

# *The Protection of Refugees Rights of Natural Disasters in Central Sulawesi Indonesia*

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**Abstract-**The research aims to evaluate a local law in implementation to fulfill the rights of the victims of natural disasters, earthquake, tsunami and liquefaction in Palu, Sigi, Central Sulawesi and Donggala, what does the local regulation appropriate to fulfill the rights of the victims of a natural disaster, and what is the implications of the failed local regulation protection. The research is a descriptive-analytic method used is the method of approach to the statute, concept and history approach. The impact of such disasters cause thousands of casualties and damage to various government and public infrastructure. The number of homes that suffered damage reached 66.926 unit, about 211.000 internally displace people and 6.867 inhabitants live in tents and is spread over 109 points. Although the time of the response (recovery) has entered the seventh month, however, the realization of guarantee and provided of the rights of such victims; life assurance, health, education, relief of life, permanent residence, and shelter was not met. The study found the model of legal protection for victims of natural disasters in Palu City, Sigi, and Donggala Central Sulawesi. Constraints of the implementation in fulfillment of the victim's rights over natural disasters and the implications of insufficient fulfill the victim rights over natural disasters in Central Sulawesi.

**Keyword-***Protection, Local Regulation, Victim Rights.*

## I. INTRODUCTION

Unitary State of the Republic of Indonesia responsible for protecting all of the nation of Indonesia, and all the spilled blood of Indonesia with the aim to provide protection to the lives and livelihoods including protection of disasters, in order realizing the common good based on Pancasila, as mandated in the Constitution of the Republic of Indonesia Year 1945. Article 5 law number 24 of 2007 concerning disaster relief (UUPB 2007) mentions, "the government and the local authorities being in charge put mitigation measures implement disaster". Later in the point, c of the article mentioned, "the responsibility of the government in the implementation of disaster mitigation measures include ensuring respect for the rights of the community and the affected refugees in an equitable way and. following the standard minimum service" [1]

Indonesia's National Disaster Management Agency (BNPB) and local government guarantee and respect for the rights of the community and the refugees and victims of natural disasters should be conducted fairly without discrimination between them or with different

requirements that must be met by the community. The realization of these rights must also be done in a good and viable so that the minimum standards required by the victims of the earthquake and tsunami [2]

An earthquake measuring 7.4 on the Richter scale on September 28, 2018, in the town of Palu, Donggala Regency Sigi, and Central Sulawesi. The earthquake triggered a tsunami or two to six meters tall which swept the coastal city of Palu and Donggala. The impact of such disasters cause thousands of casualties and damage to various Government and public infrastructure. The town of Donggala and Palu, Sigi Regency insulated from ground and air. Power died and telecommunications network is not functioning. The process of evacuation of the victims either died or wound hampered by damage to roads and the breakdown in the communication network. Amenities such as damage to government buildings as well as private buildings are scattered in the surrounding area of the city.[3]

The number of homes that suffered damage reached 65.733 unit is the number of refugees reaching 61.867 inhabitants and is spread over 109 points. Although the time of the response (recovery) has entered the nine months, however, the realization of residential development for victims of the devastating earthquake, tsunami, and liquefaction in Palu, Sigi, Donggala, until recently reach 193 units or 10 percent of the 1.200 unit targeted. The delay in the construction of the guarantee fulfillment shelter affected life more than tens of thousands of refugees who survived in tents shelter at various places in Palu, Sigi, and Donggala.[4]

The responsibility of the state in-case local government towards the fulfillment of the rights of the victims of natural disasters should have been fulfilled as the liability. Although the fact of the matter is not yet enforceable. As the local government of central Sulawesi liable guarantee of fulfilling the rights of victims in a fair manner. What does the local regulation appropriate to fulfill the rights of the victims of a natural disaster, and what is the implications of the failed local protection model?

## II. RESEARCH METHOD

The method used is the method of approach concept (conceptual approach) and history (historical approach).

The approach will be complemented by methods of the socio-legal form of empirical data supporting a legal analysis. The research focus to primary legal materials related to such law of disaster relief 2007. Local regulation number 2 of 2013 concerning the organization of disaster relief, and local regulations number 2 of 2004 concerning the spatial plan area of the central Sulawesi. The respondents collected per kinds of problems lived in Palu Barat and Palu Timur sub-district, Mantikulore, Palu Utara and Tatanga sub-district under administrative of Palu. While Tanambulava, and Marawola sub-district in Regency of Sigi Biromaru. Then Regency of Donggala covering Tanantovea, Sindue, Sirenja, and Banawa Sub-district.[5]

Data that has been collected either secondary data primary data, as well as a whole, will be analyzed based on qualitative analysis and the results will be presented in the description, so that a comprehensive picture about the acquired the problems examined. Thus this study will describe the various legal issues and facts as well as other symptoms related to the protection of the rights of the victims of natural disaster and then analyze it to gain a complete and thoroughly about the problems examined [6].

**III. FINDINGS AND DISCUSSION**

The earthquake, tsunami, landslides, and liquefaction suffered extensive damage to buildings and infrastructure. However, after the disaster, many needs remain. Priorities include logistics and economic recovery, medical assistance, clean water, sanitation and hygiene, recovery of infrastructure and public services, shelter, protection, including women’s and children’s protection, and education. More than 211.000 people who have lost their homes or sought refuge in safer areas remain displaced across Donggala, Sigi, and Palu. Also, almost 20.000 people have reportedly left Central Sulawesi, and thousands more are staying in tents close to their destroyed homes or with host families. The livelihoods of tens of thousands of people have been destroyed or affected. [7].

Law of disaster relief in article 6 mentioned, "the government's responsibility in implementing disaster mitigation include guaranteeing the fulfillment of the rights of the community and the affected refugees in fairly and following the minimum service standard ". It is the responsibility of the State as determinate by the constitution of Indonesia. Inline to the Earthquake hit 7.4 on the Richter scale on September 28, 2018, in the town of Palu, Donggala and Regency of Sigi, Central Sulawesi. However, in the article 6 law of disaster relief (UUPB 2007) which states the responsibility of the government in implement ting disaster mitigation include: [8].

- a. Disaster risk reduction and disaster risk reduction with a design program development of the protection of society from the impact of the disaster;

- b. Guarantee the fulfillment of the rights of the community and the affected refugees in a fair manner and accordance with the minimum service standard;
- c. The restoration of conditions of disaster impact.
- d. Disaster relief budgets allocated in the budget of the State Expenditures and Revenues are adequate;
- e. The budget allocated disaster relief funds in the form of ready-made;
- f. And maintenance of archive/document is authentic and credible threat and the impact of disasters”.

Those mitigation steps lead by many local institutions whether on province level or city/regency could be drawn in table 2. There are some local institution have related function with the duty barrier even the research limited focus on the lead sector as representative of the state to fulfill the rights of disaster victims.

**TABLE 1. ACTOR AND KINDS OF RESPONSIBILITY**

Actor as duty barrier	Kinds of responsibility				
	Food	Health	Education	Building	Land tenure
BPBD	v	v	v	v	v
PUPR				v	v
Dinsos	v				
Dinkes	v	v			
BPN				v	v
Tata Kota				v	v
Dikjar			v		

According to the table 1 in the period of emergency then all the rights of the victims of natural disasters will be carried out by the Regional disaster management (BPBD) at the provincial level and the regional disaster mitigation agency in the city. However, in some interviews with the victims said that the performance of the BPBD provinces or regency/city is still limited. [9].

The official emergency period in Central Sulawesi ended on 26 October 2018. While the government-led response is transitioning into the recovery and reconstruction phase, the focus will also remain on covering humanitarian needs and addressing complex challenges. The coordination structures at the provincial level are being further strengthened with increased capacity from government line ministries to support inter-cluster coordination under the leadership of the Provincial Secretary (Sekda). [10].

The local government is also responsible to lead recovery and reconstruction efforts with continued national support from BNPB, key line ministries and member agencies of the early recovery cluster. A Post-Disaster Needs Assessment (PDNA) is to start on 12 November. The PDNA will provide baseline data for a recovery action plan (Renaksi). The Renaksi will be coordinated with and aligned to, the master plan for Palu City currently developed by the National Development Planning Agency (Bappenas) with support from Japan

International Cooperation Agency (JICA), the Asian Development Bank (ADB), and the World Bank. [11].

Local regulation from provincial level through regency/city such as local regulation of disaster relief faced many problem implementations due to local sources quite limited. According to refugees at several shelter complaint, their basic rights such as foods, health, and unappropriate shelter even more of them still live in tents. The complex situation for displaced families such as foods, buildings (houses), properties, unemployment, children education, tenure, and health will require flexible temporary and longer-term solutions and assistance adapted to the specific needs of different situations and communities. Technical assessments and hazard mapping of tsunami, landslide or 'fault-line' areas are ongoing and will have to guide returns and potential relocations. [12].

Families unable to return to their land or villages because of safety concerns may opt for relocation. The majority, staying close to their destroyed or damaged homes, in temporary shelters or with host families, will require continued on-site assistance and recovery and reconstruction support. The condition will be continued during two years according to the government planned that recovery phase for the whole construction during the time. Means the rights of the disaster victims could not be fulfilled as the responsibility of the government neither local nor central. [13].

#### IV. CONCLUSION

The study found the model of legal protection for victims of natural disasters in the Palu city, Sigi, and Donggala is still un-appropriated despite fulfilling the victim's rights the local government is limited resources to relief it. Government of Central Sulawesi faced constraints to implement regulation whether national or local and related means it is insufficient to fulfill the victim rights over natural disasters in Central Sulawesi.

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