



## LEGAL PROTECTION DISASTER RESPONSE VOLUNTEERS (PERKA study No. 17 of 2011 regarding Disaster Management Volunteer Guidelines)

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### ABSTRACT

*The policy on volunteers for disaster management has been in place since the publication of Regulation of the Head of the National Disaster Management Agency Number 17 of 2011, but along with the development of volunteer activities and volunteer organizations in supporting disaster management activities in Indonesia, the problems faced by volunteers are increasingly complex, starting from rights issues. and obligations to legal protection of volunteers. This research aims to analyze the legal principles and theories that apply to the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Volunteers for Disaster Management, analyze the Regulation of the Head of the National Disaster Management Agency (PERKA BNPB) Number 17 of 2011 concerning guidelines for disaster management volunteers that have the potential to cause problems or Policy Potential Problem as well as Policy Application Problem or application of the policy. The method used is a quantitative descriptive approach socio legal research and using data collection techniques in the form of Likert questionnaires and in-depth interviews, the results of the questionnaires show that some disaster management volunteers have problems understanding their rights and obligations as well as the implementation of disaster management volunteer guidelines which are still not optimal, so it can be concluded that Regulation of the Head of the National Disaster Management Agency No. 17 of 2011 still has the potential to Policy Potential Problem Policy Application Problem*

**Keywords:** *Disasters, Policies, Guidelines, Regulations, Volunteers*

### INTRODUCTION

Indonesia is a country that is rich in potential natural resources, but like two sides of a coin, on the other hand, Indonesia is also rich in disaster threats, both natural and non-natural. This happens because geographically Indonesia is very strategically located between four plates, namely the Eurasian, Indo-Australian, Philippine and Pacific plates.<sup>1</sup> In addition, Indonesia is also in the area of volcanoes or what we are often familiar with *Ring of Fire*, because of the 452 volcanoes with high seismic activity in the world, 127 of them are in Indonesia with an active status and can erupt at any time.<sup>2</sup>

The potential for natural disasters that are quite complete and complex in Indonesia is directly proportional to the potential of human resources, supported by Law Number 24 of 2007 concerning Disaster Management Article 27 which confirms that everyone is obliged to carry out disaster management activities.

Along with the development of disaster potential, disaster management activities, volunteers and volunteer organizations, the problems faced by volunteers are increasingly

<sup>1</sup> Andri Estining Sejati, Muhammad Hasan, and Desi Nurul Hidayati, "The level participation in efforts to mount Kelud eruption disaster mitigation in East Java", *Social Harmonization Social Science Education Journal*, 2019

<sup>2</sup> Cherie Mawuntu, "The Role of Non-State Actors in Capitalizing the Ring of Fire Issue as Indonesia's Nation Branding", *Journal of Policy Studies and State Administration*, 2020

complex, starting from legal problems that befell SAR volunteers related to possession of sharp weapons in 2011<sup>3</sup>, a PMI volunteer who was detained for allegedly carrying out a blood transfusion in Aceh in 2017<sup>4</sup>, PMI volunteers who died allegedly due to exhaustion while on duty in Lombok in 2018<sup>5</sup>, until recently there was an unscrupulous volunteer who made a fuss due to kicking offerings on the slopes of Mount Semeru in 2022<sup>6</sup>.

Communities and non-governmental parties from a legal perspective can both play a role and participate in disaster management activities in the form of volunteerism in disaster management and disaster risk reduction. This is the background why there is a need for rules or guidelines for disaster management volunteers so that they can be directed and coordinated. This is also the background why the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers was passed.

Similar research on legal protection for volunteers has been carried out, among others;

1. *The Implementation of Disaster Management and Legal Protection For Disaster Management and Legal Protection For Disaster Relief Volunteers (Case of Central Jawa Province, Indonesia)* written by Hilda Maulida Journal of Law and Legal Reform regarding the Implementation of Disaster Management and Legal Protection for Disaster Volunteers, Case Study of Central Java Province

*Legal Protection for Search and Rescue (SAR) Volunteers in Indonesia*, written by Muhamad Abdullah, Gunarto, and Sri Endah Wahyuningsih in *Scholars International Journal of Law, Crime and Justice* which will be published in 2021

The similar conclusions that can be drawn from the two previous studies are that the implementation of voluntary legal protection does not yet have technical regulations and can be used as a legal basis.

Some of the factors mentioned above are the background for researchers to raise the issue of whether the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Volunteers for Disaster Management still has the potential to cause problems for volunteers? and how is the implementation of this policy currently implemented by volunteers, voluntary organizations and the government (BPBD/BNPB)?

Based on Perka BNPB Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers, the definition of volunteer states that "Disaster Management Volunteers, hereinafter referred to as volunteers, are a person or group of people who have the ability and concern to work voluntarily and sincerely in disaster management efforts." This means that in carrying out their duties volunteers work voluntarily not because they are forced or obliged.

This is in line with the theory *Humanitarian Standard*, which stated that communities and people affected by the crisis receive the assistance they need from competent and well-managed volunteers where the quality criteria of the statement are that volunteers are supported in carrying out their work effectively and are treated fairly and equally.

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<sup>3</sup> <https://nasional.tempo.co/read/318484/penahanan-relawan-sar-yogyakarta-arif-johor-ditanggguhkan/full&view=ok>

<sup>4</sup> <https://regional.kompas.com/read/2017/10/24/19241781/kami-relawan-bukan-pembunuh>

<sup>5</sup> <https://www.kompas.tv/article/31371/diduga-kelelahan-relawan-pmi-meninggal-di-lombok>

<sup>6</sup> <https://www.cnnindonesia.com/nasional/20220110105635-12-744588/polisi-kantongi-identitas-pria-tendang-sesajen-semeru-diduga-relawan>

### **Place and time of research**

The research was conducted in the city of Surabaya, because several volunteer disaster management organizations have their headquarters in the city of Surabaya, including RAPI, Nurul Hayat. YDSF, Indonesian Volunteer Community, Navigator Shooter and so on. Meanwhile, the research was conducted from February to March 2022.

### **RESEARCH METHODS**

The research method used is the Socio Legal method, a study that looks at law through a combination of normative analysis (legal norms, juridical) and non-legal science approaches. Socio-legal in nature is prescriptive, namely providing solutions to legal problems by combining normative analysis and non-legal/social aspects approaches.

The socio-legal approach is an interdisciplinary approach. The goal is to combine all aspects of the perspectives of disciplines, social sciences and law, into a single approach. Because of such an approach, the goal of socio-legal is to completely combine the knowledge, skills, and forms of research experience from two (or several) disciplines in an effort to overcome some of the theoretical and methodological limitations of the disciplines concerned and create a foundation for developing a new form of analysis.<sup>7</sup>

Apart from theories about disaster management volunteers that apply internationally and laws and regulations, researchers use a questionnaire with a Likert scale as a data collection method. The Likert scale is used with the aim of knowing or measuring quantitative data. Some of the problems contained in the Regulation of the Head of BNPB Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers in this questionnaire will be assessed by disaster management volunteers as respondents who have direct experience in the field in disaster management activities.

### **Data source**

Sources of data used in this study are;

1. Primary data is data obtained directly from research respondents. The primary data source is the results of a questionnaire Analysis of the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers which was distributed to 30 disaster management volunteers from several Disaster Management Volunteer Organizations
2. Secondary Data is data obtained from literature studies, namely by collecting data and laws and regulations, journals, and expert opinions as well as theories or policies regarding disaster management volunteers that apply internationally.

### **Data Collection Techniques**

Data collection is a process that is carried out systematically to facilitate researchers in obtaining conclusions which in the process, according to Bogdan in Sugiyono, is carried out by searching and systematically compiling the data obtained.<sup>8</sup> The technique used for primary data collection was a Likert questionnaire which was distributed and filled in by 30 disaster management volunteers as respondents assessing several policy indicators in the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers which have the potential to cause problems and application or application in the field.

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<sup>7</sup> <https://herlambangperdana.files.wordpress.com>, accessed on 07 February 2022

<sup>8</sup> Sugiyono, Understanding Qualitative Research, Bandung: Alfabeta, 2009, p. 334

## Data analysis method

Researchers used descriptive analysis in the method of data analysis from the results of questionnaires that had been filled out by respondents. Descriptive analysis is a statistical analysis method that aims to provide a description or description of the research subject based on variable data obtained from certain subject groups.

## Research variable

Variables used by researchers in analyzing the *Policy Potential Problem* and *Policy Application* contained in the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers, among others;

- a. Rights and Obligations of Disaster Management Volunteers (X.1)
- b. Volunteer Data Collection (X.2)
- c. Volunteer Construction (X.3)
- d. Deployment of Volunteers (X.4)
- e. Administration and Assignment Support Facilities (X.5)
- f. Monitoring and Evaluation (X.6)

Based on the above and the theory described in the background, the indicators of policy *Potential problem* and policy *Application* from the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers measured based on the results of a questionnaire using a Likert scale by measuring Strongly Agree (SS), Agree (S), Disagree (TS), Strongly Disagree (STS) and analyzed as in the table.

## Operational definition

- a. Rights and Obligations of Disaster Management Volunteers (X.1)

Disaster Management Volunteers, hereinafter referred to as volunteers, according to Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers are a person or group of people who have the ability and concern to work voluntarily and sincerely in disaster management efforts. Still referring to the regulation, there are several indicators that must be fulfilled by a disaster management volunteer, including;

1. Have the ability, skills or special skills needed in disaster management
2. Minimum Standards for Volunteers
3. Principles of Volunteer Work
4. Panca Dharma Volunteers

- b. Volunteer Data Collection (X.2)

Regarding volunteer data collection in the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers CHAPTER IV Letter E which is then measured based on the results of a questionnaire using a Likert scale and analyzed based on Table 2 below:

- c. Volunteer Development

Volunteer development includes all efforts, actions and activities related to planning, education and training, capacity building, deployment, and control of volunteer activities. Volunteer development aims to:

1. Improving the competence (knowledge, attitude and behavior) and integrity of volunteers;

2. Increase the capacity of volunteers so they can work properly and professionally, and show maximum performance.

Several indicators of problems related to volunteer development are measured based on the results of a questionnaire using a Likert scale and analyzed based on Table 3 below:

a. Volunteer Deployment

The deployment of volunteers is regulated in the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers which is then measured based on the results of a questionnaire using a Likert scale and analyzed based on Table 4:

b. Administration and Assignment Facilities

In carrying out their duties as a volunteer for disaster management, a volunteer is also equipped and required to deal with matters of an administrative nature and supporting facilities. Administration can be defined as stated by John M. Pfiffner and R.V. Presthus (1953) in the book *Public Administration* namely coordinating and directing human and material resources to achieve the desired goals. In this case the administration is more emphasized on the activities of coordinating the people who work together, the tools, and the funds used to achieve the desired goals. A nearly similar definition was given by William H. Newman (1963) in the book *Administrative Action* namely that administration is the direction, leadership, and control of the efforts of a group of people in order to achieve common (main) goals.<sup>9</sup> Administration Indicators and Assignment Support Facilities are then measured based on the results of a questionnaire that uses a Likert scale and is analyzed according to Table 5 below:

TABLE 5. Indicators of Volunteer Deployment Problems

CHAPT ER	ARTICLE DESCRIPTION	INDICATOR	CODE	INFORMATIO N
CHAPT ER VI Letter A number 2	Administrative Completion and Assignment Support Facilities a. Administrative equipment that must be brought by volunteers includes assignment letters, individual identification cards, and Volunteer Membership Cards; b. For emergency response, volunteers are equipped with personal protective equipment (PPE) according to the type of disaster and field of work,	The absence of an identity card (KTA) can trigger problems when on duty in the field because there is no legality to be used as a member of the volunteers	X5.1	Application Problem

<sup>9</sup> Mirrian Sjoifan Arif, *Relations Between Administration, Organization and Management*, <http://repository.ut.ac.id>

	and team equipment as needed; c. Volunteers must bring their own personal daily equipment.			
		Volunteers must be required to be independent (equipment and personal PPE) at a minimum to minimize risks to themselves when at the disaster site	X5.2	Application Problem
BAB VI Letter B Number 1e	Each assigned volunteer must be responsible for carrying out their duties and submit reports in accordance with applicable regulations	There is a PIC at the District/City/Provincial level for sending reports with the flow agreed in an SOP	X5.3	Policy Potential problem
CHAPT ER II Letter D Number 25	Volunteers who have received monitoring, evaluation and reporting training and/or are experienced and skilled. These skills can assist monitoring, evaluation and reporting activities in disaster management.	There is a designated PIC for Data and Information on ongoing disaster management conditions. (Have an information system unit and a responsible officer)	X5.4	Policy Potential problem

#### c. Monitoring and Evaluation

The purpose of Monitoring and Evaluation based on Chapter VII Letter A Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Volunteers for Disaster Management include:

##### 1. Monitoring and Evaluation Objectives:

- Collect and review information related to the process of volunteer activities;
- Assessing progress and obstacles in implementing volunteer activities;
- Provide input or correction of weaknesses found;
- Ensuring the relevance and achievement of goals effectively and efficiently, as well as their impact on long-term goals and sustainability;
- Provide information that is credible, useful and enables learning in the decision-making function.

##### 2. Scope of Monitoring and Evaluation

- Policies regarding the development of volunteers;
- Human resources involved in coaching volunteers;
- Supporting facilities and infrastructure for volunteer development;
- Volunteer management process;

The targets of Monitoring and evaluation activities are still based on the Perka including:

##### 1. Deployment Stage

- At the deployment, monitoring and evaluation stage it is aimed at aspects of knowledge, skills, values and mental attitude maturity, as well as the performance of volunteers.

- b. Monitoring and evaluation can be carried out by examining volunteer activity reports, direct observation, evaluating self-assessment, and observing actions.
2. The Capacity Building Phase includes aspects
  - a. Increased knowledge;
  - b. Skills improvement;
  - c. Value and mental attitude maturity

Monitoring and Evaluation Indicators are then measured based on the results of a questionnaire that uses a Likert scale and is analyzed according to Table 6 below:

TABLE 6. Indicators of Monitoring and Evaluation Problems

CHAPTE R	ARTICLE DESCRIPTION	INDICATOR	CODE	INFORMATIO N
BAB VII Huruf C	Monitoring and Evaluation Steps: 1. Develop a framework of reference for the implementation of monitoring and evaluation; 2. Ensure that executors understand the policies and strategic plans as well as the annual work plan for volunteer development; 3. Record progress, constraints and target achievement; 4. Compiling and reporting the results of monitoring and evaluation; 5. Monitoring and evaluation in an emergency is carried out using previously prepared formats. 6. Inform management and policy makers for follow-up activities.	Monitoring and Evaluation in Volunteer Organizations is not yet a mandatory activity	X6.1	Policy Potential Problem
		Volunteer organizations are still not optimal in monitoring and evaluating volunteer activities	X6.2	Application Problem
Appendi	Volunteer Support Request Form	There is no minimum standard regarding	X6.3	Policy Potential Problem

x 2		guaranteed protection that must be given to volunteers		
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### Validity test

The validity test was carried out with the aim of measuring the validity or invalidity of a questionnaire. A questionnaire is said to be valid if the questions/statements on the questionnaire are able to reveal something that will be measured by the questionnaire (Ghozali, 2006). The test is carried out by correlating the score on each item with the total score and then processing it with the help of the SPSS for Windows program level of *significant* = 5% using 32 respondents.

Measuring validity by making a correlation between the score of the question items with the total score of the construct or variable. You do this by comparing the value of *r* count with *r* table for degree of freedom (*df*) = *n*-*k*, where (*n*) is the number of research samples. The decision making to test the validity of the indicators is:

1. If *r* count > *r* table and the value is positive or significant <0.05 then the item or question or indicator is declared valid
2. If *r* count < *r* table and significant > 0.05 then the item or question or indicator is declared invalid.

TABLE.7 Questionnaire Statement Validity

INDICATOR	R COUNT	R TABLE df = (N-2) Significance 5%	Say	CONCLUSION
X1.1	0,748	0,361	0	Valid
X1.2	0.803	0,361	0	Valid
X1.3	0,757	0,361	0	Valid
X1.4	0,794	0,361	0	Valid
X1.5	0,741	0,361	0	Valid
X2.1	0,821	0,361	0	Valid
X2.2	0,845	0,361	0	Valid
X2.3	0,776	0,361	0	Valid
X2.4	0,603	0,361	0	Valid
X2.5	0,658	0,361	0	Valid
X3.1	0,812	0,361	0	Valid
X3.2	0,871	0,361	0	Valid
X3.3	0,416	0,361	0,18	Valid
X3.4	0,752	0,361	0	Valid
X3.5	0,812	0,361	0	Valid
X4.1	0,814	0,361	0	Valid
X4.2	0,882	0,361	0	Valid
X4.3	0,799	0,361	0	Valid
X4.4	0,823	0,361	0	Valid
X5.1	0,799	0,361	0	Valid
X5.2	0,777	0,361	0	Valid
X5.3	0,814	0,361	0	Valid



X5.4	0,814	0,361	0	Valid
X6.1	0,860	0,361	0	Valid
X6.2	0,887	0,361	0	Valid
X6.3	0,766	0,361	0	Valid

### Reliability Test

Reliability test is a tool used to measure the consistency of a questionnaire which is an indicator of a variable or construct. A questionnaire is said to be reliable or reliable if one's answers to the questions are consistent or stable from time to time (Ghozali, 2006). As for decision making for reliability testing, a construct or variable is said to be reliable if it gives a value of Cronbach's Alpha > 0.70 (Nunnally, 1994). The basis for decision making is as follows:

- A construct/variable is said to be reliable if it gives a Cronbach Alpha value > 0.70 (Nunnally, 1994)
- A construct/variable is said to be unreliable if it gives a Cronbach Alpha value of <0.70 (Nunnally, 1994)

TABLE.8 Questionnaire Reliability Test Results

No.	VARIABLE	ALPHA NUMBERS	CONCLUSION
1	Rights and Obligations of Disaster Management Volunteers (X1)	0,826	Reliable
2	Volunteer Data Collection (X2)	0,799	Reliable
3	Volunteer Construction (X3)	0,753	Reliable
4	Deployment of Volunteers (X4)	0,838	Reliable
5	Administration and Assignment Support Facilities (X.5)	0,812	Reliable
6	Monitoring and Evaluation (X.6)	0,772	Reliable

## RESULTS

### Legal Principles in PERKA BNPB Number 17 of 2011

According to Sudikno Mertokusumo Legal certainty is a guarantee that the law must be implemented in a good way. We can also find the term principle of legal certainty in Law Number 28 of 1999 concerning the Implementation of a State that is Clean and Free from Corruption, Collusion and Nepotism and in Law Number 30 of 2014 concerning Government Administration where there are general principles in In order to improve the quality of government administration, government agencies and/or officials in exercising their authority must refer to the general principles of good governance and based on the provisions of laws and regulations.

The first principle is the Principle of Legal Certainty. What is meant by the Principle of Legal Certainty is the principle in a rule of law that prioritizes the basis of laws and regulations, decency and justice in every policy of the State Administration.

This principle can be found in the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers in the preamble section.

Considerations are all considerations, both from a philosophical point of view (ideas, motives), a juridical aspect, a political aspect so that the Draft Regulation is born, so it

includes the following parts: "paying attention", "considering", "remembering", "hearing", "reading" ", etc., even including here the basic considerations in terms of compatibility with applicable law (*legality*) and conformity with the regulations themselves (*efficiency*).<sup>10</sup> In the Preamble it has been stated:

- a. that disaster management is a shared responsibility that must be carried out by the government, regional governments and all elements and levels of society, including universities and the business community;
- b. that in many disaster incidents volunteers from various government agencies, community organizations, Non-Governmental Organizations, Universities and the Business World have played many important roles;
- c. that there are no laws and regulations governing the standards and qualifications of volunteers, capacity building for volunteers, and cooperation between volunteers in all aspects of disaster management;

In addition, there is a legal basis or statutory regulations which form the basis for the formation of the said Perka confirms that the Perka has the Principle of Legal Certainty, including:

- a. Law Number 24 of 2007 concerning Disaster Management (State Gazette of 2007 Number 66, Supplement to State Gazette of the Republic of Indonesia Number 4723);
- b. Law Number 32 of 2004 concerning Regional Government (State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to the State Gazette Number 4437) as amended several times, most recently by Law Number 12 of 2008 concerning the Second Amendment to Law Number 32 of 2004 regarding regional government (State Gazette of the Republic of Indonesia of 2008 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 4844);
- c. Government Regulation Number 21 of 2008 concerning Disaster Management (State Gazette of the Republic of Indonesia of 2008 Number 42 Supplement to the State Gazette of the Republic of Indonesia Number 4828);
- d. Government Regulation Number 23 of 2008 concerning Participation of International Institutions and Foreign Non-Governmental Institutions in Disaster Management (State Gazette of the Republic of Indonesia of 2008 Number 44 Supplement to State Gazette of the Republic of Indonesia Number 4830);
- e. Presidential Regulation Number 8 of 2008 concerning the National Disaster Management Agency;
- f. Regulation of the Head of National Disaster Management Agency Number 3 of 2008 concerning Guidelines for Establishing Regional Disaster Management Agency;
- g. Regulation of the Minister of Home Affairs Number 46 of 2008 concerning Organizational Guidelines and work procedures of the Regional Disaster Management Agency;
- h. Regulation of the Head of the National Disaster Management Agency Number 10 of 2008 concerning Guidelines for the Disaster Emergency Response Command.

As well as the principle of volunteer work itself, namely that volunteers work based on Pancasila and the 1945 Constitution.

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<sup>10</sup> M Solly Lubis, Foundations and Legislation Techniques, Publisher Alumni, 2019, Pg.58

In addition to the Legal Certainty Principle, the second principle is the Benefit Principle. What is meant by "principle of benefit" is the benefit that must be considered in a balanced manner between:

- (1) the interests of one individual with the interests of other individuals;
- (2) individual interests with society;
- (3) the interests of Citizens and foreign communities;
- (4) the interests of one community group and the interests of other community groups;
- (5) government interests with community members;
- (6) the interests of the present generation and the interests of future generations;
- (7) the interests of humans and their ecosystems;
- (8) interests of men and women.

If we look at the preambles of the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Volunteers for Disaster Management which has been mentioned in the elucidation of the principle of legal certainty, the description of the preamble also represents the Principle of Benefit that applies to the Government, Communities, Universities and the Business World. .

The third principle is the principle of impartiality. What is meant by "principle of impartiality" is the principle which obliges Government Agencies and/or Officials to make decisions and/or carry out decisions and/or actions by considering the interests of the parties as a whole and not discriminatory. This is in line with the Principles of Volunteer Work mentioned in CHAPTER II Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers where one of the principles is Non-discrimination and Gender Equality and from an enforceability perspective, this general guideline for volunteers for disaster management This applies to all volunteers, whether they come from community organizations, NGOs, universities, the private sector or other parties. The guidelines are expected to enhance cooperation between the Government, local governments, community organizations, NGOs, universities, the private sector and other related parties in disaster management.

The fourth principle is the principle of accuracy. What is meant by "principle of accuracy" is the principle which implies that a decision and/or action must be based on complete information and documents to support the legality of the determination and/or implementation of the decision and/or action so that the decision and/or Actions concerned are carefully prepared before the Decisions and/or Actions are determined and/or carried out. We can also review this from the preamble which has been explained in the previous principle in the explanation of the principle of legal certainty. Apart from that, we can also look at it from a perka background where Indonesia is a disaster-prone country, but at the same time has great human resource potential. Indonesia's large population can be empowered in dealing with emergencies and in disaster risk reduction efforts.

The fifth principle is the principle of not abusing authority. What is meant by "principle of not abusing authority" is the principle obliging every government agency and/or official not to use its authority for personal gain or other interests and not in accordance with the purpose of granting said authority, do not exceed, do not abuse, and/or do not mix up authority. Regarding this principle, we can see from the legal basis that a Head of the National Disaster Management Agency (BNPB) made a policy in the form of guidelines for disaster management volunteers, namely in the Presidential Regulation of the Republic of Indonesia Number 8 of 2008 concerning the National Disaster Management Agency where in Article 2 it is stated that BNPB has task :

- a. provide guidelines and directions for disaster management efforts that cover disaster prevention, handling emergency response, rehabilitation and reconstruction in a fair and equal manner;
- b. determine the standardization and the need for disaster management implementation based on statutory regulations;
- c. convey information on disaster management activities to the public;
- d. report on the implementation of disaster management to the President once a month under normal conditions and at any time during a disaster emergency;
- e. use and account for national and international donations/assistance;
- f. be accountable for the use of the budget received from the State Revenue and Expenditure Budget;
- g. carry out other obligations in accordance with laws and regulations; And
- h. prepare guidelines for the formation of the Regional Disaster Management Agency.

The sixth principle is the principle of openness, the principle of openness is the principle that serves the public to gain access and obtain correct, honest and non-discriminatory information in the administration of government while still paying attention to the protection of personal rights, group and state secrets.

The seventh principle is the principle of public interest. What is meant by "principle of public interest" is the principle that prioritizes public welfare and benefit in an aspirational, accommodative, selective and non-discriminatory manner.

The eighth principle is the Principle of Good Service. What is meant by "principle of good service" is the principle of providing timely services, clear procedures and costs, in accordance with service standards, and provisions of laws and regulations.

We can review the principle of openness, the principle of public interest, and the principle of good service in the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers Chapter II concerning Volunteers for Disaster Management where in carrying out their duties, disaster management volunteers work based on speed and accuracy. ; Priority; Coordination; Efficient and effective; Transparency; Accountability; Partnership; Empowerment; Non-discrimination; Not spreading religion; Gender equality and Respect for local wisdom.

### **Disaster Management Volunteer in *The Core Humanitarian Standard on Quality and Accountability***

*The Core Humanitarian Standard on Quality and Accountability* or hereinafter referred to as the CHS is a tool consisting of Nine Commitments to communities and people affected by crisis which states what they can expect from organizations and individuals who deliver humanitarian assistance.

Each commitment is supported by a quality criterion that defines how the humanitarian organization and staff must work to fulfill it. CHS is structured as follows:

- 1) Nine Commitments
- 2) Supporting Quality Criteria;
- 3) Key Actions that need to be carried out to fulfill the Commitments; And
- 4) Organizational responsibility to support consistent and systematic implementation of Key Actions within the organization.

Key Actions and Organizational Responsibilities respectively describe:

- 1) Activities that must be carried out by workers involved in humanitarian action to deliver high quality programs in a consistent and accountable manner to beneficiaries; And
- 2) Policies, processes and systems that should be in place in organizations engaged in humanitarian action, to ensure staff provide high quality and accountable humanitarian assistance.

How the 9 Quality Commitments & Criteria in *The Core Humanitarian Standard on Quality and Accountability* which are accommodated in the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers, among others:

1. **Communities and people affected by crises receive assistance that is appropriate and according to their needs**, with Quality criteria: Humanitarian response must be appropriate and relevant. We can find this in PERKA BNPB Number 17 of 2011 in CHAPTER VI Letter B where for the deployment of volunteers for disaster management at the Regency/City and Province levels:
  - a. Provincial/Regency/City BPBDs provide information to the main volunteer organization regarding the need for volunteers to be deployed/assigned in disaster management according to the needs at the disaster location.
  - b. Provincial/District/City level supervisory agencies assign volunteers according to the criteria/skills and the number needed at the disaster site.
2. **Communities and people affected by crises have access to the humanitarian assistance they need in a timely manner**, with Quality criteria: Humanitarian response must be effective and timely. We can find this in PERKA BNPB No.17 of 2011 in CHAPTER II Number 2 which contains the Principles of Volunteer Work where one of them is the principle of fast and precise. It is stated that the Principles of Volunteer Work include;
  - a. Quick and precise
  - b. Priority
  - c. Coordination
  - d. Efficient and effective
  - e. Transparency
  - f. Accountability
  - g. Partnership
  - h. Empowerment
  - i. Non-discrimination Not spreading religion
  - j. Gender equality
  - k. Respect local wisdom
3. **Communities and people affected by crises are free from negative impacts and will be better prepared, more resilient and less at risk after receiving humanitarian action**, with quality criteria. Humanitarian responses must encourage local capacity building and not cause bad consequences. This is in accordance with the Volunteer Work Principles previously mentioned, especially Letter (h) Empowerment and letter (l) Respect for local wisdom.
4. **Communities and people affected by crises know their rights guaranteed by law, have access to information and are involved in decision-making processes that affect them**, with Quality criteria: Humanitarian response based on communication, participation and feedback. This is in accordance with the Volunteer

Work Principles previously mentioned, especially Letters (b) Priority, (c) Coordination, (e) Transparency, (f) Accountability, (g) Partnership

5. **Communities and people affected by crises have access to a safe and responsive complaint mechanism**, with Quality criteria: Complaints are welcomed and handled. This is in accordance with the Volunteer Work Principles previously mentioned, especially Letter (b) Priority, (c) Coordination, (e) Transparency, (f) Accountability, (g) Partnership.
6. **Communities and people affected by crisis receive coordinated and complementary assistance**, with Quality criteria: Humanitarian response must be coordinated and complementary. This is in accordance with the Volunteer Work Principles previously mentioned, especially in point (c) Coordination.
7. **Communities and people affected by crises can expect better delivery of aid, as organizations learn from experience and reflection**, with Quality criteria: Humanitarian workers are always learning and improving themselves. We can find this in one of the descriptions in Chapter V of Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 where volunteer development includes all efforts, actions and activities related to planning, education and training, capacity building, deployment, and control of volunteer activities. . Volunteer development aims to:
  - a. Improving the competence (knowledge, attitude and behavior) and integrity of volunteers;
  - b. Increase the capacity of volunteers so they can work properly and professionally, and show maximum performance.
8. **Communities and people affected by crises receive the assistance they need from competent and well-managed staff and volunteers**, with Quality criteria: Staff are supported in carrying out their work effectively and are treated fairly and equally. This is in accordance with several descriptions in Perka BNPB Number 17 of 2011:
  - a. CHAPTER I where Disaster Management Volunteers, hereinafter referred to as volunteers, are a person or a group of people who have the ability and concern to work voluntarily and sincerely in disaster management efforts.
  - b. CHAPTER II, Principles of Volunteer Work letter (c) also includes the principle of Coordination
  - c. CHAPTER II, Panca Darma Disaster Management Volunteers:
    - a) Independent
    - b) professional
    - c) Solidarity
    - d) Synergy
    - e) Accountable
9. **Communities and people affected by crises can expect that the organizations that help them manage resources effectively, efficiently and ethically**, with Quality criteria: Resources are managed and used responsibly according to their designation. In line with CHAPTER V PERKA BNPB Number 17 of 2011 which describes the supervisory agency:
  - a. Trustee Institutions are: agencies/institutions/organizations that are the parent organization of volunteers.
  - b. Advisory agencies are responsible for recruiting, developing capacity, facilitating and assisting the deployment of volunteers.

- c. Disaster management volunteer supervisory agencies are required to coordinate and report their whereabouts to BPBD.

The explanation above shows that the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers already accommodates the 9 Commitments & Criteria for the Quality of Disaster Management Volunteers contained in *The Core Humanitarian Standard on Quality and Accountability*. As for the problem on The redaction of the articles in the Perka which are considered to be too broad or need further explanation and problems with their implementation in the field, are tested further quantitatively in the next sub-chapter.

The results of the recapitulation of the calculation of the answers to the questionnaire regarding the analysis of the Regulation of the Head of the National Disaster Management Agency concerning Guidelines for Volunteers for Disaster Management are as follows:

#### 1. Rights and Obligations of Disaster Management Volunteers

Based on the results of the recapitulation of the variables of the Rights and Obligations of Volunteers for Disaster Management, we can see in Table 9 where it can be concluded that 68.8% of respondents agree that Not all disaster management volunteers have special abilities, skills or skills in disaster management efforts, 65.6% of respondents agree that there is no minimum standard of volunteer ability or minimum requirements that must be met by someone to be registered as a disaster management volunteer, 50% of respondents agree that the principles of volunteer work mentioned in the Perka are still too broad/multi-interpretable/difficult to understand, 56% of respondents agree that the Panca Darma volunteers mentioned in the Perka are still too broad/multi-interpretable/difficult to understand, 59.4% of respondents agree that the right of volunteers to get legal protection in carrying out disaster management tasks, what is stated in the case is still too broad regarding who, what and how the form of legal protection is given to volunteers.

TABLE.9 Results of a Variable Description of the Rights and Obligations of Disaster Management Volunteers

CODE	INDICATOR	SS	S	TS	STS
X1.1	Not all disaster management volunteers have special abilities, skills or skills in disaster management efforts.	9	22	0	1
X1.2	There is no minimum standard for the ability of volunteers or minimum requirements that must be met by someone to be registered as a volunteer for disaster management	8	21	2	1
X1.3	The principle of volunteer work mentioned in the Perka is still too broad/multi-interpretable/difficult to understand	13	16	3	0
X1.4	The Panca Darma volunteers mentioned in the Perka are still too broad/multi-interpretable/difficult to understand	10	18	4	
X1.5	The right of volunteers to get legal protection in carrying out disaster management tasks, which is stated in the case is still too broad about who, what and how the form of legal protection is given to volunteers	12	19	1	0

## 2. Volunteer Data Collection

Based on the results of the recapitulation of the Disaster Management Volunteer Data Collection variables, we can see in Table 10 where it can be concluded that 68.8% of respondents agree that The Volunteer Main Organization does not yet have a database of volunteers, 53.1% agree that the Volunteer Main Organization does not yet have an accurate database of the potential and capacity of its members (volunteers) so that they can be registered/registered at BPBD, 65.6% of respondents agree that the Volunteer Main Organization has never send/report volunteer database to BPBD, 71.9% of respondents agree that volunteers do not yet have a registration number that is in accordance with the standards set by BNPB head regulation Number 17 of 2011 concerning guidelines for volunteers for disaster management, 65.6% of respondents agree that volunteers/organizations Volunteers have not received information regarding the Competency Test conducted by BNPB and/or related volunteer advisory institutions.

TABLE.10 Results of the Description of Volunteer Data Collection Variables

CODE	INDICATOR	SS	S	TS	STS
X2.1	The Volunteer Main Organization does not yet have a volunteer database	4	22	5	1
X2.2	The Volunteer Parent Organization does not yet have an accurate database on the potential and capacity of its members (volunteers) so that they can be registered/registered at BPBD	7	17	7	1
X2.3	The main volunteer organization has never sent/reported the volunteer database to BPBD	3	21	8	0
X2.4	Volunteers do not have registration numbers that comply with the standards set by BNPB head regulation Number 17 of 2011 concerning guidelines for volunteers for disaster management	5	23	4	0
X2.5	Volunteers/Volunteer Organizations have not received information regarding the Competency Test conducted by BNPB and/or related volunteer advisory institutions.	4	21	7	0

## 3. Volunteer Development

Based on the results of the recapitulation of the Volunteer Development variable, we can see in Table.11 where it can be concluded that 65.6% of respondents agree that Disaster management volunteers need to have a certificate/charter/expertise certificate that can support their duties, 62.5% of respondents agree that a certificate/charter/brevet for volunteer expertise is obtained from an official and recognized institution, 62.5% of respondents agree that there is no institutional standardization that can provide guidance and increase the competence of volunteers, 59.4% of respondents agree that BNPB and BPBD have assisted volunteer organizations in carrying out institutional development both providing managerial support and resources for institutional strengthening of volunteer organizations, 65.6% of respondents agree that volunteer organizations are required carry out activities related to planning, education, and training, capacity building, deployment, and control of volunteer activities.

TABLE.11 Results of the Description of Volunteer Development Variables

CODE	INDICATOR	SS	S	TS	STS
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X3.1	Disaster management volunteers need to have a certificate/charter/brevet of expertise that can support their tasks.	10	21	1	0
X3.2	Certificate/ Charter/ Brevet Volunteer expertise is obtained from an official and recognized institution	12	20	0	0
X3.3	There is no standardized institution that can provide guidance and increase the competence of volunteers.	4	20	7	1
X3.4	BNPB and BPBD have assisted volunteer organizations in carrying out institutional development, both providing managerial support and resources for institutional strengthening of volunteer organizations	9	19	4	0
X3.5	Volunteer organizations are required to carry out activities related to planning, education and training, capacity building, deployment and control of volunteer activities	10	21	1	0

#### 4. Volunteer Deployment

Based on the results of the recapitulation of the Volunteer Deployment variable, 62.5% of respondents agreed that Provincial/Regency/City BPBDs currently do not yet have a database of volunteer disaster management organizations, 78.1% of respondents Not all disaster management volunteer organizations received information about the need for volunteers to be deployed/assigned in disaster management according to the needs at the disaster site, 68.8% of respondents agree Volunteers and volunteer organizations are not yet optimal in preparation before volunteer deployment, and 75% of volunteers or volunteer organizations are not optimal or pay attention to administrative equipment and assignment support facilities.

TABLE.12 Results of the Description of Volunteer Deployment Variables

CODE	INDICATOR	SS	S	TS	STS
X4.1	Province/District/City BPBD currently does not have a database of disaster management volunteer organizations	5	20	7	0
X4.2	Not all disaster management volunteer organizations receive information about the need for volunteers to be deployed/assigned in disaster management according to the needs at the disaster site	4	25	3	0
X4.3	Volunteers and volunteer organizations have not been optimal in preparation before the deployment of volunteers	6	22	4	0
X4.4	Volunteers or volunteer organizations have not been optimal or paid attention to administrative equipment and assignment support facilities.	5	24	1	2

#### 5. Administration and Assignment Support Facilities

Based on the results of the recapitulation of the Administration variables and Assignment Support Facilities, it can be seen that 81.3% of respondents agree that The absence of an identity card (KTA) can trigger problems when on duty in the field because there is no legality to be used as volunteer members, 75% of respondents agree that volunteers should be required to be independent (personal equipment and PPE) at least to minimize risks to themselves when in location of the disaster, 68.8% of respondents agree that there is a PIC at the district/city/provincial level for sending reports with the flow agreed in an SOP, and 68.8% of respondents agree that there is a designated PIC for data and information on disaster management conditions that ongoing. (Have an information system unit and a responsible officer)

TABLE.13 Results of the Description of Administrative Variables and Assignment Support Facilities

CODE	INDICATOR	SS	S	TS	STS
X5.1	The absence of an identity card (KTA) can trigger problems when on duty in the field because there is no legality to be used as a member of the volunteers	3	26	3	0
X5.2	Volunteers must be required to be independent (equipment and personal PPE) at a minimum to minimize risks to themselves when at the disaster site	6	24	2	0
X5.3	There is a PIC at the District/City/Provincial level for sending reports with the flow agreed in an SOP	9	22	1	0
X5.4	There is a designated PIC for Data and Information on ongoing disaster management conditions. (Have an information system unit and a responsible officer)	9	22	1	0

## 6. Monitoring and Evaluation

Based on the results of the recapitulation of the Monitoring and Evaluation variables, it can be seen that 56.3% of respondents agree that Monitoring and Evaluation in Volunteer Organizations is not yet a mandatory activity, 65.6% of respondents agree that Volunteer organizations are still not optimal in monitoring and evaluating volunteer activities, and 53.1% of respondents agree that there is no minimum standard regarding guaranteed protection that must be provided towards volunteers.

TABLE.14 Results of the Description of Administrative Variables and Assignment Support Facilities

CODE	INDICATOR	SS	S	TS	STS
X6.1	Monitoring and Evaluation in Volunteer Organizations is not yet a mandatory activity	7	18	7	0
X6.2	Volunteer organizations are still not optimal in monitoring and evaluating volunteer activities	7	21	4	0
X6.3	There is no minimum standard regarding guaranteed protection that must be given to volunteers	6	17	8	1

## CONCLUSION

Based on the results of the research and discussion described in CHAPTER V and CHAPTER VI, it can be concluded as follows:

1. Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers has complied with the General Principles of Good Governance and has complied with internationally accepted commitments and quality standards in *The Core Humanitarian Standard on Quality and Accountability*
2. There are still articles in the Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers from several aspects including the aspect Rights and Obligations of Volunteers in Disaster Management, Volunteer Development, Administration and Assignment Facilities, and Monitoring and Evaluation aspects
3. Both Volunteers, Volunteer Organizations, Advisory Institutions and BPBD in Implementation Regulation of the Head of the National Disaster Management Agency

Number 17 of 2011 concerning Guidelines for Disaster Management Volunteers is still not optimal, especially from the aspect Rights and Obligations of Volunteers in Disaster Management, Volunteer Data Collection, Volunteer Development, Volunteer Deployment, Administration and Assignment Support Facilities as well as Monitoring and Evaluation aspects

## **SUGGESTION**

Based on the conclusions of this study, the researchers provide the following suggestions:

1. Dissemination of Regulation of the Head of the National Disaster Management Agency Number 17 of 2011 concerning Guidelines for Volunteer Response carried out by BNPB, BPBD, Volunteer Development Agencies, and Volunteer Organizations to disaster management volunteers who come from various walks of life, both from government and non-government agencies.
2. Through this socialization, it is hoped that a common perception will be formed regarding the Rights and Obligations to the development of volunteers for disaster management between BNPB, BPBD, Volunteer Development Organizations and Volunteer Organizations for Disaster Management.
3. Data Collection, Development, Deployment, Administration and Assignment Facilities to Monitoring and Evaluation are carried out in an organized and integrated manner starting from the level of Volunteer Organizations, Volunteer Development Agencies, BPBD at the District/City Level, BPBD at the Provincial level to BNPB

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