



## **IMPLEMENTATION OF TANAH LAUT REGENT REGULATION NUMBER 79 OF 2019 ON DISASTER MANAGEMENT PLAN (CASE STUDY OF FLOOD DISASTER IN PANDAHAN VILLAGE, BATI-BATI DISTRICT, TANAH LAUT REGENCY)**

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### **Abstract**

Because of the Tanah Laut Regent regulation number 79 of 2019 concerning Disaster Management Plans, with the objectives contained in Article 2 Paragraph (1), namely to realize integration in planning disaster management and so that the implementation of disaster management can be carried out smoothly, in an integrated order, safe and accountable. From the results of interviews and observations made by the author, the government is still not maximized as the lack of socialization from the government to the public about the flood disaster, the lack of responsiveness of the government when the flood disaster and quite slow in doing mitigation when post-flood disaster. This research is empirical legal research using qualitative descriptive approach. The main Data is the interview (primary), while the document data is as supporting data (secondary). The primary data collection technique was conducted through interviews with 7 informants, using a structured interview list, while the secondary data in the form of documents taken from BPBDS in Tanah Laut Regency. The results obtained showed that the implementation of the Tanah Laut Regent regulation number 79 of 2019 on Disaster Management Plans has been done quite well, the factors inhibiting the achievement of maximum implementation are the lack of cooperation between the government and local communities and the lack of BPBD facilities themselves to achieve the goals in the Tanah Laut Regent regulation number 79 of 2019 on Disaster Management Plans.

**Keywords:** implementation, regulation, flood disaster management.

### **Abstrak**

Karena adanya peraturan Bupati Tanah Laut nomor 79 tahun 2019 tentang Rencana Penanggulangan Bencana, dengan tujuan yang terdapat pada Pasal 2 Ayat (1) yaitu mewujudkan keterpaduan dalam perencanaan penanggulangan bencana dan agar penyelenggaraan penanggulangan bencana dapat terlaksana dengan lancar, terpadu, aman, dan akuntabel. Dari

hasil wawancara dan observasi yang dilakukan oleh penulis, pemerintah masih belum maksimal seperti kurangnya sosialisasi dari pemerintah kepada masyarakat mengenai bencana banjir, kurang tanggapnya pemerintah ketika terjadi bencana banjir dan cukup lambatnya pemerintah dalam melakukan penanggulangan ketika pasca bencana banjir. Penelitian ini merupakan penelitian hukum empiris dengan menggunakan pendekatan deskriptif kualitatif. Data utama yang digunakan adalah wawancara (primer), sedangkan data dokumen sebagai data pendukung (sekunder). Teknik pengumpulan data primer dilakukan melalui wawancara dengan 7 orang informan, dengan menggunakan daftar wawancara terstruktur, sedangkan data sekunder berupa dokumen-dokumen yang diambil dari BPBD Kabupaten Tanah Laut. Hasil penelitian yang diperoleh menunjukkan bahwa implementasi peraturan Bupati Tanah Laut nomor 79 tahun 2019 tentang Rencana Penanggulangan Bencana telah dilakukan dengan cukup baik, faktor penghambat tercapainya implementasi yang maksimal adalah kurangnya kerjasama antara pemerintah dengan masyarakat setempat dan kurangnya fasilitas BPBD itu sendiri untuk mencapai tujuan yang ada di dalam peraturan Bupati Tanah Laut nomor 79 tahun 2019 tentang Rencana Penanggulangan Bencana.

**Kata kunci:** implementasi, regulasi, penanggulangan bencana banjir.

## 1. INTRODUCTION

Based on The Disaster Management Act, natural disasters are events caused by natural events or events in the form of earthquakes, tsunamis, volcanic eruptions, floods, droughts, hurricanes, and landslides. Disaster is basically a human perspective. It is called a disaster if there is a loss of life and property. If there were no humans living on Earth. Then there will be no guard against a disaster because there will be no casualties. From the point of view of the Earth, there are no catastrophes, there are changes that occur all the time.

Then, which became one of the regions that implemented regional autonomy is Tanah Laut regency located in South Kalimantan province. Tanah Laut Regency is a regency that has 135 villages from provinces / cities in South Kalimantan province. Tanah Laut Regency as a regency that has a considerable impact or risk in the case of flooding. Floods that have occurred in Bati-bati district resulted in paralysis of local community activities due to flooded roads, resulting in prolonged traffic congestion and damage to homes in residential areas due to flooding. Bati-bati district with an area of 234.75 Km<sup>2</sup> is a small district but has a large number of villages/kelurahan in Bati-Bati District. Pandahan village is an area of Alirang River (DAS), then the village is affected by natural disasters, namely floods. In Pandahan village there are 9 RT. And those affected by flooding include RT. 1A, RT. 1B, RT. 2, p. 3, p. 4, p. 5, p. 6, p. 7 and part of the RT. 8. Then there are 631 families affected by the flood. In addition to due to the watershed (DAS), the cause of flooding in Pandahan Village is due to high rainfall, causing Pandahan village to be affected by floods.

At the time of the flood occurred in the village of Pandahan, local residents are very difficult to get basic materials such as clothing, food, medicine and financial assistance that resulted in the Village Community Pandahan especially local village officials make proposals for financial assistance submitted to the companies to get financial assistance. From the flood disaster that occurred in Pandahan village, two people died at the

evacuation post. Due to large floods in 2021 in Pandahan village, agricultural land was damaged, in some other places it was also inaccessible and the volunteer team was less than optimal in providing services to them.

Chief executive of the Regional Disaster Management Agency (BPBD) Tanah Laut Sahrudin said the rain poured down some areas of Tanah Laut quite heavy then, causing a variety of events. In addition to flooding, until the fall of trees had hampered the activities of the community in part of the Earth Tuntung Pandang. In fact, according to Mr. Sahrudin, there was another incident that disturbed residents related to the Re-circulation of natural disaster documentation in early 2021 and was classified as devastating, resulting in misperceptions. BPBD Tanah Laut admitted, responding to the news that had spread quickly on social media. The problem of disaster, there is a positive because information can very quickly get to the people. However, sometimes mixed documents last year also scattered. Even volunteers from out of town responded and empathized up to seven communities came to the Office of BPBD Tanah Laut, this became one of the supporting factors because there is still a sense of empathy among fellow citizens in responding to natural disasters.

The flood disaster in Pandahan village did occur from a long time ago, then in 2019 the Tanah Laut Regent Regulation No. 79 of 2019 on disaster management plans, but the points contained in the regulation are not all realized in Pandahan village, for example, such as road elevation, road repair and not all Pandahan village communities know and understand about disaster management socialization.

So that the Local Government of Tanah Laut Regency issued a decision on Regent Regulation No. 79 Of 2019 On Disaster Management Plans. Therefore, people need to know more about the characteristics of their respective regions, especially against disasters. Based On The Regulation Of The Regent Of Tanah Laut No. 79 of 2019 concerning The Disaster Management Plan contained in Article 2 paragraphs (1) and (2), there are several points that are considered by The Local Government of Tanah Laut Regency, namely:

1. The purpose of the establishment of this Regent regulation is as a guideline in planning disaster management.
2. The purpose of this Regent regulation is :
  - a. Realizing integration in disaster management planning; and
  - b. So that the implementation of disaster management can be carried out smoothly, orderly, integrated, safe and accountable.

On that basis, the authors formed the title of the study, namely “implementation of Tanah Laut Regent regulation number 79 of 2019 on Disaster Management Plan (Case Study of flood disaster in Pandahan Village, Bati-Bati District, Tanah Laut Regency)”.

## 2. LITERATURE REVIEW

Etymologically, the concept of Webster's dictionary implementation comes from the English to implement. In the dictionary, to implement means to provide the means for carrying out. While in the Indonesian dictionary (KBBI), implementation is implementation. Another definition of implementation is to provide a means of doing something that has an impact or effect on something. Definition of implementation from Nurdin Usman implementation is leading to activities, actions or mechanisms of a system, implementation is not just an ordinary activity, but an activity that is planned and directed to achieve an activity goal.

According to Widodo, implementation is to provide facilities to carry out policies and the possibility of having an impact or influence on something.

There are three criteria in the implementation process including:

1. There are policies or programs implemented,
2. Target Group, the target group of people who are targeted and expected to benefit related to this program,
3. The implementer, either an organization or an individual, is responsible for implementing and monitoring the implementation process. The implementation of government programs can be seen from three points of view, namely the initiator of policy/policy making, implementing officials in the field, and individual actors who are outside the government agencies that are the target of the program.

Hierarchy theory is a theory of the legal system introduced by Hans Kelsen which defines that the legal system is a system of steps with tiered rules. The correlation between a norm that governs the conduct of another norm and that other norm may be referred to as a super-and sub-ordination relationship in special contexts. Regulations should be distinguished from non-regulatory decisions (regels). Decisions that contain rules (normative) should not be referred to as regulations that regulate (regeling), but only decisions in the form of administrative determination (beschikking).

Based on the provisions of Law No. 12 of 2011 concerning the establishment of legislation, the types and hierarchy of legislation of the Republic of Indonesia are as follows:

1. The basic regulations include the 1945 Constitution. The basic regulations may include the Constitution as the main text, the amendment of the Constitution as the amendment, and the basic charter as a complementary text. In the Indonesian legal system, which can be categorized as basic regulations are the text of the Constitution, the text of changes to the Constitution and the MPR statutes that are regulatory and contain things that should be the subject of legislation. After the 1945 Constitution underwent changes with the first to

Fourth Amendments, the position of the MPR's provisions, which had long been criticized by constitutional law experts, underwent changes. The position of the MPR resolution as a form of regulation that can no longer be maintained. The Format of the basic regulation that can be maintained academically is only the text of the Basic Law and the text of changes to the Basic Law, both of which are both products of the people's Consultative Assembly. Therefore, the text of the Constitution and the amendment of the Constitution must be headed MPR letter.

2. MPR resolution The MPR resolution is a form of legislative product which is a deliberative decision of the MPR, which is aimed at exiting (from the Assembly), namely regulating the outlines in the legislative and executive fields. The term of the Tap. MPR / MPRS is not actually in the 1945 Constitution. This term was taken by the MPRS in the first session, from the sound of Article 3 of the 1945 Constitution of the original text, where there are sources of law, that the MPR is authorized to establish the Constitution, GBHN in a broad sense, elect the president and Vice President and so on. Then by resolution of MPRS No. XX / MPRS / 1966 used as one form of legislation (source of law). In relation to the authority of the MPR to compile GBHN, it is associated with the function of the MPR Tap, according to A. Hamid Atamimi, Tap MPR serves to further regulate matters that have not been regulated in the Constitution, because the Constitution regulates matters only. Further arrangements are to direct the direction of the country poured into the GBHN. According to Rosjidi Ranggawidjaja, the tap MPR together with the Preamble and the body of the 1945 Constitution is a positive law of the basic rules that are spelled out from Pancasila as basic norms (staatsfundamentalnom), but if examined further, The Tap MPR material contains legal norms that are essentially the same, but at a lower level than the legal norms of the 1945 Constitution.
3. Law (Government Regulation In Lieu Of Law ) According to Soerjono Soekanto, what is defined by the law in the material sense is a generally accepted written regulation and is made by the legitimate Central and regional authorities. Thus, the law in the material which is then called the law includes:
  - a. Central regulations that apply to all citizens or a certain group only or generally accepted in some regions of the country.
  - b. local regulations that apply only to a particular place or region.

A natural disaster is a natural event that results in a major impact on the human population. A disaster is a serious disruption of the functioning of a society, which causes widespread material or environmental losses beyond the ability of the affected communities to cope with it using available resources. Disaster according to Law No. 24 of 2007 on disaster management is an event or series of events that threaten and disrupt people's lives and livelihoods caused, either by natural and/or non-natural factors or

human factors resulting in human casualties, environmental damage, property losses, and psychological impacts.

BNPB explains the definition of several forms of natural disasters, especially those that often occur in Indonesia, by covering the factors that cause them as follows:

- a. Earthquakes are vibrations or shocks that occur on the Earth's surface caused by collisions between Earth's plates, active faults, volcanic activity or rockfall.
- b. Volcanic eruptions are part of a volcanic activity known as eruption. Volcanic hazards can be hot clouds, material ejections (incandescent), heavy ashfall, lava, poison gas, tsunamis, and lava floods.
- c. Tsunamis are a series of giant ocean waves that arise due to a shift in the seabed due to an earthquake.
- d. Floods are events or circumstances in which an area or land is submerged due to an increased volume of water.
- e. Flash floods are floods that come suddenly with large water discharge caused by damming of river flow in river channels.

Floods can affect not only urban areas, but also rural areas with large watersheds. Of course, urban and rural floods are caused by different factors and cause different damage. Both in densely populated and rural areas, floods in each area are influenced by certain causes or factors: natural and Human Factors. Catastrophic floods can be divided into several types. This classification is based on the source of the flood, which includes not only the flood, but also other causes.

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1. An ordinary flood is a flood that occurs when water overflows from rivers, lakes, ditches, and others in the vicinity. This type of flood is a flood that often occurs and is experienced by the community. Floods are generally caused by increased water runoff from prolonged heavy rains.
2. ob floods: tidal floods are puddles that form on the coast due to the presence of Tides. These tides usually occur in coastal areas with elevations below sea level.
3. Flash floods are a very dangerous type of flood. When flash floods occur, the water mixes with other materials such as mud, stones and logs, causing severe damage to the watershed. Floods occur suddenly and are caused by the impact of high rainfall and damaged forest conditions in the mountains.



4. Cold lava floods are volcanic eruption materials, in the form of volcanic ash, gravel, sand, and rocks, which are carried upstream by rainwater and descend through mountain slopes and rivers.

Disaster mitigation is a very important activity in disaster management because it is an activity before a disaster occurs in order to anticipate in advance to minimize damage to humans and property. Communities in disaster affected areas and outside communities have a very important role, so it is necessary to grow awareness, concern and love for nature, the environment and discipline towards applicable regulations and standards. The term disaster mitigation program refers to two stages of planning, namely: first, pre-event planning for disaster management, including mitigation and disaster planning activities. Secondly, post-event planning and actions, including raising technical standards and providing medical and financial assistance to victims. In terms of Disaster Mitigation, anticipatory measures are taken to reduce the impact of disasters that occur through Land Use Planning, Land Use Regulation, disaster vulnerability mapping, regulation, monitoring and data development.

### 3. METHOD

The type of research used in the research is Empirical Legal Research, Empirical Legal Research comes from English, namely empirical legal research, then in Dutch which means *empirisch juridisch* and in German it is called *empirische juristische recherche*. Empirical Legal Research is one part of a type of legal research that analyzes and examines the work of law in society. Based on the point of view Soejono Soekonto and Sri Mamuji define, that empirical or sociological legal research is legal research conducted by examining primary data. Furthermore, according to Abdul Kadir Muhammad's point of view on empirical law research (empirical law research) is an unwritten positive law research on the behavior of community members in community life relationships.

This study uses the sociology of law approach, the authors not only collect data in terms of quality, but also want to gain a deeper understanding behind the phenomena that have been obtained. This is because qualitative research has a close relationship with social reality and human behavior. Qualitative approaches aim to explore or construct a proposition or explain the meaning behind reality. It can be said that the approach of this study is descriptive qualitative.

That is, the author analyzes and describes the study in an objective and detailed way in order to obtain accurate results. Descriptive research is the author tries to describe the research activities carried out on a particular object clearly and systematically, also explore describe with the aim to be able to explain and predict the symptoms that apply on the basis of data obtained in the field.

Then, as an effort to solve the problems encountered, this study uses a sociological approach to determine the implementation of the Legal Regulation of the Regent of Tanah Laut No. 79 of 2019 on Flood Disaster Management in Pandahan Village, Bati-Bati District, Tanah Laut Regency.

### **3.1. Research Design**

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### **3.2. Participants of the Study**

This study was conducted in Pandahan Village, Bati-Bati District, Tanah Laut Regency. Pandahan village has an area of 20.50 km<sup>2</sup>. In addition, it is bordered to the North by the village of Anvil Ulin Utara. The South is bordered by the village of Liang Anggang, the West is bordered by the village of Upper Handil Birayang and the East is bordered by the village of Sambangan. Pandahan village is a densely populated area.

The subject of research is the respondents or the parties which serve as a sampel in a study which, the subject of research that the author will do the observation and interview is, the Department of national unity and Politics, Regional Disaster Management Agency (BPBD) Tanah Laut Regency, Pandahan Village Office. The object of research is the target of the issues to be discussed, the object of research is the implementation of Tanah Laut Regent regulation number 79 of 2019 on Disaster Management Plans.

The Data to be collected in this study is qualitative data, namely data expressed in the form of words, sentences, sketches or drawings. When viewed from the source, the data can be distinguished between data obtained directly from the public and from library materials. Data sources in research is a matter of where the data can be found. This legal research is done by researching events or events that occur in society, so this research is called Empirical Legal Research. In accordance with the objectives in this study, the authors divide the source data into two parts, namely:

#### **a. Primary Data**

Primary Data is data obtained directly from primary sources, namely original sources that contain information or data relevant to research. primary data in this study is data taken from the first source in the form of interviews.



b. Secondary Data

Secondary Data is complementary data that can be correlated with primary data, the data is as additional material derived from written sources.

The source of data in this study is the subject from which data can be obtained. The data obtained were extracted from data sources, namely :

- a) Informants, that is, people give information. The information was obtained from the Regional Disaster Management Agency (BPBD), village officials and Pandahan villagers as many as 6 (six) people .
- b) Documents, that is, any written material prepared at the request of an investigator. The documents in question Are photo reports documenting activities and reports of all data related to research to complete the research data.

### 3.3. Instruments

The subject of research is the respondents or the parties which serve as a sampel in a study which, the subject of research that the author will do the observation and interview is, the Department of national unity and Politics, Regional Disaster Management Agency (BPBD) Tanah Laut Regency, Pandahan Village Office.

The object of research is the target of the issues to be discussed, the object of research is the implementation of Tanah Laut Regent regulation number 79 of 2019 on Disaster Management Plans.

The method of data analysis used in this study is descriptive analysis method. This method is a method of data analysis by describing the state or status of the phenomenon with words or sentences separated by categories to obtain conclusions.

### 3.4. Data Analysis Techniques

To obtain the data needed in this study, data collection techniques used are:

- 1) Observation  
In this study the authors used the necessary data either directly or indirectly. Observation aims to answer the research problem. Observations were carried out in the village and part of the Pandahan Village Community.
- 2) Interview  
Interview is research that takes place orally between two or more people in the form of face-to-face, listening directly to the information or information of the studied. The purpose of the interview was to obtain information related to the implementation of the Regent regulation on Flood Disaster Management in Pandahan Village, Bati-Bati District, Tanah Laut Regency.
- 3) Documentation

Data collection by taking data from a document that is a formal record as authentic evidence. Documentation is a way of obtaining data by studying and recording the contents of books, archives, or documents, and things related to research.

#### **4. RESULTS AND DISCUSSION**

In responding to the disaster management system at that time, the Indonesian government was very serious about building legalization, institutions, and budgeting. After the issuance of Law No. 24 of 2007 on Disaster Management, the government then issued Presidential Regulation No. 8 of 2008 on the National Disaster Management Agency (BNPB). BNPB consists of the head, disaster management steering elements, and disaster management implementing elements. BNPB has the function of coordinating the implementation of disaster management activities in a planned, integrated, and comprehensive manner. While in the implementation in the region of the role and function is in the Regional Disaster Management Agency (BPBD) led by the Regional Secretary as Ex Officio head of provincial BPBDS and regional secretary in all districts / cities throughout Indonesia.

Based on the results of research in this study are the results of interviews with 3 informants obtained from members of BPBD Tanah Laut Regency, and 6 informants from Pandahan Village Head, local officials, and local communities.

From the description of the interview said that the lack of socialization from the government to local residents is not only the socialization of assistance at the time of the flood even though many residents are still struggling in basic food assistance which can only be said to be sufficient. While the flood victims are not only the elderly, adults and children, therefore assistance when floods occur is very necessary, for local residents also have not realized themselves to no longer littering from these small things can cause major floods to occur again, therefore I hope in the future for the government and village officials to frequently socialize with local residents both through social media and direct socialization.

##### **1. Implementation Of Sea Land Regent Regulation No. 79 Of 2019 On Disaster Management Plan**

Implementation Of Sea Land Regent Regulation No. 79 of 2019 regarding The Disaster Management Plan has been implemented by the BPBD in accordance with the results of the interview above. BPBDS carried out several activities ranging from socialization with the Sub-District and then the Sub-District socializing to the villages for Disaster Management and inviting the community to cooperate with BPBDS, there are several villages that have formed responsive village volunteer groups to help other

villagers. BPBDS also socialize through social media so that people can easily find out about flood disaster management.

For assistance, there are difficulties because it uses state money and must meet the procedures passed, so the BPBD also hopes for the future of mutual coordination funding starting from villages, districts, and regencies to anticipate difficulties when floods occur. Until now BPBDS is still trying to carry out activities in accordance with their duties, including things that are included in RPB such as socialization of disaster potential in disaster-prone villages, community preparation in dealing with disasters, equipping people with knowledge related to what to do and not to do when a disaster occurs and after a disaster, guiding village governments, volunteer groups and related agencies regarding disasters.

According to Nurdin Usman, implementation leads to activities, actions or mechanisms of a system, the implementation is not only an ordinary activity, but an activity that is planned and directed to achieve the goals of the activity. Based on the results that the researchers carried out in the form of observations and interviews to the field, the activities of the Regional Disaster Management Agency (BPBD) in tackling the risk of flooding in Pandahan village, Tanah Laut Regency are still not good, judging from the implementation of Tanah Laut Regent regulation number 79 of 2019 on Disaster Management Plans (Case Study of floods in Pandahan Village, Bati-Bati District, Tanah Laut Regency), this can be seen from how the government lacks socialization.

## **2. What are the inhibiting and supporting factors in flood disaster management**

As for Disaster Risk Reduction because it has not been supported by binding regulations issued by regional heads, the lack of optimal command and control functions in times of crisis and emergency response because it has not been supported by a structured Disaster Emergency Management Command System (SKPDB), information on inhibiting factors in disaster management has not been formed Spatial Planning forum to reduce disaster risk in regional development is still not widely used by the community.

With many organizations that contribute to disaster management is one of the supporting factors for the implementation of the tasks and functions of Bpbds Tanah Laut. This organization will later become a competent human resources in the field of disaster management so that disaster management can be resolved and handled quickly and precisely in accordance with what is expected from the establishment of this body.

The author concludes the information from the informant's statement above that in order to deal with natural disasters, it is necessary to carry out early education about emergency response, as well as trainings so that they always provide benefits and of course the preparedness of every part of society when facing disasters. Based on the results of interviews, observations and documentation studies in the field, the authors draw the conclusion that government cooperation with the community in tackling the risk

of flooding in the village of Tanah Laut Pandahan Regency can be said to be quite good, but there are still shortcomings for it to be ditingkatkan again so that the relationship is an example for others. Organizational support factors that contribute to disaster management is one of the supporting factors for the implementation of the tasks and functions of Bpbds Tanah Laut. This organization will later become a competent human resources in the field of disaster management so that disaster management can be resolved and handled quickly and precisely in accordance with what is expected from the establishment of this body. The government also really needs community participation in disaster management. Protection of the community in disaster recovery is needed, so the role of the government is needed, considering the knowledge of the community about maintaining natural conditions in order to maintain its authenticity is very minimal.

## 5. CONCLUSION

The role of the Regional Disaster Management Agency (BPBD) in tackling the risk of floods in Pandahan village, Tanah Laut Regency is not good, seen from the implementation of Tanah Laut Regent regulation number 79 of 2019 on Disaster Management Plans (Case Study of floods in Pandahan Village, Bati-Bati District, Tanah Laut Regency) implementing Regent regulation of the Regional Disaster Management Agency (BPBD) in, this can be seen from how the government lacks socialization and cooperation with various agencies in the Tanah Laut Regency government in carrying out disaster management processes that occur in Pandahan village which are based on poor coordination and still do not support each other.

Inhibiting factors, the cooperation of Regional Disaster Management Agencies and the community in tackling the flood disaster is not good, as is known to the public the government lacks regular socialization as described in the regulation, resulting in the community becoming difficult to deal with floods. For assistance there are difficulties because it uses state money and must meet the prosuder-prosuder passed. In addition, the personnel and facilities owned by Bpbds are still not looking at what is the factor that hinders the implementation of Tanah Laut Regent regulation number 79 of 2019 concerning disaster management plans. Supporting factors, organizations that contribute to flood management become a supporting factor in the implementation of the regulation of the Regent of Tanah Laut.

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