

INFORMAL TRANSLATION

**LAW OF THE REPUBLIC OF INDONESIA
NUMBER 24 OF 2007**

CONCERNING

DISASTER MANAGEMENT

BY THE GRACE OF GOD ALMIGHTY

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering:
- a. that the State of the Republic of Indonesia has responsibility of protecting all people of Indonesia and their entire native land in order to protect life and livelihoods, including from disaster, to create public welfare that is based on Pancasila as mandated in the 1945 Constitution of the Republic of Indonesia;
 - b. that geography, geology, hydrology and demography of Unitary State of the Republic of Indonesia potentially give rise to natural, non-natural and man-made disasters that claim toll, environmental damage, loss of assets, and psychological impacts that, in certain contexts, may hamper national development;
 - c. that existing provisions of regulations of law concerning disaster management is not sufficient yet to serve as a strong and overarching legal base and is ill-suited to emerging context of the people and needs of Indonesia's nation and therefore hampers planned, coordinated and cohesive disaster management efforts;
 - d. that based on considerations described in letter [a], letter [b], and letter [c] there is a need for a Disaster Management Law;

In view of: Article 20 and Article 21 of 1945 Constitution of the Republic of Indonesia;

With Joint Consent of
**HOUSE OF PEOPLE'S REPRESENTATIVES OF THE
REPUBLIC OF INDONESIA**
AND
PRESIDENT OF THE REPUBLIC OF INDONESIA

RESOLVED:

Enacted: **DISASTER MANAGEMENT LAW**

**SECTION I
GENERAL PROVISIONS**

Article 1

The following definitions apply herein:

1. Disaster is event or series of events that threatens and disrupts lives and livelihoods caused either by natural and/or non-natural and man-made factors to claim toll, environmental damage, loss of assets, and psychological impact.
2. Natural disaster is disaster set off by natural event or series of events and includes earthquakes, tsunamis, volcanic eruptions, floods, droughts, hurricanes, and landslides.
3. Non-natural disaster is disaster set off by non-natural event or series of events and includes technological disasters, modernization disasters, epidemics, and outbreaks.
4. Social disaster is disaster set off by man-made event or series of events and includes social conflict among groups or among communities, and terrorization.
5. Organization of disaster management is series of efforts comprising disaster sensitive development policymaking, disaster prevention activities, emergency response, and rehabilitation.
6. Disaster prevention activity is series of activities implemented in an effort to eliminate and/or reduce hazard.
7. Preparedness is series of activities implemented to anticipate disaster through organizational arrangement and through efficient and effective steps.

8. Early warning is series of activities warning the public at a most immediate stage on possibility of disaster at specific location by authorized agency.
9. Mitigation is series of efforts to reduce disaster risks through both built development and awareness rising on, and capacity building for, addressing hazard.
10. Emergency response is series of activities implemented immediately upon occurrence of disaster to address resulting negative impacts, which comprises rescue and evacuation of victims, assets, delivery of basic needs, protection, IDP management, rescue, and recovery of facilities and infrastructure.
11. Rehabilitation is repairing and recovering all public or community services up to a degree that suffices geographical post-disaster area with the main goal being to normalize or bring to normality all governance and community life aspects in geographical post-disaster area.
12. Reconstruction is rebuilding all infrastructure and facilities, institutions in geographical post-disaster area, at both government and community level with the main goal being to initiate and grow economic, social and cultural activities, uphold law and order, and promote public participation in all aspects of community life in geographical post-disaster area.
13. Hazard is occurrence or event that may lead to disaster.
14. Disaster vulnerability is geological, biological, hydrological, climatic, geographical, social, cultural, political, economic and technological condition or characteristic in a geographical area for a given period of time that reduces capacity for preventing, mitigating, achieving preparedness, and that reduces capacity for addressing negative impact of specific danger.
15. Recovery is series of activities to recover condition of disaster impacted community and living environment by re-functioning institutions, infrastructure, and facilities through rehabilitation effort.
16. Disaster prevention is series of activities implemented to reduce or eliminate disaster risk through both reduction of hazard and reduction of disaster vulnerable parties.
17. Disaster risk is potential loss arising out of disaster within a specific geographical area for a specific period of time that may comprise death, injury, illness, life-threatening circumstances, loss of sense of security, displacement, damage or loss of assets, and disrupted social activities.
18. Emergency relief is effort to provide assistance to meet basic needs during emergency.

19. State of disaster emergency is state proclaimed by Government for a specific period of time on recommendation of Agency assigned to manage disaster.
20. Internally displaced person(s) is individual or group of individuals whom voluntarily or otherwise have to relocate from their place of origin for an unspecified period of time as result of negative impact of disaster.
21. Every person is individual, group of individuals, and/ or legal entity.
22. Disaster victim(s) is individual or group of individuals that suffer or died because of disaster.
23. National Government, hereinafter Government, is President of the Republic of Indonesia exercising power of government over the Republic of Indonesia as described in 1945 Constitution of the Republic of Indonesia.
24. Regional government is governor, district head/ mayor, or regional instrument as regional government administrator element.
25. Business organization is every legal entity that may comprise state owned enterprise, regional state owned enterprise, cooperative, or private enterprise established in accordance with provisions of regulations of law that performs fixed and continual field of business that works and is domiciled in territory of the Unitary State of the Republic of Indonesia.
26. International agency is organization within organizational structure of the United Nations or that performs duty representing the United Nations or other international agency and foreign nongovernmental agencies from other countries outside the United Nations.

SECTION II BASE, PRINCIPLE, AND PURPOSE

Article 2

Disaster management is based on Pancasila and 1945 Constitution of the Republic of Indonesia.

Article 3

- (1) Principles of disaster management as mentioned in Article 2 are:
 - a. humanity;
 - b. justice;
 - c. equality before the law and government;
 - d. balance, harmony, and synchrony;
 - e. order and legal certainty;
 - f. sense of community;
 - g. environmental conservation; and
 - h. science and technology.

- (2) Principles of disaster management as mentioned in Article 2 are:
- a. rapidness and targetedness;
 - b. prioritization;
 - c. coordination and cohesiveness;
 - d. efficiency and effectiveness;
 - e. transparency and accountability;
 - f. partnership;
 - g. empowerment;
 - h. non-discrimination; and
 - i. non-proselytization.

Article 4

Purposes of disaster management are:

- a. protecting the public from hazard;
- b. aligning existing regulations of law;
- c. guaranteeing organization of planned, cohesive, coordinated, and inclusive disaster management;
- d. respecting local culture;
- e. promoting participation and partnership between the public and the private;
- f. encouraging spirit of mutual participation, solidarity, and charity; and
- g. creating peace in community life, nationhood, and statehood.

SECTION III RESPONSIBILITIES AND POWER

Article 5

Government and regional government are responsible for organization of disaster management.

Article 6

Disaster management responsibilities of Government are:

- a. reducing disaster risk and incorporating disaster risk into development programming;
- b. protecting the public from disaster impact;
- c. guaranteeing justly fulfilment of rights of impacted communities and IDPs in accordance with minimum service standards;
- d. recovering condition from disaster impact;
- e. earmarking sufficient disaster management budget in state budget;
- f. earmarking on-call funding for disaster management; and
- g. maintaining authentic and credible archives/ documentation from hazard and disaster impact.

Article 7

- (1) Power of Government in organizing disaster management:
- a. stipulating disaster management policies that are aligned with national development policies;

- b. preparing development plans that incorporate disaster management policy element;
 - c. proclaiming status and level of national and regional disaster;
 - d. making disaster management cooperation policies with other countries, agencies, or other international parties;
 - e. formulating policies on use of technology posing potential threat or hazard;
 - f. formulating policies preventing the controlling and exploitation of natural resources in ways making natural recharge impossible; and
 - g. curbing the amassing of national wealth.
- (2) Proclamation of status and level of national and regional disaster as mentioned in clause [1][c] indicates:
- a. toll;
 - b. loss of assets;
 - c. damage of infrastructure and facilities;
 - d. area of geography impacted; and
 - e. social economic impact.
- (3) Further provisions on stipulation of disaster status and level as mentioned in clause [2] are regulated by presidential regulation.

Article 8

Disaster management responsibilities of regional government are:

- a. guaranteeing fulfilment of rights of impacted communities and IDPs in accordance with minimum service standards;
- b. protecting the public from disaster impact;
- c. reducing disaster risk and incorporating disaster risk reduction into development programming; and
- d. earmarking sufficient disaster management budget in regional budget.

Article 9

Power of regional government in organizing disaster management:

- a. stipulating disaster management policies in its territory that are aligned with regional development policies;
- b. development planning that incorporates disaster management policy elements;
- c. making disaster management cooperation policies with other provinces and/ or other districts/ cities;
- d. regulating use of technology posing potential source of threat or hazard in its territory;
- e. formulating policies preventing the controlling and exploitation of natural resources in ways making natural recharge impossible; and
- f. curbing the amassing of wealth in its territory.

**SECTION IV
INSTITUTIONAL**

**Part One
National Disaster Management Agency**

Article 10

- (1) Government as mentioned in Article 5 establishes National Disaster Management Agency.
- (2) National Disaster Management Agency as mentioned in clause [1] is a non-departmental body equal to ministry.

Article 11

National Disaster Management Agency as mentioned in Article 10 [1] comprises:

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

Article 12

Duties of National Disaster Management Agency are:

- a. providing guidelines and directives on disaster management effort addressing fair and impartial disaster prevention, emergency response, rehabilitation, and reconstruction;
- b. stipulating disaster management organization standardization and needs based on regulations of law;
- c. informing the public on activities;
- d. reporting progress achieved in disaster management organization to President on a monthly basis during normal times and at all times during state of disaster emergency;
- e. using and accounting for national and international donations/ assistance;
- f. accounting for use of funds sourced from state budget;
- g. implementing other obligations in accordance with to regulations of law; and
- h. preparing guidelines on establishment of regional disaster management agency.

Article 13

Functions of National Disaster Management Agency are:

- a. formulating and stipulating disaster and IDP management policies by acting rapid and targeted and effectively and efficiently; and
- b. coordinating implementation of planned, coordinated, and comprehensive disaster management activity.

Article 14

- (1) Functions of steering committee element as mentioned in Article 11 [a] are:

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

- (2) Membership of steering committee element as mentioned in clause [1] comprises:
 - a. relevant government officials; and
 - b. professional community members.
- (3) Membership of steering committee element as mentioned in clause [2][b] is selected subject to fit and proper test by House of People's Representatives of the Republic of Indonesia.

Article 15

- (1) Power to establish executive body as mentioned in Article 11 [b] lies with Government.
- (2) Executive body as mentioned in clause [1] functions to coordinate, command, and implement organization of disaster management.
- (3) Membership of executive body element as mentioned in clause [1] comprises professionals and specialists.

Article 16

To carry out functions as mentioned in Article 13 [b], executive body element has an integrated duty that comprises:

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

Article 17

Further provisions on establishment, functions, duties, organizational structure, and working procedures of National Disaster Management Agency are regulated by presidential regulation.

Part Two Regional Disaster Management Agency

Article 18

- (1) Regional government as mentioned in Article 5 establishes regional disaster management agency.
- (2) Regional disaster management agency as mentioned in clause [1] comprises:
 - a. agency at provincial level led by official one level below governor or equal to echelon Ib rank; and
 - b. agency at district/ city level led by official one level below district head/ mayor or equal to echelon IIa rank.

Article 19

- (1) Regional disaster management agency comprises elements of:
 - a. steering committee; and
 - b. executive body.

- (2) Establishment of regional disaster management agency as mentioned in clause [1] is carried out through coordination with National Disaster Management Agency.

Article 20

Functions of regional disaster management agency are:

- a. formulating and stipulating disaster and IDP management policies by acting rapid and targeted and effectively and efficiently; and
- b. coordinating implementation of planned, coordinated, and comprehensive disaster management activity.

Article 21

Duties of regional disaster management agency are:

- a. stipulating guidelines and directives in accordance with local government policy and National Disaster Management Agency on disaster management effort addressing fair and impartial disaster prevention, emergency response, rehabilitation, and reconstruction;
- b. stipulating disaster management organization standardization and needs based on regulations of law;
- c. preparing, stipulating, and informing disaster prone area map;
- d. preparing and stipulating standing operating procedure for disaster management;
- e. implementing organization of disaster management in its territory;
- f. reporting progress achieved in disaster management to regional head on a monthly basis during normal times and at all times during state of disaster emergency;
- g. curbing the amassing and distribution of wealth;
- h. accounting for use of funds sourced from regional budget; and
- i. implementing other obligations in accordance with to regulations of law.

Article 22

- (1) Functions of regional steering committee element as mentioned in Article 19 [1] [a] are:
 - a. formulating regional disaster management policy concept;
 - b. monitoring; and
 - c. evaluating organization of regional disaster management.
- (2) Membership of steering committee element as mentioned in clause [1] comprises:
 - a. relevant regional government officials; and
 - b. professional community members.
- (3) Membership of steering committee element as mentioned in clause [2][b] is selected subject to fit and proper test by Regional House of People's Representatives.

Article 23

- (1) Power to establish regional executive body as mentioned in Article 19 [1][b] lies with regional government.

- (2) Executive body element as mentioned in clause [1] functions to:
 - a. coordinate;
 - b. command; and
 - c. implement organization of disaster management in its territory.
- (3) Membership of regional executive body element as mentioned in clause [1] comprises professionals and specialists.

Article 24

To carry out functions as mentioned in Article 23 [2], regional executive body element has an integrated duty that comprises:

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

Article 25

Further provisions on establishment, functions, duties, organizational structure, and working procedures of regional disaster management agency are regulated by bylaw.

SECTION V SOCIAL RIGHTS AND OBLIGATIONS

Part One Social Rights

Article 26

- (1) Every person is entitled to:
 - a. social protection and sense of security, in particular disaster vulnerable community groups;
 - b. education, training, and skills in organization of disaster management;
 - c. access written and/ or verbal information on disaster management policies;
 - d. participate in planning, operating, and maintaining health service assistance delivery programme, which includes psychosocial support;
 - e. participate in decision making on disaster management activities, especially when having relevance on self and his/ her community; and
 - f. conduct monitoring in accordance with mechanism regulated over implementation of disaster management.
- (2) Every person impacted by disaster is entitled to assistance fulfilling basic needs.
- (3) Every person is entitled to compensation for disaster caused by construction failure.

**Part Two
Social Obligations**

Article 27

Every person is obligated to:

- a. maintain harmony, balance, accord, and preservation of function of living environment;
- b. implement disaster management activity; and
- c. provide accountable information to the public concerning disaster management.

**SECTION VI
ROLE OF BUSINESS ORGANIZATIONS,
AND INTERNATIONAL AGENCIES**

**Part One
Role of Business Organizations**

Article 28

Business organizations obtain opportunity in organization of disaster management, either individually or in federation with other parties.

Article 29

- (1) Business organization adjusts its activities to disaster management organization policy.
- (2) Business organization is obligated to submit report to government and/ or agency assigned to manage disaster and to inform the public transparently.
- (3) Business organization is obligated to observe the principle of humanity in implementing its economic function in disaster management.

**Part Two
Role of International Agencies**

Article 30

- (1) International agencies and foreign nongovernmental agencies may participate in disaster management activity and obtain guarantee of protection from Government towards their employees.
- (2) International agencies and foreign nongovernmental agencies in implementing disaster management activity as mentioned in clause [1] may perform individually, in federation, and/ or in cooperation with working partner from Indonesia by heeding local social, cultural, and religious background.

- (3) Further provisions on implementation of disaster management by international agencies and foreign nongovernmental agencies are regulated by Government Regulation.

SECTION VII ORGANIZATION OF DISASTER MANAGEMENT

Part One General

Article 31

Organization of disaster management is implemented based on 4 (four) aspects comprising:

- a. social, economic, and culture of community;
- b. preservation of living environment;
- c. usability and effectiveness; and
- d. scope of geography.

Article 32

- (1) Government may in organizing disaster management:
 - a. stipulate disaster prone regions as prohibited for settlement; and/ or
 - b. revoke or reduce part or entire right to own of every person over a thing in accordance with regulations of law.
- (2) Every person of which right to own is revoked or reduced as mentioned in clause [1][b] is entitled to compensation in accordance with regulations of law.

Part Two Phasing

Article 33

Organization of disaster management comprises 3 (three) phases:

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

First Paragraph Pre-disaster

Article 34

Organization of disaster management during pre-disaster phase as mentioned in Article 33 [a] comprises:

- a. situation during absence of disaster event; and
- b. situation during potential occurrence of disaster event.

Article 35

Organization of disaster management during absence of disaster event as mentioned in Article 34 [a] comprises:

- a. disaster management planning;
- b. disaster risk reduction;
- c. prevention;
- d. incorporation into development planning;
- e. disaster risk analysis requirement;
- f. spatial planning implementation and enforcement;
- g. education and training; and
- h. disaster management technical standard requirements.

Article 36

- (1) Disaster management planning as mentioned in Article 35 [a] is stipulated by Government and regional government in accordance with its power.
- (2) Drafting of disaster management plan as mentioned in clause [1] is coordinated by Agency.
- (3) Disaster management planning as mentioned in clause [1] entails the documenting of data on disaster risk in a given geographical area at a given period of time based on official document setting out programme for disaster management activity.
- (4) Disaster management planning as mentioned in clause [1] comprises:
 - a. identification and assessment of hazard;
 - b. understanding community vulnerability;
 - c. potential impact analysis;
 - d. alternative actions for disaster risk reduction;
 - e. identification of preparedness and disaster mitigation mechanisms; and
 - f. allocation of duties, power, and resources on hand.
- (5) Government and regional government at a specific point in time reviews disaster management planning documents on a routine basis.
- (6) In effort to align disaster management planning Government and regional government may require disaster management actors to perform disaster management planning.

Article 37

- (1) Disaster risk reduction as mentioned in Article 35 [b] purposes to reducing potential negative disaster impact mainly takes place during absence of disaster event.
- (2) Activity as mentioned in clause [1] comprises:
 - a. identification and monitoring disaster risk;
 - b. disaster management participatory planning;
 - c. promotion of a culture of disaster awareness;
 - d. strengthening commitment to disaster management actors; and
 - e. implementation of physical built, non-physical effort and regulation of disaster management.

Article 38

Prevention as mentioned in Article 35 [c] comprises:

- a. definite identification and recognition of sources of danger or hazard;
- b. curbing control and management of natural resources that may suddenly and/ or gradually become a potential source of hazard;
- c. monitoring use of technology that may suddenly and/ or gradually pose a potential source of hazard;
- d. spatial planning and living environment management; and
- e. strengthening of social resilience.

Article 39

Incorporation of disaster management into development planning as mentioned in Article 35 [d] entails the inclusion of disaster management planning elements in the national and regional development planning.

Article 40

- (1) Disaster management planning as mentioned in Article 36 [3] is reviewed on a routine basis.
- (2) Drafting of disaster management planning as mentioned in clause [1] is coordinated by Agency.
- (3) Every development activity involving high disaster risks is equipped with disaster risk analysis as part of disaster management effort in accordance with power vested.

Article 41

- (1) Disaster risk analysis requirements as mentioned in Article 35 [e] are prepared and stipulated by National Disaster Management Agency.
- (2) Compliance with disaster risk analysis requirements as mentioned in clause [1] is demonstrated by document certified by government official in accordance with regulations of law.
- (3) Disaster Management Agency monitors and evaluates implementation of disaster risk analysis as mentioned in clause [1].

Article 42

- (1) Implementation and enforcement of spatial planning as mentioned in Article 35 [f] purposes to reduce disaster risk and comprises enactment of spatial planning regulations, safety standards, and imposition of sanctions against violators.
- (2) Government on a routine basis monitors and evaluates implementation of spatial planning and compliance with safety standards.

Article 43

Disaster management education, training, and technical standard requirements as mentioned in Article 35 [g] and [h] are implemented and stipulated by Government in accordance with regulations of law.

Article 44

Organization of disaster management during potential occurrence of disaster event as mentioned in Article 34 [b] comprises:

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

Article 45

- (1) Preparedness as mentioned in Article 44 [a] purposes to ensure rapid and targeted effort in dealing with disaster.
- (2) Preparedness as mentioned in clause [1] is done through:
 - a. preparing and testing a disaster emergency mitigation plan;
 - b. organizing, installing, and testing an early warning system;
 - c. provisioning and preparing supplies to meet basic needs;
 - d. organizing, assisting in, training, and performing drills of emergency response mechanism;
 - e. preparing evacuation sites;
 - f. preparing accurate data, information, and updating standing operating procedure for emergency response; and
 - g. provisioning and preparing material, goods, and equipment to fulfil recovery of infrastructure and facilities.

Article 46

- (1) Early warning as mentioned in Article 44 [b] purposes to take rapid and targeted action to reduce disaster risk and to prepare emergency response.
- (2) Early warning as mentioned in clause [1] involves:
 - a. observing disaster indication;
 - b. analyzing observation results;
 - c. decision making by authorized party;
 - d. disseminating information on disaster warning; and
 - e. action taking by the public.

Article 47

- (1) Disaster Mitigation as mentioned in Article 44 [c] purposes to reduce disaster risk for communities residing in disaster prone regions.
- (2) Mitigation activity as mentioned in clause [1] is done through:
 - a. implementation of spatial planning;
 - b. regulation of development, construction of infrastructure, urban design;
 - c. organization of both conventional and modern education, assistance, and training;
 - d. identification of status of disaster emergency;

- e. rescue and evacuation of impacted communities;
- f. fulfilment of basic needs;
- g. protection for vulnerable groups; and
- h. immediate recovery of vital infrastructure and facilities.

Second Paragraph Emergency Response

Article 48

Organization of disaster management during emergency response as mentioned in Article 33 [b] comprises:

- a. rapid and targeted assessment of location, damage, and resources;
- b. identification of status of emergency response;
- c. rescue and evacuation of impacted communities;
- d. fulfilment of basic needs;
- e. protection of vulnerable groups; and
- f. immediate recovery of vital infrastructure and facilities.

Article 49

Rapid and targeted assessment as mentioned in Article 48 [a] is done to identify:

- a. scope of impacted geography;
- b. toll;
- c. damage on infrastructure and facilities;
- d. disruption against function of public services and governance; and
- e. capacity of natural and man-made resources.

Article 50

- (1) In event status of disaster emergency is stipulated, National Disaster Management Agency and Regional Disaster Management Agency has facilitated access comprising:
 - a. mobilization of human resources;
 - b. mobilization of tools;
 - c. logistical mobilization;
 - d. immigration, customs, and quarantine;
 - e. clearances;
 - f. procurement of goods/ services;
 - g. management of and accountability for money and/ or goods;
 - i. rescue; and
 - h. command to order sectors/ agencies.

- (2) Further provisions on facilitated access as mentioned in clause [1] are regulated by government regulation.

Article 51

- (1) Government stipulates disaster emergency status in accordance with scale of disaster.

- (2) Stipulation as mentioned in clause [1] at national scale is done by President, at provincial scale is done by governor, and at district/ city scale is done by district head/ mayor.

Article 52

Rescue and evacuation of impacted communities as mentioned in Article 48 [c] is done by providing humanitarian services that arise from disaster befalling a region through efforts of:

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

Article 53

Fulfilment of basic needs as mentioned in Article 48 [d] comprises assistance to deliver:

- a. clean water and sanitation;
- b. food;
- c. clothing;
- d. health services;
- e. psychosocial assistance; and
- f. sheltering and housing.

Article 54

Management of impacted communities and IDPs is done by activity comprising data survey, placement in safe location, and fulfilment of basic needs.

Article 55

- (1) Protection of vulnerable groups as mentioned in Article 48 [e] is done by prioritizing vulnerable groups in terms of rescue, evacuation, security, health services, and psychosocial (services).
- (2) Vulnerable groups as mentioned in clause [1] comprise:
 - a. infants, under-five children, and children;
 - b. pregnant or lactating mothers;
 - c. disabled persons; and
 - d. elderly persons.

Article 56

Recovery of function of vital infrastructure and facilities as mentioned in Article 48 [f] is done by repairing and/ or replacing damage caused by disaster.

Third Paragraph Post-disaster

Article 57

Organization of disaster management during post-disaster phase as mentioned in Article 33 [c] comprises:

- a. rehabilitation; and
- b. reconstruction.

Article 58

- (1) Rehabilitation as mentioned in Article 57 [a] is done through activity of:
 - a. improvement of environment of disaster area;
 - b. improvement of public infrastructure and facilities;
 - c. delivery of community housing repair assistance;
 - d. psychosocial recovery;
 - e. health services;
 - f. conflict reconciliation and resolution;
 - g. cultural, socio-economic recovery;
 - h. restoration of security and order;
 - i. recovery of government function; and
 - j. recovery of function of public services.
- (2) Further provisions on rehabilitation as mentioned in clause [1] are regulated by government regulation.

Article 59

- (1) Reconstruction as mentioned in Article 57 [b] is done through improved development activity, comprising:
 - a. rebuilding of infrastructure and facilities;
 - b. rebuilding of community social facilities;
 - c. reviving of community social cultural life;
 - d. application of proper design and engineering and use of better and disaster resistant tools;
 - e. participation and role of community-based institutions and organizations, the business world, and community;
 - f. improvement of social, economic, and cultural condition;
 - g. improvement of function of public services; and
 - h. improvement of primary services in community.
- (2) Further provisions on reconstruction as mentioned in clause [1] are regulated by government regulation.

**SECTION VIII
FUNDING
AND MANAGEMENT OF DISASTER ASSISTANCE**

**Part One
Funding**

Article 60

- (1) Disaster management funding is the joint responsibility of Government and regional government.
- (2) Government and regional government encourage public participation in providing funds sourced from the public.

Article 61

- (1) Government and regional government allocate sufficient disaster management budget as mentioned in Article 6 [e] and [f] and Article 8 [d].
- (2) Use of sufficient disaster management budget as mentioned in clause [a] is done by Government, regional government, and national disaster management agency, and regional disaster management agency in accordance with principal duties and functions.

Article 62

- (1) During emergency response National Disaster Management Agency uses on-call funding as mentioned in Article 6 [f].
- (2) On-call funding as mentioned in clause [1] is made available by Government in National Disaster Management Agency budget.

Article 63

Further provisions on mechanism for disaster management fund management as mentioned in Article 60 to Article 62 are regulated by government regulation.

Article 64

Funds for disaster management arising from outer space activity that causes disaster are liability of launching state and/ or owner in accordance with international law and treaties.

**Second Part
Management of Disaster Assistance**

Article 65

Management of disaster assistance comprises planning, use, maintenance, monitoring, and evaluating of national and international goods, services and/ or assistance monies.

Article 66

Government, regional government, and national disaster management agency and regional disaster management agency manage assistance resources as mentioned in Article 65 during all phases of disaster in accordance with regulations of law.

Article 67

During emergency response, national disaster management agency directs use of disaster assistance resources available at all related sectors.

Article 68

Procedure on utilization and accountability of use of disaster assistance resources during emergency response is specially implemented in accordance with emergency needs, situation, and condition.

Article 69

- (1) Government and regional government grants bereavement and disability compensations to disaster victims.
- (2) Disaster victims who lost livelihoods may be granted soft loans for productive activities.
- (3) Amount of bereavement and disability compensation as mentioned in clause [1] and soft loans for productive activity as mentioned in clause [2] is the responsibility of the government and regional government.
- (4) Delivery mechanism and amount of assistance as mentioned in clause [1] and clause [2] is further regulated by government regulation.
- (5) Community elements may participate in assistance provisioning.

Article 70

Management of disaster assistance resources as mentioned in Article 65 to Article 69 is implemented in accordance with regulations of law.

**SECTION IX
SUPERVISION**

Article 71

- (1) Government and regional government implement supervision over entire disaster management phase.
- (2) Supervision as mentioned in clause [1] comprises:
 - a. sources of danger or hazard;
 - b. development policy that may potentially lead to disaster;
 - c. exploitation activity that may potentially lead to disaster;
 - d. domestic use of goods, services, technology, and engineering and designing capacities;
 - e. environmental conservation activity;
 - f. spatial planning;
 - g. living environment management;
 - h. reclamation activity; and
 - i. financial management.

Article 72

- (1) In implementing supervision over fund-raising report, Government and regional government may request report on fund-raising results for purpose of audit.
- (2) Based on report as mentioned in clause [1] Government and the public may request audit.
- (3) In event audit as mentioned in clause [2] identifies misuse of funds raised, fund-raiser is subject to sanction in accordance with regulations of law.

Article 73

Supervision as mentioned in Article 71 to Article 72 is implemented in accordance with regulations of law.

**SECTION X
DISPUTE RESOLUTION**

Article 74

- (1) An amicable solution will be sought in the first instance of disaster management dispute.
- (2) In event no solution was attained by means as mentioned in clause [1] the parties may seek an out-of-court or in-court settlement.

**SECTION XI
PENAL PROVISIONS**

Article 75

- (1) Every person who out of negligence implement high risk development, without disaster risk analysis as mentioned in Article 40 [3] that causes disaster, is subject to a minimum term of imprisonment of 3 (three) years or a maximum term of 6 (six) years and a minimum penalty of IDR 300,000,000 (three hundred million rupiah) or a maximum penalty of IDR 200,000,000 (two hundred million rupiah).
- (2) In even act of crime as mentioned in clause [1] causes loss of assets or goods, perpetrator is subject to a minimum term of imprisonment of 6 (six) years or a maximum term of 8 (eight) years and a minimum penalty of IDR 600,000,000 (six hundred million rupiah) or a maximum penalty of IDR 3,000,000,000 (three billion million rupiah).
- (3) In even act of crime as mentioned in clause [1] causes death of person, perpetrator is subject to a minimum term of imprisonment of 8 (eight) years or a maximum term of 10 (ten) years and a minimum penalty of IDR 3,000,000,000 (three billion rupiah) or a maximum penalty of IDR 6,000,000,000 (six billion million rupiah).

Article 76

- (1) In event act of crime as mentioned in Article 75 [1] is done with intent, perpetrator is subject to a minimum term of imprisonment of 5 (five) years or a maximum term of 8 (eight) years and a minimum penalty of IDR 2,000,000,000 (two billion rupiah) or a maximum penalty of IDR 4,000,000,000 (four billion rupiah).
- (2) In event act of crime as mentioned in Article 75 [2] is done with intent, perpetrator is subject to a minimum term of imprisonment of 8 (eight)

years or a maximum term of 12 (twelve) years and a minimum penalty of IDR 3,000,000,000 (three billion rupiah) or a maximum penalty of IDR 6,000,000,000 (six billion rupiah).

- (3) In event act of crime as mentioned in Article 75 [3] is done with intent, perpetrator is subject to a minimum term of imprisonment of 12 (twelve) years or a maximum term of 15 (fifteen) years and a minimum penalty of IDR 6,000,000,000 (six billion rupiah) or a maximum penalty of IDR 12,000,000,000 (twelve billion rupiah).

Article 77

Every person that with intent obstructs facilitated access as mentioned in Article 50 [1] is subject to a minimum term of imprisonment of 3 (three) years or a maximum term of 6 (six) years and a minimum penalty of IDR 2,000,000,000 (two billion rupiah) or a maximum penalty of IDR 4,000,000,000 (four billion rupiah).

Article 78

Every person that with intent misuses disaster assistance resource management as mentioned in Article 65 is subject to life imprisonment or a minimum term of imprisonment of 4 (four) years or a maximum term of 20 (twenty) years and a minimum penalty of IDR 6,000,000,000 (six billion rupiah) or a maximum penalty of IDR 12,000,000,000 (twelve billion rupiah).

Article 79

- (1) In event act of crime as mentioned in Article 75 to Article 78 is done by corporation then, in addition to its board of management being subjected to imprisonment and penalty, corporation may be subjected to aggravated penalty to 3 (three) times of as mentioned in Article 75 to Article 78.
- (2) In addition to penalty as mentioned in clause [1], corporation may be subjected to:
 - a. revocation of business permit; or
 - b. revocation of legal entity status.

SECTION XII TEMPORARY PROVISIONS

Article 80

Upon enactment hereof any regulations of law pertaining to disaster management is declared to remain in effect for as long as it is not contradictory to or no new implementing regulation is issued based on this law.

Article 81

All disaster management programmes relating to disaster management that were stipulated before the enactment of this law is declared to remain in effect until their expiration, unless determined otherwise in regulations of law.

Article 82

- (1) Before establishment of National Disaster Management Agency, National Coordinating Agency for Disaster Management may continue implements its duties.
- (2) After establishment of National Disaster Management Agency, National Coordinating Agency for Disaster Management is declared dissolved.

**SECTION XIII
CLOSING PROVISIONS**

Article 83

National Disaster Management Agency is established within 6 (six) months and Regional Disaster Management Agency is established within 1 (one) year from the moment this law takes effect.

Article 84

Government regulation as implementing regulation to this law must be issued within 6 (six) months since the promulgation of this law.

Article 85

This law shall be effective as of the date of promulgation.
So as to be recognized by all, ordered the promulgation hereof by its placement in State Gazette of the Republic of Indonesia.

Enacted in Jakarta
On the date of 26 April 2007
PRESIDENT OF THE REPUBLIC OF INDONESIA,
SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
On the date of 26 April 2007
MINISTER OF JUSTICE AND HUMAN RIGHTS
STATE OF THE REPUBLIC OF INDONESIA,
HAMID AWALUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NO. 2007 no. 66

The copy is in conformity with the original document
State Secretariat Republic of Indonesia
Head of Bureau for Legislation and Law
for Politic and People's Welfare
Wisnu Setiawan

**HOUSE OF PEOPLE'S REPRESENTATIVES
REPUBLIC OF INDONESIA**

ELUCIDATION OF

**LAW OF THE REPUBLIC OF INDONESIA
NUMBER OF**

CONCERNING

DISASTER MANAGEMENT

I. General

Paragraph IV of Preamble to the 1945 Constitution of the Republic of Indonesia mandates the Government of the State of the Republic of Indonesia to protect all the people of Indonesia and their entire native land, to improve public welfare, to advance intellectual life of the people, and to contribute to establishment of a world order based on freedom, abiding peace and social justice.

National development, heeding at all times the right to work and protection of every citizen in the framework of the Unitary State of the Republic of Indonesia, is carried out in implementation of the mandate with the purpose of creating a just and prosperous society.

But while the Unitary State of the Republic of Indonesia comprises a significant territory, is situated on the equator where it is intersected by two continents and two oceans, and enjoys a natural condition having a variety of benefits, its geography, geology, hydrology, and demography is highly vulnerable to disaster happening at frequent intervals, which calls for systematic, cohesive, and coordinated handling.

Potential disaster causes in territory of the Unitary State of Indonesia can be grouped into 3 (three) types, i.e. natural disaster, non-natural disaster, and social disaster.

Natural disaster includes amongst others earthquakes because of nature, volcanic eruption, hurricanes, landslides, droughts, forest/ land fires because of natural factors, plant pests and diseases, epidemics,

outbreaks, extraordinary events, and outer space events/ outer space objects.

Non-natural disaster includes amongst others forest/ land fires caused by man, transport accidents, constructional/ technological failures, industrial impacts, nuclear explosions, environmental pollution, and outer space activities.

Social disaster comprises amongst others social unrest and social conflict in the society which have had frequently taken place.

Disaster Management is an element of national development, i.e. a series of Disaster Management activities implemented before, during and after occurrence of disaster. Flaws are noted in the implementation of Disaster Management and in matters related to its legal base. As no Law is in place yet dedicated to handling disaster.

In consideration of the abovementioned matters and in the framework of providing a strong legal base for operations of Disaster Management, the Disaster Management Law was drafted which in principle regulates phasing of disaster into pre-disaster, during disaster and post-disaster.

The content of this Law sets out the following principal provisions:

1. Operations of Disaster Management are the responsibility and authority of the Government and regional government, implemented in a planned, cohesive, coordinated, and inclusive manner.
2. Operations of Disaster Management during emergency response phase are fully carried out by the national disaster management agency and the regional disaster management agency. Aforementioned disaster management agencies comprise steering element and executive element. The national disaster management agency and the regional disaster management agency have functions and duties that comprise amongst others coordination of operations of disaster management in a planned and cohesive manner in accordance with their authority.
3. Operations of disaster management are carried out by heeding community rights which comprise amongst others (the right to) assistance to fulfil basic needs, social protection, education on and

skills for operations of disaster management, participation in decision making.

4. Disaster management activity is carried out by making available broad opportunity to business organizations and international agencies.
5. Operations of disaster management are carried out at pre-disaster, during disaster, and at post-disaster phases, as each respective phase has different management characteristics.
6. During emergency response, disaster management activity other than be supported by state budget and regional budget (are supported by) on-call funds made available with accountability through special mechanism.
7. Supervision over disaster management activity in its entirety is carried out by the Government, regional government, and society during every disaster phase, so that no misuse takes place in use of disaster management funds.
8. To ensure conformity to this law and to at the same time effect deterrence against parties that either because of negligence or with intent cause disaster that brings about loss of either material property or life, obstructs facilitated access in disaster management activity, and (cause) misuse of disaster assistance resources management, (parties are) subject to criminal sanctions, either criminal imprisonment or fines, carrying minimum and maximum sentences.

With the content as described above, this Law is expected to serve as a strong legal base in operations of disaster management so that operations of disaster management can be carried out in a planned, coordinated, and cohesive manner.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory

Article 2

Self-explanatory

Article 3

Clause [1]

Letter a

“Principle of humanity” is manifested in disaster management so that this law extends protection and respects human rights, value and dignity of every citizen and the Indonesian population in a proportional manner.

Letter b

By “principle of justice” is meant that each content of provisions in disaster management must reflect proportional justice for each citizen without exception.

Letter c

By “principle of equality before the law and government” is meant that content of provisions in disaster management cannot set out matters that differentiate against amongst others religious, ethnic, race, group, gender, or social status background.

Letter d

By “principle of balance” is meant that content of provisions in disaster management reflects balance in social life and the environment.

By “principle of harmony” is meant that content of provisions in disaster management reflects harmony in life and the environment.

By “principle of synchrony” is meant that content of provisions in disaster management reflects synchrony of life and social community life.

Letter e

By “principle of order and legal certainty” is meant that content of provisions in disaster management must be able to bring about order in society by guaranteeing legal certainty.

Letter f

By “principle of sense of community” is meant that fundamentally disaster management is the shared duty and responsibility of the Government and society carried out through mutual participation (*gotong royong*).

Letter g

By “principle of environmental conservation” is meant that content of provisions in disaster management reflects environmental conservation for present and future generations for interest of the nation and state.

Letter h

By “principle of science and technology” is meant that disaster management must make optimum use of science and technology to facilitating and expediting disaster management process either at prevention phase, during disaster, or at post-disaster phase.

Clause [2]

Letter a

By “principle of rapidness and targetedness” is meant that disaster management must be carried out in a rapid and targeted manner in accordance with demands of situation.

Letter b

By “principle of prioritization” is meant that if disaster happens, management activity must get priority and be focused on human life rescue activity.

Letter c

By “principle of coordination” is meant that disaster management is based on good and reciprocal supportive coordination.

By “principle of cohesiveness” is meant that disaster management is carried out by a variety of sectors in a cohesive manner based on good and reciprocal supportive cooperation.

Letter d

By “principle of efficiency” is meant that overcoming of public ordeal is carried out without wasting excessive time, effort, and costs.

By “principle of effectiveness” is meant that disaster management activity must be effective, particular in overcoming public ordeal, without wasting excessive time, effort, and costs.

Letter e

By “principle of transparency” is meant that disaster management is carried out openly and can be accounted for.

By “principle of accountability” is meant that disaster management is carried out openly and can ethically and legally be accounted for.

Letter f

Self-explanatory

Letter g

Self-explanatory

Letter h

By “principle of non-discrimination” is meant that the state in disaster management does not differentiate treatment based on whatsoever sex, ethnicity, religion, race, and political affiliation.

Letter i

By “principle of non-proselytization” is meant that it is prohibited to spread religion or belief during disaster emergency situation, especially by way of assistance delivery and emergency response services.

Article 4

Self-explanatory

Article 5

The government and regional government are responsible for operations of management of natural, non-natural, and social disaster.

Article 6

Letter a

Self-explanatory

Letter b

Self-explanatory

Letter c

Self-explanatory

Letter d

Self-explanatory

Letter e

Self-explanatory

Letter f

'On-call' funds are funds laid aside by the government are on-call in event of disaster.

Letter g

Self-explanatory

Article 7

Clause [1]

Letter a

Self-explanatory

Letter b

Self-explanatory

Letter c

Self-explanatory

Letter d

Self-explanatory

Letter e

Self-explanatory

Letter f

Self-explanatory

Letter g

Control over this process, including over issuance of permit to collect money or goods that are national in nature, lies with the Minister for Social Affairs.

Clause [2]

Self-explanatory

Clause [3]

Self-explanatory

Article 8

Self-explanatory

Article 9

Self-explanatory

Article 10

Self-explanatory

Article 11

Self-explanatory

Article 12

Self-explanatory

Article 13

Self-explanatory

Article 14

Clause [1]

Letter a

Self-explanatory

Letter b

Self-explanatory

Letter c

Self-explanatory

Clause [2]

Steering Committee element comprises government element and professional community element in a balanced and proportional number.

Letter a

Self-explanatory

Letter b

Self-explanatory

Clause [3]

Self-explanatory

Article 15

Clause [1]

Self-explanatory

Clause [2]

By coordination function is meant carrying out coordination during the pre-disaster and post-disaster phases, while by command and implementation functions are meant functions carried out during emergency response.

Clause [3]

Self-explanatory

Article 16

Self-explanatory

Article 17

Self-explanatory

Article 18

Self-explanatory

Article 19

Clause [1]

Letter a

Membership of steering element refers to membership of steering element of the National Disaster Management Agency.

Letter b

Self-explanatory

Clause [2]

Self-explanatory

Article 20

Self-explanatory

Article 21

Letter a

Self-explanatory

Letter b

Self-explanatory

Letter c

Self-explanatory

Letter d

Self-explanatory

Letter e

Self-explanatory

Letter f

Self-explanatory

Letter g

Control over this process includes control over issuance of permit to collect money and goods by governor and district head/ mayor in accordance with their scope of authority.

Letter h

Self-explanatory

Letter i

Self-explanatory

Article 22

Self-explanatory

Article 23

Self-explanatory

Article 24

Self-explanatory

Article 25

Self-explanatory

Article 26

Clause [1]

Letter a

By vulnerable community groups is meant members of society in need of assistance because of the situation they shoulder, which includes amongst others elderly persons, disabled persons, children, and pregnant and lactating mothers.

Letter b

Self-explanatory

Letter c

Self-explanatory

Letter d

Self-explanatory

Letter e

Self-explanatory

Letter f

Self-explanatory

Clause [2]

Self-explanatory

Clause [3]

Self-explanatory

Article 27

Self-explanatory

Article 28

Self-explanatory

Article 29

Self-explanatory

Article 30

Self-explanatory

Article 31

Self-explanatory

Article 32

Self-explanatory

Article 33

Self-explanatory

Article 34

Self-explanatory

Article 35

Letter a

Self-explanatory

Letter b

Self-explanatory

Letter c

Self-explanatory

Letter d

Self-explanatory

Letter e

By disaster risk analysis is meant research and study activities on activities that may potentially cause disaster.

Letter f

Self-explanatory

Letter g

Self-explanatory

Letter h

Self-explanatory

Article 36

Self-explanatory

Article 37

Self-explanatory

Article 38

Self-explanatory

Article 39

Self-explanatory

Article 40

Clause [1]

Self-explanatory

Clause [2]

Self-explanatory

Clause [3]

By development activity involving high disaster risks is meant those development activities that may potentially cause disaster, including amongst others oil drilling, nuclear weapons manufacturing, waste disposal, mining explorations, and forest clearing.

Article 41

Self-explanatory

Article 42

Self-explanatory

Article 43

Self-explanatory

Article 44

Self-explanatory

Article 45

Self-explanatory

Article 46

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Article 47

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Article 48

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Article 49

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Article 50

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Article 51

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Article 59

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Article 60

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Article 61

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Article 62

Self-explanatory

Article 63

Self-explanatory

Article 64

By outer space activity is meant those activities linked to outer space that cause disaster, including amongst others satellite launching and outer space exploration.

Article 65

Self-explanatory

Article 66
 Self-explanatory

Article 67
 Self-explanatory

Article 68
 Self-explanatory

Article 69
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Article 70
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Article 71
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Article 72
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Article 73
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Article 74
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Article 75
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Article 76
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Article 77
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Article 78
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Article 79
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Article 80
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Article 81
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Article 82

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Article 83

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Article 84

Self-explanatory

Article 85

Self-explanatory

SUPPLEMENT TO STATE GAZETTE NO. 4723