form of a Perdes. 2. Or legal instruments at the same level.	There is a DRR policy being developed at the village level.	There were initial efforts to formulate DRR policies at the village level.
2.	Planning	1. There is a PB planning document 2. It has been integrated into the village medium term development plan. 3. This has been detailed in the RKPDes	1. There is a PB planning document that has been compiled 2. Not yet integrated into village planning instruments	There were initial attempts to compile a planning document PB

3. Institutional	<ol style="list-style-type: none"> 1. The existence of a DRR forum consisting of representatives of the community, including women's groups and vulnerable groups, and representatives of the village government 2. Function actively. 3. There is a team of PB Desa / Kelurahan volunteers who are regularly actively involved. 	<ol style="list-style-type: none"> 1. The existence of a DRR forum consisting of representatives of the community, women's groups and vulnerable groups 2. Not yet fully functional and active 3. There is a team of PB Desa / Kelurahan volunteers involved 	<ol style="list-style-type: none"> 1. There were initial efforts to establish a DRR forum consisting of representatives from the community 2. There was an initial attempt to form a village PB volunteer team.
4. Funding	<ol style="list-style-type: none"> 1. There were early attempts to apply for PB funds. 2. There were early attempts to formulate a mechanism. 	<ol style="list-style-type: none"> 1. There are attempts to apply for PB funds (on process). 2. There are efforts to formulate a mechanism for disbursing PB funds. 	<ol style="list-style-type: none"> 1. Availability of PB funds. 2. Arrangement of a mechanism for disbursing PB funds that have been legalized through the Perdes or equivalent.
5. Capacity Building	<ol style="list-style-type: none"> 1. There are activities to increase the capacity, knowledge and education of disasters for its members and society in general 2. There are systematic efforts to carry out risk assessments, risk management and 	<ol style="list-style-type: none"> 1. There are activities to increase capacity, knowledge & education on disasters for members and society in general. 2. There are efforts to conduct risk assessment & management, vulnerability 	<ol style="list-style-type: none"> 1. There are initial efforts to undertake risk assessment, risk management and vulnerability reduction 2.

vulnerability reduction.	reduction.
3.The existence of alternative productive economic activities to reduce vulnerability	3. The existence of alternative productive economic activities to reduce vulnerability, but not yet tested

Table. 3 disaster resilient village models

Based on the table above from a policy aspect, The existence of a disaster risk reduction policy in the form of a village regulation is a very important indicator in determining the criteria for a major disaster resilient village, this indicates the important role of village regulations in implementing disaster management, especially in realizing disaster resilient villages.

The Urgency of Village Regulations in Realizing Disaster Resilient Villages

a) The Position of Village Regulations in Implementing Village Government

According to the government perspective, the village is the smallest, lowest, most front and closest government organization to the community. Most "small" means that the area and governmental tasks carried out by the village have the smallest scope or size compared to district / city, provincial or central government organizations. Most "bottom" means that the village occupies the lowest structure or level of government in the governance of the Unitary State of the Republic Indonesia (NKRI). However, "below" does not mean that the village is subordinate to the district / city, or that the village head is not subordinate to the regent / mayor. The village does not have a position as a government within the district / city government system as confirmed in Article 200 of Law Number 32 of 2004. According to Law Number 6 of 2014, the village is domiciled in the regency / city area. This is similar to the existence of districts / cities within the province⁵.

The implementation of Village Government is an element of the general government function which is the main task of the Village Government in addition to other functions to complete the duties and responsibilities.⁶ The authorities and responsibilities of the Village Government concerned refer to various general definitions of administration which state that administration is a process of activities carried out by one or more in the framework of achieving goals. Thus the definition of village government administration is a series of activities carried out

⁵LiaSartika Putri.2016. *KewenanganDesa Dan PenetapanPeraturanDesa (Village Authority And The Issuance Of Village Regulation)*.JurnalLegilsasi Indonesia Vol 13 No 02. p. 164

⁶ SumberSaparin, *LuasBidangKegiatanPemerintahan, ,TataPemerintahan Dan AdministrasiPemerintahanDesa*, Ghalia Indonesia, p. 42

in the context of implementing village government to achieve the goal, namely a Village government that is able to move the community in development and the realization of the independence and empowerment of the village community.⁷

Village Regulations are statutory regulations stipulated by the Village Head after being discussed and agreed upon with the Village Consultative Body.⁸ According to JimlyAsshiddiqie, the meaning of the Village Regulation can raise serious problems in the field. As a form of regulation at the village level, village government units should be distinguished from regional government units in general. village community is a form of community that can take care of itself.⁹

The Village Regulation in Law No.12 of 2011 concerning the Formation of Legislation is not stated explicitly as a type of statutory regulation. However, the position of Village Regulations is actually still included in statutory regulations. This is based on the provisions of Article 8 paragraph 1 of Law Number 12 Year 2011: "Types of Legislation other than those referred to in Article 7 paragraph (1) include regulations stipulated by the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, The Supreme Court, the Constitutional Court, the Supreme Audit Agency, the Judicial Commission, Bank Indonesia, Ministers, agencies, institutions or commissions at the same level as established by Law or the Government by virtue of 10 orders of the Law, Provincial DPRD, Governor, Through Law no. 6 of 2014 concerning Villages makes the position and role of village regulations increasingly important in the implementation of village governance. Village regulations are the main and spearhead instrument in the implementation of village governance

b) The Urgency of Village Regulations in Realizing Disaster Resilient Villages

One form of government efforts to achieve prosperity is to create a sense of security for its people, both from the threat of natural disasters and non-natural disasters. Strengthening village authority along with the promulgation of Law Number 6 of 2014 concerning Villages has provided opportunities for villages to maximize the potential of their villages, including strengthening and realizing disaster resilient villages, both before, during a disaster (emergency response), and after a disaster.

In order to create a disaster resilient village, Implementation of disaster management through a disaster-resilient village development program needs to be supported by comprehensive policies at the village level, with the existence of a Village Regulation which becomes the legal basis for the Village Government in regulating implementation at the village level until funding arrangements are

⁷Widjaja, HAW, *Penyelenggaraan Otonomi Daerah di Desa*. Jakarta: Rajawali Pers, p. 92

⁸Lihat Penjelasan UU Nomor 6 tahun 2014 Tentang Desa

⁹ JimlyAsshiddiqie, *Pengantar Ilmu Hukum Tata Negara*, Jilid I, (Jakarta: Sekretariat Jendral dan Kepanitraan MK RI, 2006), p. 222.

included in village development planning documents (RPJMDes and RKPDes) as village development priorities, including the establishment of a reserve fund that is budgeted in the Village Revenue and Expenditure Budget Plan (RAPBDes).

In addition to making the implementation of disaster management at the village level a priority for village development, to achieve a disaster resilient village it is necessary to encourage community independence by making the village community a disaster resilient community in facing potential and natural disaster events that occur, both before, during a disaster (emergency response)) and post-disaster, this requires a guideline in its implementation, based on this the important role of a village regulation is very important as a legal basis in realizing a disaster response village both from the aspect of governance; risk assessment; increasing disaster knowledge and education; risk management and vulnerability reduction; and aspects of disaster preparedness and response.

In the implementation of the formulation and application of village regulations as a series of activities, the potential for obstacles and problems to develop village regulations to realize a disaster response village is very likely to occur, this potential is, among others, from the weak capacity of the Village Government apparatus and or the Village Consultative Body in understanding and technical preparation of village regulations, Then the weak side of the community's understanding of disaster management which will affect the active participation of the community and the lack of optimal community empowerment carried out by the village government in terms of social inclusion in every community group, especially marginalized groups and groups that are directly affected will also affect the representation of each group in To provide input regarding the preparation of village regulations, the potential that will arise needs to be anticipated and take proactive steps by the village government so that the hope of realizing a disaster resilient village through the application of village regulations can be realized. The potential that will arise needs to be anticipated and take proactive steps by the village government so that the hope of realizing a disaster resilient village through the application of village regulations can be realized. The potential that will arise needs to be anticipated and take proactive steps by the village government so that the hope of realizing a disaster resilient village through the application of village regulations can be realized.

III. CONCLUSION

Based on the previous description regarding the urgency of village regulations in realizing disaster resilient villages, several things can be concluded, including: to realize these efforts, several steps need to be encouraged that require a legal basis at the village level. Based on these facts, the urgency of village regulations in realizing disaster response villages is the background for this research. Implementation of disaster management after the issuance of Law

number 24 of 2007 concerning Disaster Management has the following dimensions of disaster management:

- a) Disaster management as a comprehensive and proactive effort starts from disaster risk reduction, emergency response, and rehabilitation and reconstruction.
- b) Disaster management is an effort made jointly by stakeholders with complementary roles and functions.
- c) Disaster management as part of the development process so as to create resilience to disasters.

The existence of a disaster risk reduction policy in the form of a village regulation is a very important indicator in determining the criteria for a major disaster resilient village, this indicates the important role of village regulations in implementing disaster management, especially in realizing disaster resilient villages.

In order to create a disaster resilient village, The implementation of disaster management through disaster resilient village development programs needs to be supported by comprehensive policies at the village level, with the existence of a Village Regulation which becomes the legal basis for the Village Government in regulating implementation at the village level until funding arrangements are included in village development planning documents as village development priorities, including the establishment of a reserve fund that is budgeted in the Village Budget Plan.

Making the village community a disaster resilient community in facing the potential and events of natural disasters that occur, both before, during a disaster (emergency response) and after a disaster, a guideline is needed in its implementation, based on this the important role of a village regulation is very important as a legal basis in realizing a disaster response village from both aspects governance; risk assessment; increasing disaster knowledge and education; risk management and vulnerability reduction; and aspects of disaster preparedness and response.

REFERENCES

- National Disaster Management Agency. 2011. *Indeks Rawan Bencana Indonesia*.
- Central Statistics Agency. 2020. *Kabupaten Lampung Selatan Dalam Angka 2020*.
- Jimly Asshidiqie, Pengantar Ilmu Hukum Tata Negara, Jilid I, Jakarta: Sekretariat Jendral dan Kepaniteraan MKRI, 2006.
- Lia Sartika Putri.2016. *Kewenangan Desa Dan Penetapan Peraturan Desa (Village Authority And The Issuance Of Village Regulation)*. Jurnal Legilsasi Indonesia Vol 13 No 02.

Sumber Saparin, Luas Bidang Kegiatan Pemerintahan, Tata Pemerintahan Dan Administrasi Pemerintahan Desa, Ghalia Indonesia,

Widjaja, HAW. 2013. Penyelenggaraan Otonomi Daerah di Desa. Jakarta: Rajawali Pers.

Yana Safrie Hijri, Wahyudi Kurniawan, Yusuf Adam Hilman. 2020. *Praktik Penyusunan Peraturan Desa sebagai Penguatan Desa Tangguh Bencana di Kabupaten Malang*. Amalee: Indonesian Journal of Community & Society. Vol 1 No 01.