

Legal and Institutional Frameworks for DPRD-Led Post-Disaster Recovery in Urban and Regency Areas

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Abstract: This study examines the legal and institutional authority of the Regional People's Representative Council (DPRD) in post-disaster rehabilitation policies at the district and city level. The research focuses on the DPRD's legislative, budgetary, and oversight functions as mandated by Law Number 23 of 2014 concerning Regional Government and Law Number 17 of 2014 concerning MPR, DPR, DPD, and DPRD. Findings indicate that the DPRD possesses both legal and political legitimacy to influence the formulation and implementation of post-disaster rehabilitation policies, positioning it as a key actor in ensuring that reconstruction efforts address not only physical infrastructure but also fundamental community rights, such as housing, health, education, and sustainable livelihoods. However, the study reveals that the practical exercise of DPRD authority remains limited. Its functions tend to be procedural and formalistic, with insufficient alignment between budget allocations, legislation, and the actual needs of disaster-affected communities. Limited community participation in policymaking further contributes to a gap between intended policies and outcomes. The study suggests that strengthening the DPRD's role requires a shift toward proactive and substantive engagement, including the development of region-specific post-disaster regulations, enhanced oversight mechanisms, and participatory approaches that involve affected communities. Optimizing these functions would allow the DPRD to ensure more effective, inclusive, and sustainable post-disaster rehabilitation governance.

Keywords: DPRD, Post-Disaster Rehabilitation, Regional Governance, Legislative Authority, Community Participation.

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Introduction

Indonesia is one of the countries with the highest risk of natural disasters in the world. Geographically, the country is located at the confluence of several major tectonic plates, making it vulnerable to earthquakes, tsunamis, volcanic eruptions, floods, landslides, and other hydrometeorological disasters. The impact of natural disasters is not only physical, but also social, economic, and psychological for affected communities. Therefore, an effective, structured, and participatory disaster management system is an urgent need in the life of the nation and state. One crucial phase in disaster management is post-disaster rehabilitation, which aims to restore community life and the functioning of public services to normal after a disaster (Herlina, 2021).

Based on the latest data from the Badan Nasional Penanggulangan Bencana (BNPB), the intensity of disasters in Indonesia remains significantly high. Throughout 2025, Indonesia recorded between 3,233 to 4,727 disaster events, with hydrometeorological disasters such as floods, extreme weather, and forest fires dominating more than 99% of total occurrences. Floods alone accounted for more than 2,000 incidents, making them the most frequent type of disaster. The impact of these disasters is also substantial. In 2025, more than 10 million people were affected or displaced, with over 1,600 fatalities and hundreds reported missing. In addition, disasters caused damage to more than 220,000 housing units and public infrastructure, indicating significant economic losses and long-term recovery challenges.

The lack of scholarly attention to the DPRD's role creates a conceptual and empirical gap in understanding how checks and balances operate in post-disaster governance at the regional level. In practice, weak legislative involvement may contribute to suboptimal policy formulation, limited budget allocation, and inadequate oversight of rehabilitation programs. Therefore, this study positions itself to fill this gap by critically analyzing the role and effectiveness of the DPRD in supporting post-disaster rehabilitation, thereby contributing to the development of a more accountable, participatory, and integrated disaster management system in Indonesia.

Post-disaster rehabilitation encompasses various aspects, such as the restoration of public facilities and infrastructure, community housing, socioeconomic recovery, and strengthening community capacity to cope with future disasters. Within the context of Indonesian law, this activity is explicitly

regulated in Law No. 24 of 2007 concerning Disaster Management, which divides disaster management into three major phases: pre-disaster (mitigation and preparedness), emergency response, and post-disaster (rehabilitation and reconstruction). (Undang-Undang Republik Indonesia Nomor 24 Tahun 2007 Tentang Penanggulangan Bencana, 2007) According to Article 18 letter c of the Law, one of the stages that is the government's obligation is post-disaster rehabilitation and reconstruction which is carried out in a planned, integrated and coordinated manner between parties, including the central government, regional governments and other institutions (Khafian, 2023).

In practice, local governments, through the Regency/City Government, have direct responsibility for implementing the rehabilitation program in accordance with decentralization provisions. Both aspects of planning, funding, implementation (Dewi, 2025), and supervision of the rehabilitation program must be ensured to run according to the needs and conditions of the post-disaster community. This is inseparable from the authority of the regional legislative body, namely the Regional People's Representative Council (DPRD). In accordance with Law No. 17 of 2014 concerning the MPR, DPR, DPD, and DPRD, the DPRD has legislative, budgetary, and supervisory functions in the implementation of regional government covering various development sectors, including budgeting and supervision of post-disaster rehabilitation programs in the district/city.

As a regional legislative body, the Regional People's Representative Council (DPRD) has the authority to draft and enact Regional Regulations (Perda), including regulations governing disaster management, risk mitigation, and post-disaster recovery policies. Research on the implementation of DPRD authority in the formation of Perda shows that the DPRD can use its right of initiative to propose regional regulations that are responsive to community needs, and this authority is crucial in the context of post-disaster rehabilitation. (Rahmat et al., 2024)

The role of the Regional People's Representative Council (DPRD) in post-disaster rehabilitation often receives little systematic attention in empirical studies and public policy. The persistence of obstacles in the implementation of the DPRD's legislative, budgetary, and oversight functions constitutes a structural problem. For example, research in several regions indicates that

DPRDs still face challenges in access to technical data, the technical capacity of legislative members, and public participation in the decision-making process, which impact the quality of regional regulations and budget policies related to disaster management. (Cahyatri, L.S, Sabrina, 2025)

This issue, which highlights the crucial role of the Regional People's Representative Council (DPRD), becomes even more crucial considering the dynamics of post-regional governance in the era of regional autonomy. The decentralized system provides local governments with the flexibility to make policies and allocate resources according to local needs. Furthermore, decentralization also demands strong accountability, particularly in the area of disaster management, which has a far-reaching impact on communities (Nurhannis, 2019)

Method

This research is normative legal research, which is conducted by examining library materials or secondary data as the primary source. Normative legal research focuses on the study of legal norms written in legislation, court decisions, the doctrines of legal experts, and legal principles relevant to the research object (Mamudji, 2003). This study aims to analyze the authority of the Regional People's Representative Council (DPRD) in post-disaster rehabilitation in district/city areas, as regulated in applicable laws and regulations, particularly Law Number 24 of 2007 concerning Disaster Management and Law Number 23 of 2014 concerning Regional Government along with their implementing regulations (Khaerani, 2021).

In conducting this research, several approaches are employed. First, the statutory approach (statute approach), which examines and analyzes various laws and regulations governing disaster management and regional governance. Second, the conceptual approach (conceptual approach), which explores legal doctrines, principles, and theoretical frameworks related to decentralization, governance, and legislative functions. Third, the analytical approach (analytical approach), which is used to assess the consistency and coherence of legal norms governing the authority of the DPRD in post-disaster rehabilitation. Additionally, a case approach (case approach) may be used, where relevant, to examine judicial decisions or practical cases that reflect the implementation of these norms. The data analysis technique applied is qualitative legal analysis, which is carried out by systematically interpreting and evaluating legal materials. This analysis involves several stages. First, classification

and systematization, where legal materials are organized based on their relevance to the research problem. Second, interpretation of legal norms, using methods such as grammatical, systematic, and teleological interpretation to understand the meaning and purpose of the provisions. Third, evaluation and argumentation, where the researcher critically assesses the adequacy, consistency, and effectiveness of the existing legal framework governing the DPRD's authority in post-disaster rehabilitation (Olowu, 2010).

Result and Discussion

Legal Regulations for Disaster Management in the Regions

Regional disaster management in Indonesia is an essential component of the national legal system, underpinned by the constitutional mandate to safeguard the entire nation and its territory from the adverse impacts of disasters. The legal framework is primarily structured around Law Number 24 of 2007 concerning Disaster Management, which governs the norms, obligations, and operational mechanisms across all stages of disaster management, including prevention, mitigation, response, post-disaster protection, and recovery. This law explicitly defines the roles and responsibilities of regional governments, reflecting the principle of decentralization to enable localized and context-specific disaster interventions (R.L, 2025).

In practice, the Regional Disaster Management Agency (BPBD) functions as the main technical institution responsible for implementing disaster management at provincial, district, and city levels. Its responsibilities include preparing regional disaster management plans, coordinating multi-sectoral activities, mobilizing local resources, and monitoring recovery programs. Research within the BPBD context shows that the agency plays a central role in disaster prevention, response, and rehabilitation, with authority derived directly from national legislation and implementing regulations (Y.P, 2024).

Although the BPBD possesses strong operational authority, the role of the Regional People's Representative Council (DPRD) in post-disaster rehabilitation is often limited. Despite having legislative, budgetary, and oversight authority, the DPRD's involvement in rehabilitation programs frequently focuses solely on budget approval, with minimal participation in policy formulation or supervision. This restricts the system of checks and

balances and undermines accountability in disaster management implementation.

Further challenges arise from the limited incorporation of preventive and participatory mechanisms. In many regions, community involvement in post-disaster rehabilitation programs remains minimal, reducing transparency and the alignment of recovery activities with the needs of affected populations. This gap often leads to delays, inefficiencies, and misallocation of resources.

Effectiveness of regional disaster management regulations cannot be judged solely based on their legal completeness; it must also account for institutional capacity, inter-agency coordination, and local political dynamics. Strengthening regulatory harmonization, enhancing DPRD oversight functions, and improving governance mechanisms are therefore essential to ensure that disaster management policies are implemented effectively, equitably, and with accountability (Sumarsyah, 2025).

Local governments also have the legal responsibility to establish policies and allocate budgets for disaster management through the Regional Budget (APBD). This legal provision requires integration of disaster mitigation and preparedness strategies into regional development planning, ensuring that policies are not only responsive to local risks but also sustainable from a legal and operational perspective. However, research highlights a persistent gap between normative authority and implementation realities, including budget limitations, capacity constraints, and weak coordination across sectors in several regions (Syafa'atul Islamiyah, Yudhia Ismail, & Humiati, 2025).

Disaster management regulations intersect with other legal fields, such as spatial planning, infrastructure development, and environmental law. Daswati (2020) emphasizes that conflicts and overlaps between Law 24/2007 and sectoral regulations have caused unclear responsibilities and operational inefficiencies, underscoring the necessity of legal harmonization to ensure alignment of norms at all government levels.

Collaborative governance has been identified as a key factor in enhancing disaster management capacity. Lassa (2022) notes that districts engaging in multi-stakeholder collaboration—between local governments, NGOs, community organizations, and private sectors—achieve faster and more effective recovery outcomes. Such collaboration enhances local resilience and ensures that the implementation of disaster policies is contextually relevant.

Despite the normative robustness of Indonesia’s disaster management framework, practical implementation reveals ambiguities in the scope of local government discretion, particularly in emergency situations. Clear guidelines are essential to ensure that the principle of public protection—the primary objective of disaster law—is fully realized.

Table 1. BPBD Disaster Management Implementation and DPRD Coordination in Selected Regions

District/City	BPBD Disaster Plan Implementation (%)	Coordination with DPRD (%)	Budget Utilization for Rehabilitation (%)
Jakarta	92	55	68
Surabaya	87	48	70
Bandung	81	43	65
Makassar	76	42	60
Medan	72	37	58

Source: BPBD Annual Report, 2023; Syafa’atul Islamiyah et al., 2025

Table 1 demonstrates that while BPBD agencies largely implement disaster plans effectively, DPRD coordination remains limited, particularly in policy and oversight roles. This discrepancy highlights the gap between normative legal authority and practical accountability, suggesting that enhanced legislative engagement is necessary to optimize post-disaster rehabilitation outcomes.



Figure 1. Hierarchical Structure and Authority in Regional Disaster Management

Figure 1 illustrates the hierarchical authority structure in Indonesia's regional disaster management. Central government (orange) formulates policy and allocates funding. Provincial BPBD (blue) coordinates and approves regional plans, while district/city BPBD (green) implements technical operations and manages local resources. Communities (red) are primary beneficiaries, and DPRD (purple) provides legislative, budgetary, and oversight functions. The figure emphasizes interdependence between technical execution and strategic governance, highlighting the importance of participatory mechanisms, legal harmonization, and multi-level coordination for effective disaster management.

The Authority of the Regional People's Representative Council (DPRD) in Post-Disaster Rehabilitation Handling Policies in the Regions

Post-disaster rehabilitation is a crucial stage in the disaster management cycle, aiming to restore social, economic, and local government functions following a disaster. Law No. 24 of 2007 concerning Disaster Management defines rehabilitation as efforts to improve and restore all aspects of public services and community life to an adequate level. At this stage, the role of local governments becomes very dominant because they are the parties most familiar with the conditions and needs of disaster-affected communities. (Nurhayati, 2018)

In the context of regional governance, post-disaster rehabilitation policies are inextricably linked to the role of the regional legislative body, the Regional People's Representative Council (DPRD). The DPRD has the constitutional and legal authority to participate in the formulation, budgeting, and oversight of regional public policies, including post-disaster rehabilitation policies. Therefore, a discussion of the DPRD's authority in post-disaster rehabilitation policies is relevant to realizing accountable and community-centered disaster governance.

Normatively, the DPRD's authority stems from Law Number 23 of 2014 concerning Regional Government and Law Number 17 of 2014 concerning the People's Consultative Assembly (MPR), the House of Representatives (DPR), the Regional Representative Council (DPD), and the Regional People's Representative Council (DPRD). These provisions emphasize that the DPRD

has three primary functions: legislation, budgeting, and oversight. These three functions provide the legal basis for the DPRD to actively participate in post-disaster rehabilitation policies in the region. Normatively, the DPRD's authority stems from Law Number 23 of 2014 concerning Regional Government and Law Number 17 of 2014 concerning the People's Consultative Assembly (MPR), the House of Representatives (DPR), the Regional Representative Council (DPD), and the Regional People's Representative Council (DPRD). These provisions emphasize that the DPRD has three primary functions: legislation, budgeting, and oversight. These three functions provide the legal basis for the DPRD to actively participate in post-disaster rehabilitation policies in the region. (Sari, 2021)

The Regional People's Representative Council (DPRD) budget function plays a strategic role in determining the effectiveness of post-disaster rehabilitation policies. Rehabilitation requires substantial and sustainable budget allocations, including for infrastructure restoration, housing, public services, and community economic recovery. The DPRD has the authority to discuss and approve the Regional Budget (APBD), including the allocation of post-disaster rehabilitation funds.

In addition to its legislative and budgetary functions, the Regional People's Representative Council (DPRD) also has an oversight role in overseeing the implementation of post-disaster rehabilitation policies implemented by the regional government and related regional agencies, such as the Regional Disaster Management Agency (BPBD). This oversight aims to ensure that rehabilitation policies and programs are implemented in accordance with laws and regulations, are targeted, and are accountable.

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Secara teoritis, kewenangan DPRD dalam kebijakan rehabilitasi pasca bencana dapat dianalisis melalui teori kewenangan dalam hukum administrasi negara. Menurut doktrin hukum administrasi, kewenangan merupakan

kekuasaan hukum yang diberikan oleh peraturan perundang-undangan kepada a state organ to act in the public sphere. In this context, the DPRD's authority is attributive, as it is granted directly by law, specifically the Regional Government Law and the Regional Legislation (Hasan, 2024).

Within a decentralized framework, the Regional People's Representative Council (DPRD) serves as a political representation of local communities, balancing the power of the regional executive. Therefore, the DPRD's authority in post-disaster rehabilitation policies cannot be understood solely as administrative authority, but also as an instrument of local democracy. Research in the *Journal of Public Administration* shows that the strength or weakness of post-disaster rehabilitation policies in regions is significantly influenced by the extent to which the DPRD fulfills its role as a representative institution that articulates the interests of disaster-affected communities.

Within the institutional structure of regional disaster management, the Regional Disaster Management Agency (BPBD) is the regional agency with technical authority in implementing post-disaster rehabilitation. Meanwhile, the DPRD is not directly involved in technical implementation, but has strategic authority in policy regulation and oversight.

Conclusion

This study demonstrates that the Regional People's Representative Council (DPRD) holds a well-established legal and institutional authority in post-disaster rehabilitation at the district and city level. The research highlights that, despite its normative legitimacy, the DPRD's practical exercise of legislative, budgetary, and oversight functions is often constrained by procedural and formalistic practices, limiting its effectiveness in addressing the real needs of disaster-affected communities. The findings contribute theoretically by providing a nuanced understanding of the interplay between legal frameworks, political legitimacy, and institutional capacity in regional disaster governance. Practically, the study offers insights into how local legislative bodies can enhance community-oriented and inclusive rehabilitation policies.

However, the research has certain limitations. It primarily focuses on the legal and institutional aspects of DPRD authority, with limited examination of socio-cultural and economic dynamics that may influence policy implementation. Future studies could explore the perspectives of affected communities and other

stakeholders to provide a more comprehensive evaluation of DPRD's role in post-disaster recovery.

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Author Contributions Statement

MY, was responsible for the conceptualization of the study, development of the theoretical framework, data analysis, and the drafting of the main manuscript. RR, contributed to data collection, validation of the analysis, as well as the editing and final refinement of the manuscript.

AI Usage Statement

During the preparation of this manuscript, the author(s) used ChatGPT to assist in improving grammar, language quality, and overall readability of the text. After using this tool, the author(s) Carefully reviewed and edited the content as necessary and take full responsibility for the content of the publication.

Conflict of Interest

The authors declare that there are no conflicts of interest related to this research and its publication, whether financial or non-financial in nature.

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