

# Disaster Governance Models within the National Regulatory Framework

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## Abstract

### Article history:

Received: July 9, 2022

Revised: September 5, 2022

Accepted: October 27, 2022

Published: December 30, 2022

### Keywords:

Decentralization,  
Disaster Management,  
Governance,  
Public Policy,  
Regulation.

### Identifier:

Nawala

Page: 131-146

<https://nawala.io/index.php/ijgspa>

This article examines disaster governance by analyzing the interaction between regulatory frameworks and institutional practices, with particular emphasis on Law No. 24 of 2007 on Disaster Management, which serves as the primary national legal foundation. Using a literature-based approach, the study explores how regulatory mandates are translated within a decentralized system, especially in terms of coordination, institutional capacity, and the integration of mitigation into spatial planning. The findings reveal that although Law No. 24/2007 provides a comprehensive formal structure, its implementation remains constrained by disparities in local capacity, uneven resource allocation, and insufficient cross-sectoral harmonization. Moreover, the absence of integrated risk information systems and limited participatory mechanisms hinders efforts to reduce community vulnerability in a sustainable manner. These results underscore the need for policy reconstruction that prioritizes adaptive governance, strengthens institutional competencies, and enhances central–local synergy to ensure that the regulatory framework effectively contributes to improving disaster resilience.

## 1. Introduction

Disaster management in Indonesia requires a comprehensive, multilevel, and collaborative governance model due to the multi-hazard nature of the threat and deregionalized governance structure. The national legal framework, especially Law No. 24 of 2007 on Disaster Management, has provided a formal basis for the functions of mitigation, preparedness, emergency response, and rehabilitation and reconstruction; while Law No. 23 of 2014 on Regional Government and Law No. 26 of 2007 on Spatial Planning place operational and spatial planning responsibilities at the regional level to demand the harmonization of policies between levels of government for the effectiveness of risk reduction (Law No. 24/2007; Law No. 23/2014; Law No. 26/2007). Academics and practitioners state that the existence of a legal framework alone does not guarantee real implementation results are greatly influenced by regional institutional capacity, budget allocation, and cross-sector coordination mechanisms that function routinely and during crises.<sup>1</sup>

Several empirical studies in the last five-year period highlight that the phenomenon of governance in the field often displays discontinuity between national policies and local practices: this dynamic arises due to variations in the capacity of provincial/district/city Regional Disaster Management Agency (*Badan Penanggulangan Bencana Daerah*/BPBD), differences in the maturity of regional regulations (*perda/perkada*), and the active role of non-governmental actors of local communities, NGOs, and the private sector, which often determine the speed and

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<sup>1</sup> Samantha Melis and Raymond Apthorpe. "The politics of the multi-local in disaster governance." *Politics and Governance* 8, no. 4 (2020): 366-374.

quality of responses.<sup>2 3</sup> Thus, effective governance must combine legal affirmation, formal coordination mechanisms, and space for local initiatives so that community resources can be mobilized in a structured manner. In addition, the integration of mitigation into spatial planning is a key issue: without synchronization between spatial planning policies and risk reduction strategies, development that looks productive can actually increase exposure to hazards.<sup>4</sup>

The context of decentralization adds complexity because the authority of decentralization gives autonomy to the regions, but also shows the inequality of capacity between regions; as a result, differences in technical and financial capacity lead to unequal protection of communities against disasters.<sup>5</sup> Case studies also show that when formal structures are hampered or rigid, local actors develop adaptive mechanisms in the form of informal networks, modified emergency protocols, and accelerated cross-sector collaboration to maintain public services and safety.<sup>6</sup> This phenomenon emphasizes the need for governance that is not only legalistic but also flexible, able to accommodate operational innovation without sacrificing accountability.

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<sup>2</sup> Deserai A. Crow, Elizabeth A. Albright, Todd Ely, Elizabeth Koebele, and Lydia Lawhon. "Do disasters lead to learning? Financial policy change in local government." *Review of Policy Research* 35, no. 4 (2018): 564-589.

<sup>3</sup> Asitha de Silva, Richard Haigh, and Dilanthi Amaratunga. "A systematic literature review of community-based knowledge in disaster risk reduction." *Multi-hazard early warning and disaster risks* (2021): 303-320.

<sup>4</sup> Turniningtyas Ayu Rachmawati, Dwi Rahmawati, and Adi Susilo. *Pengurangan Risiko Bencana Berbasis Tata Ruang*. Malang: Universitas Brawijaya Press, 2018.

<sup>5</sup> Vladimir M. Cvetković, Jasmina Tanasić, Adem Ocal, Želimir Kešetović, Neda Nikolić, and Aleksandar Dragašević. "Capacity development of local self-governments for disaster risk management." *International journal of environmental research and public health* 18, no. 19 (2021): 10406.

<sup>6</sup> Gordon Crawford and Chas Morrison. "Community-led reconstruction, social inclusion and participation in post-earthquake Nepal." *Development Policy Review* 39, no. 4 (2021): 548-568.

Conceptually, the ideal disaster management governance model combines institutional elements (regulations, bureaucracy), capabilities (human resources, financing, infrastructure), a network of actors (central-regional governments, communities, private sectors, NGOs), and technical instruments (spatial planning, risk information systems, operational SOPs). In practice, challenges arise at the transition points between these elements: harmonization of central-regional laws, mainstreaming mitigation in spatial planning, strengthening the capacity of BPBD, and formal community participation mechanisms. This study aims to examine the phenomenon of governance within existing legal frameworks and identify key loopholes that hinder the transformation of policies into consistent and equitable protection practices across regions.

Based on the above description, the two main research questions that guide this study are: (1) How does the phenomenon of disaster management model governance manifest and operate within the framework of national law (including Law No. 24/2007, Law No. 23/2014, and Law No. 26/2007) in general without referring to a specific case or region? and (2) What are the main challenges in the implementation of the law, including the urgency of regulatory changes, the need for policy reconstruction, and implementation obstacles that hinder the achievement of effective and sustainable disaster management governance?

## **2. Methods**

This study uses a literature study method to understand in depth the governance model in disaster management based on the national legal framework

and the latest scientific findings. This approach was chosen because it is able to provide a strong conceptual foundation, show the development of thought, and combine various relevant empirical studies without the limitations of space and time as usually encountered in field research. The literature study allows researchers to examine the relationship between Law No. 24 of 2007 concerning Disaster Management, Law No. 23 of 2014 concerning Regional Government, and Law No. 26 of 2007 concerning Spatial Planning, with governance practices identified in previous studies. Thus, a comprehensive analysis can be carried out to see the gap between the substance of the law and its implementation in different institutional contexts.

The initial stage of the research was carried out by identifying scientific literature published in the last five years period, especially Google Scholar-indexed journal articles that discuss issues of disaster management, public policy, government administration, spatial planning, and collaborative governance. The search was conducted using keywords such as “disaster governance”, “Indonesian disaster management”, “disaster policy”, “BPBD”, “decentralization and disaster”, and “disaster risk reduction and spatial planning”. Articles that meet the inclusion criteria are then sorted based on the relevance of the topic, methodological credibility, and its compatibility with the research focus, namely understanding governance phenomena and identifying policy implementation challenges.

Once the literature is collected, the analysis stage is carried out with a thorough reading to extract the main themes. The thematic analysis is directed at four aspects: first, how regulations shape the authority structure and coordination

between levels of government; second, how institutional capacity affects policy implementation; third, how is the role of non-governmental actors in supporting or complementing formal governance; and fourth, how to integrate disaster mitigation in spatial planning and regional development. These four aspects were chosen because they are fundamental components in the governance model that are directly related to the effectiveness of disaster management.

The findings from various sources are then synthesized narratively to answer the two research questions that have been set out in the introduction. This synthesis is carried out by comparing the similarities and differences of findings between studies, assessing the suitability or incompatibility between legal frameworks and practices in the field, and identifying gaps that can be the basis for policy recommendations or the formulation of better governance models. Thus, this literature study method not only functions as an information collection, but also as a systematic analytical process to understand the construction of disaster governance in the context of regulations and institutional practices in Indonesia.

### **3. Results and Discussion**

#### **3.1. Phenomenon of Disaster Management Governance**

The phenomenon of disaster management governance in Indonesia must be read through the lens of the relationship between national legal frameworks and institutional practices at different levels of government. Formally, Law No. 24 of 2007 establishes a series of functions for mitigation, preparedness, emergency response, rehabilitation, and reconstruction, and places the National Disaster

Management Agency (Badan Nasional Penanggulangan Bencana/BNPB) as the national coordinator. Meanwhile, Law No. 23 of 2014 delegates operational and implementation roles to local governments and BPBD, and Law No. 26 of 2007 binds spatial planning aspects as an important pillar in risk mitigation. However, at the practical level, the interaction between legal norms and institutional capacity gives rise to a pattern of non-uniform outcomes: some regions can leverage the regulatory framework as a proactive instrument to reduce exposure, while others are still struggling to realize the legal mandate due to limited resources, weak cross-sector coordination, and development pressures that often ignore risk analysis (Law No. 24/2007; Law No. 23/2014; Law No. 26/2007).

Empirical analysis of the literature over the past five years shows that the emerging governance phenomenon is multidimensional. First, decentralization results in a plurality of legal and administrative practices that have implications for legal certainty and response capabilities in the regions. Decentralization opens up space for local governments to develop local regulations, SOPs, and strategies that are more responsive to regional characteristics. However, these characteristics also magnify the variation in the technical and financial capacities available to BPBD. As a result, the effectiveness of the implementation of the law is highly tied to fiscal conditions, management quality, and local bureaucratic stability; regions with stronger planning capacity tend to be more advanced in internalizing the mandate of the law, while low-capacity regions often dwell on procedural fulfillment alone.<sup>7</sup>

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<sup>7</sup> Dae Woong Lee. "Local government's disaster management capacity and disaster resilience." *Local Government Studies* 45, no. 6 (2019): 803-826.

Second, the network of actors from the central government, local governments, NGOs, the private sector, academics, and local communities is a vital resource that fills operational gaps. Studies on institutional networks confirm that when formal mechanisms of coordination are weak or slow, informal networks and community initiatives often facilitate a more rapid and adaptive response. This shows that statutory authority needs to be complemented by social network mechanisms that connect formal and non-formal<sup>8</sup> actors, so that information flow, resource mobilization, and decision-making become more dynamic.<sup>9 10</sup>

Third, the integration of mitigation in spatial planning is an element that greatly determines the direction of risk governance. Law No. 26/2007 requires each region to consider vulnerability to hazards in the preparation of spatial plans. However, planning practices in many areas face a tug-of-war between short-term economic interests, such as the expansion of industrial or residential estates and the need for long-term mitigation. When economic interests are more dominant, disaster-prone zoning is not always adhered to or enforced consistently, thus giving rise to a paradox: rules exist, but community exposure continues to increase due to weak implementation.<sup>11</sup>

Fourth, the aspect of institutional capacity is not only related to the budget but also to human resources, bureaucratic structure, operational standards, and risk

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<sup>8</sup> Muhammad Abdullahi and Nooraini Othman. "Bridging the gap between policy intent and implementation." *Journal of Science, Technology and Innovation Policy* 6, no. 1 (2020): 24-33.

<sup>9</sup> Oscar Radian Danar. *Disaster governance: Sebuah pengantar*. Yogyakarta: Diva Press, 2020.

<sup>10</sup> Asitha de Silva, Richard Haigh, and Dilanthi Amaratunga. "A systematic literature review of community-based knowledge in disaster risk reduction." *Multi-hazard early warning and disaster risks* (2021): 303-320.

<sup>11</sup> Syarifah Gita Rozita, and Rukuh Setiadi. "Kerangka kerja penilaian rencana tata ruang berbasis manajemen risiko bencana." *Region: Jurnal Pembangunan Wilayah dan Perencanaan Partisipatif* 15, no. 2 (2020): 189-205.



information systems. These components are needed so that the clauses in the Law can be translated into operational actions in the pre-disaster and post-disaster stages. Research shows that BPBD in various regions still needs to strengthen technical and managerial capacity to carry out the mandates regulated by Law No. 24/2007 and Law No. 23/2014 effectively. Lack of training, lack of experts, and limited technical facilities make policy implementation often not achieve the expected effectiveness.<sup>12</sup>

Fifth, the phenomenon of adaptive governance emerged in response to uncertainty and cascading events that are increasingly difficult to predict. In this context, formal institutions learn to form more flexible practices without eliminating accountability. Adaptation can be seen when local authorities change communication patterns, speed up the decision-making process, or modify SOPs to match field dynamics. This suggests that the legal framework should provide room for practical innovation while still presenting oversight mechanisms. However, the literature also warns that flexibility that is not accompanied by an accountability system can lead to inconsistencies, policy bias, and potential misuse of public resources.<sup>13 14</sup>

The phenomenon of disaster management governance reflects the need to balance law enforcement, implementation capacity, network dynamics of actors, and institutional adaptive capabilities. All of these elements must be systematically

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<sup>12</sup> Alexander Phuk Tjilen. *Konsep, Teori dan Teknik, Analisis Implementasi, Kebijakan Publik: Studi Implementasi Program Rencana Strategis Pembangunan Kampung*. Bandung: Nusamedia, 2019.

<sup>13</sup> Oscar Radyan Danar. *Disaster governance: Sebuah pengantar*. Yogyakarta: Diva Press, 2020.

<sup>14</sup> Annisa Triyanti, Muh Aris Marfai, Estuning Tyas Wulan Mei, and Irina Rafliana. "Review of socio-economic development pathway scenarios for climate change adaptation in indonesia: Disaster risk reduction perspective." In *Climate Change Research, Policy and Actions in Indonesia: Science, Adaptation and Mitigation*, Cham: Springer International Publishing, (2020): 13-31.

aligned so that the applicable laws are not only normative texts, but also able to carry out effective functions in reducing risks and building community resilience holistically.

### **3.2. Challenges, Urgency of Policy Reconstruction, and Implications of Law Implementation**

The application of Law No. 24 of 2007, Law No. 23 of 2014, and Law No. 26 of 2007 in the field faces structural, institutional, and political obstacles, so that there is a gap between normative provisions and operational practices. Structurally, the distribution of authority due to decentralization places operational responsibilities on local governments through BPBD, but the available fiscal resources and technical capacity vary greatly between regions. This condition causes the ability to fulfill the mandate of the law, ranging from the preparation of contingency plans, mapping of risk zones, integration of mitigation in the Local Medium-Term Development Plan (*Rencana Pembangunan Jangka Menengah Daerah*/RPJMD), to the budgeting of Disaster Risk Reduction (DRR) programs to be uneven; some regions are quite effective in implementing policies, while others are only able to fulfill administrative obligations without substantial implementation (Law No. 24/2007; Law No. 23/2014).<sup>15</sup>

The problem of inter-sector coordination and overlapping authority is are fundamental operational obstacle. The Disaster Management Law establishes BNPB

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<sup>15</sup> Vladimir M. Cvetković, Jasmina Tanasić, Adem Ocal, Želimir Kešetović, Neda Nikolić, and Aleksandar Dragašević. "Capacity development of local self-governments for disaster risk management." *International journal of environmental research and public health* 18, no. 19 (2021): 10406.

as the national coordinator, but practical coordination mechanisms, especially in the pre-disaster phase that touch on the spatial planning, public works, health, social, and environmental sectors, are often frictionless. Each regional office has a different agenda, budget priorities, and capacities, so that the integration of mitigation into the development process often does not run consistently. This is increasingly apparent when risk zoning or disaster-prone maps are not fully referenced in licensing or the preparation of Regional Spatial Planning (*Rencana Tata Ruang Wilayah*/RTRW), so that the objectives of Law No. 26/2007 are not optimally achieved. The literature shows that without a legal and administrative mechanism that clarifies the flow of command, coordination will still depend on personal relationships or ad hoc structures that are vulnerable to change when there is a change of officials or changes in regional politics.<sup>16 17</sup>

The local regulatory aspect is also a serious challenge. Regional regulations or derivative regulations are not always harmonious with central policies, so that legal loopholes arise that can be exploited, for example, to relax risk zones for the sake of investment or increase Local Own-Source Revenue (*Pendapatan Asli Daerah*/PAD). The absence of strict sanctions and the lack of enforcement capacity in the regions weaken the usability of spatial rules and produce development that indirectly

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<sup>16</sup> Deserai A. Crow, Elizabeth A. Albright, Todd Ely, Elizabeth Koebele, and Lydia Lawhon. "Do disasters lead to learning? Financial policy change in local government." *Review of Policy Research* 35, no. 4 (2018): 564-589.

<sup>17</sup> Samantha Melis and Raymond Apthorpe. "The politics of the multi-local in disaster governance." *Politics and Governance* 8, no. 4 (2020): 366-374.

increases people's exposure to dangers.<sup>18 19</sup> In this context, policy reconstruction should emphasize the harmonization of the law vertically as well as horizontally, as well as ensure that spatial planning is not subject to short-term economic pressures.

The issue of human capacity and information systems is also a critical obstacle. BPBDs that lack trained human resources, risk modeling tools, and integrated data systems will find it difficult to formulate evidence-based policies. The lack of national standards for BPBD's technical competencies has led to huge variations in professionalism between regions. Many capacity-building efforts rely only on temporary donor projects or central programs that are not sustainable, thus incapable of forming a solid institutional system.<sup>20 21</sup> In addition, the lack of inter-agency data interoperability, for example, between the planning, health, social, and water resources sectors, weakens the government's ability to anticipate multi-hazard and cascading events, so that the need for a national-local integrated risk information platform becomes increasingly urgent.<sup>22</sup>

The dimensions of community participation and social inclusion are often overlooked. Although the law affirms the role of the community, in practice,

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<sup>18</sup> Dae Woong Lee. "Local government's disaster management capacity and disaster resilience." *Local Government Studies* 45, no. 6 (2019): 803-826.

<sup>19</sup> Turniningtyas Ayu Rachmawati, Dwi Rahmawati, and Adi Susilo. *Pengurangan Risiko Bencana Berbasis Tata Ruang*. Malang: Universitas Brawijaya Press, 2018.

<sup>20</sup> Muhammad Abdullahi and Nooraini Othman. "Bridging the gap between policy intent and implementation." *Journal of Science, Technology and Innovation Policy* 6, no. 1 (2020): 24-33.

<sup>21</sup> Mihoko Sakurai and Yuko Murayama. "Information technologies and disaster management—Benefits and issues." *Progress in Disaster Science* 2 (2019): 100012.

<sup>22</sup> Annisa Triyanti, Muh Aris Marfai, Estuning Tyas Wulan Mei, and Irina Rafliana. "Review of socio-economic development pathway scenarios for climate change adaptation in indonesia: Disaster risk reduction perspective." In *Climate Change Research, Policy and Actions in Indonesia: Science, Adaptation and Mitigation*, Cham: Springer International Publishing, (2020): 13-31.

participation is often a formality and not designed inclusively. Vulnerable groups such as women, indigenous peoples, and marginalized economic groups are often not meaningfully engaged due to language barriers, access, and technical capacity. As a result, many post-disaster reconstruction programs are not oriented towards sustainable recovery and instead reinforce existing social inequality.<sup>23</sup> Therefore, policy reconstruction should include clear and measurable participatory mechanisms, such as social audits, deliberative forums, or the obligation of community involvement in the preparation of disaster and spatial planning documents.

Politically, the government's focus on long-term mitigation is often outpaced by short-term development incentives. Many regional heads are more interested in projects that deliver quick visual results and are advantageous, while mitigation programs, while very important, are often considered unpopular or difficult to communicate. Therefore, there is a need for policy instruments that combine fiscal incentives, such as central transfers based on DRR performance, as well as accountability mechanisms that link regional budget allocation with the achievement of risk reduction indicators.<sup>24 25</sup>

All of these obstacles underscore the urgency of multidimensional policy reconstruction: harmonization of central-regional regulations, the establishment of

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<sup>23</sup> Gordon Crawford and Chas Morrison. "Community-led reconstruction, social inclusion and participation in post-earthquake Nepal." *Development Policy Review* 39, no. 4 (2021): 548-568.

<sup>24</sup> Syarifah Gita Rozita, and Rukuh Setiadi. "Kerangka kerja penilaian rencana tata ruang berbasis manajemen risiko bencana." *Region: Jurnal Pembangunan Wilayah dan Perencanaan Partisipatif* 15, no. 2 (2020): 189-205.

<sup>25</sup> Alexander Phuk Tjilen. *Konsep, Teori dan Teknik, Analisis Implementasi, Kebijakan Publik: Studi Implementasi Program Rencana Strategis Pembangunan Kampung*. Bandung: Nusamedia, 2019.

BPBD competency standards, the development of an integrated risk information system, fiscal incentives for mitigation, and participatory mechanisms that strengthen social inclusion. Without reconstruction that goes hand in hand with capacity building and institutional incentives, the various laws in force risk becoming formal administrative frameworks that are unable to produce substantive changes in reducing people's vulnerability.

#### **4. Conclusion**

This study shows that the governance model of disaster management is shaped by the interaction between national legal frameworks, institutional capacity, and the dynamics of actors at various levels of government. Law No. 24 of 2007, Law No. 23 of 2014, and Law No. 26 of 2007 provide a comprehensive normative foundation, but their effectiveness is largely determined by the ability of the regions to translate the regulatory mandate into consistent practical implementation. The phenomenon of capacity imbalances, variations in the quality of coordination, limited human resources and information, and the tug-of-war in the use of space show that the success of disaster governance depends not only on the presence of rules, but also on institutional alignment and adequate support systems.

These challenges underscore the importance of policy reconstruction that emphasizes central-regional legal harmonization, strengthening the technical capacity of institutions, developing an integrated risk information system, and improving public participation mechanisms. These efforts need to be supported by fiscal incentives, competency standards, and accountability mechanisms that ensure

that every level of government has the motivation and ability to exercise authority effectively. By strengthening these aspects, disaster management governance can move from just administrative compliance to an adaptive, inclusive, and sustainable system, thereby reducing vulnerability and increasing community resilience more equitably.

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