

Re-assessing Human Rights Issues in Palu Disaster Management: An International Legal Foundation

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Abstract

In order to investigate the State's duty to provide fundamental rights in a state of exigency, this research aims to assess how the State implements human rights standards on disaster management and response in Indonesia. This study examines whether human rights standards have been included in Indonesian disaster management laws and regulations, as well as how these standards have been applied in the wake of the September 28, 2018, Palu tragedy. The inquiry was carried out through field research utilizing a standard questionnaire based on human rights implementation criteria, in compliance with the 2014 Core Humanitarian Standard on Quality and Accountability (CHS). A focus group discussion amongst stakeholders was held before the field research to get more detailed and impartial information between government actors and the disaster victims. Human rights standards are not being applied to disaster management in Palu, as evidenced by reports of victims being treated unfairly and inadequately supplied with necessities. According to the research findings, there is a conflict between the state authority's propensity to apply positive-legalistic regulation of disaster management and the regulation's lax protection of human rights.

Keywords: *human rights, disaster risk reduction, Palu disaster, Environment*

I. INTRODUCTION

From a geographical perspective, Indonesia is an archipelagic nation situated at the meeting point of four tectonic plates: the Pacific, Indian, Asian, and Australian plates.¹ A volcanic belt, or volcanic arc, stretches from the islands of Sumatra, Java, Nusa Tenggara,

¹ Robert McCaffrey, "The tectonic framework of the Sumatran subduction zone" (2009) 37 Annual Review of Earth and Planetary Sciences 345-366.

and Sulawesi in the southern and eastern regions of Indonesia. The lowlands and ancient volcanic mountains on either side of the arc are primarily covered with wetlands.² Disasters including earthquakes, tsunamis, floods, landslides, and volcanic eruptions are possible and frequently occur in Indonesia. According to data, Indonesia has one of the highest rates of seismic activity worldwide.³ One of the nations with the fewest natural disasters worldwide is Indonesia.⁴ Given its location and the fact that Indonesia is the world's largest archipelagic nation,⁵ it is at risk of hazards ranging from floods,⁶ landslides,⁷ and earthquakes to volcanic eruptions,⁸ tsunamis,⁹ tropical storms,¹⁰ and forest fires.¹¹ Out of 172 countries most vulnerable to natural disasters, Indonesia is ranked 36th with a risk rating of 10.36 in the 2018 World Risk Report.¹² Indonesia's position within the Ring of Fire¹³ and at the boundary of three tectonic plates¹⁴ makes it more vulnerable. The community of Palu was destroyed by the afternoon disaster on September 28, 2018,

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- ² Bevaola Kusumasari, "Natural hazards governance in Indonesia" in *Oxford Research Encyclopedia of Natural Hazard Science* (2019).
 - ³ James E Daniell et al, "The CATDAT damaging earthquakes database" (2011) 11:8 *Natural Hazards and Earth System Sciences* 2235-2251.
 - ⁴ Riyanti Djalante et al, *Disaster Risk Reduction in Indonesia: Progress, Challenges, and Issues*, by Rajib Shaw Riyanti Djalante, Matthias Garschagen, Frank Thomalla (Springer International Publishing, 2017); Riyanti Djalante & Matthias Garschagen, "A Review of Disaster Trend and Disaster Risk Governance in Indonesia: 1900-2015" in *Disaster Risk Reduction in Indonesia* (2017) 21.
 - ⁵ E Djunarsjah & A P Putra, "The concept of an archipelagic Province in Indonesia" (2021) 777:1 *IOP Conference Series: Earth and Environmental Science* 12040.
 - ⁶ Tri Mulyani Sunarharum, Mellini Sloan & Connie Susilawati, *Managing Jakarta's Flood Risk after Hyogo: Policy & Plan Analyses* (Auckland, 2016).
 - ⁷ Syamsul Bachri et al, "Landslide Risk Analysis in Kelud Volcano, East Java, Indonesia" (2021) *Indonesian Journal of Geography*; Vol 53, No 3 (2021): *Indonesian Journal of Geography* DO - 1022146/ijg40909.
 - ⁸ Emmanuel Skoufias, Eric Strobl & Thomas Tveit, "Constructing Damage Indices Based on Publicly Available Spatial Data: Exemplified by Earthquakes and Volcanic Eruptions in Indonesia" (2021) 12 *International Journal of Disaster Risk Science*.
 - ⁹ Djati Mardiatno et al, "Review on Tsunami Risk Reduction in Indonesia Based on Coastal and Settlement Typology" (2017) *Indonesian Journal of Geography*; Vol 49, No 2 (2017): *Indonesian Journal of Geography* DO - 1022146/ijg28406.
 - ¹⁰ Erwin Mulyana et al, "Tropical cyclones characteristic in southern Indonesia and the impact on extreme rainfall event" (2018) 229 *MATEC Web of Conferences* 2007.
 - ¹¹ M Bayu Rizky Prayoga & Raldi Hendro Koestoer, "Improving Forest Fire Mitigation in Indonesia: A Lesson from Canada" (2021) *Jurnal Wilayah dan Lingkungan*; Vol 9, No 3 (2021): December 2021 DO - 1014710/jwl93293-305.
 - ¹² Andry Winanto, "World Bank Names Indonesia As The 12th Country With The Highest Disaster Risk: Earthquake, Tsunami, And Floods The Most Vulnerable", *VOI* (6 December 2021).
 - ¹³ Tiodora Siagian et al, "Social vulnerability to natural hazards in Indonesia: Driving factors and policy implications" (2014) 70 *Natural Hazards*.
 - ¹⁴ Yehuda Bock et al, "Crustal motion in Indonesia from Global Positioning System measurements" (2003) 108 *Journal of Geophysical Research*.

which prevented them from going back to their normal lives until they recovered.¹⁵ On September 28, 2018, an earthquake with a magnitude of 7.4 struck Central Sulawesi, followed by a tsunami¹⁶ and liquefaction, resulting in material damages as high as Rp 18.48 trillion, in addition to 4,340 fatalities.¹⁷ Many people in Palu suffered losses, damage, and the loss of items that led to their displacement and homelessness as a result of this natural disaster. Homes and public infrastructure were also destroyed.¹⁸ Disasters are a serious threat to people's safety and dignity as well as the ability of communities and society to survive.¹⁹ Most of the time, the devastation brought forth by disasters leads to grave violations of every human right.²⁰ among those most at risk are the rights to life, private and family life, and property. Human rights organizations have thus had to deal with claims of violations brought about by state inaction in the days leading up to and following a catastrophic incident.²¹ The State must uphold, defend, and prosper its citizens.²² The State is legally obligated to uphold people's rights to safety and welfare as part of that legal relationship.²³ Human rights law expands on the rights that citizens have when suing their government, which reinforces this idea.²⁴ Therefore, a human rights-based strategy focuses on giving people the knowledge and confidence to assert their rights, as well as enhancing the competency and accountability of those in charge of upholding, defending, and executing those rights.²⁵

¹⁵ Syamsidik Syamsidik et al, "Post-tsunami survey of the 28 September 2018 tsunami near Palu Bay in Central Sulawesi, Indonesia: Impacts and challenges to coastal communities" (2019) 38 International Journal of Disaster Risk Reduction 101229.

¹⁶ Danny Natawidjaja et al, "The 2018 Mw7.5 Palu 'supershear' earthquake ruptures geological fault's multi-segment separated by large bends: Results from integrating field measurements, LiDAR, swath bathymetry, and seismic-reflection data" (2020) 224 Geophysical Journal International.

¹⁷ Katsuichiro Goda et al, "Cascading Geological Hazards and Risks of the 2018 Sulawesi Indonesia Earthquake and Sensitivity Analysis of Tsunami Inundation Simulations" (2019) 7:February Frontiers in Earth Science 1-16.

¹⁸ BNPB, "Loss and Damage of Disaster in Central Sulawesi Reach 13,82 Trillion Rupiah", *BNPB News* (22 October 2018).

¹⁹ Emanuele Sommario & Silvia Venier, "Human Rights Law and Disaster Risk Reduction" (2018) 49:November 2017 Questions of International Law 29-47.

²⁰ Elizabeth Ferris, "Natural Disasters, Human Rights, and the Role of National Human Rights Institutions", *Brookings* (25 October 2008).

²¹ Sommario & Venier, *supra* note 20.

²² Sefriani, "The Implementation Of The First Pillar Of Responsibility To Protect In Indonesia: Critical Analysis Of Law On Social Conflict Management" (2020) 27:1 Jurnal Hukum Ius Quia Iustum 1-22.

²³ Martitah, "the Fulfillment of the Right of Welfare for Women Workers in Indonesian" (2017) 12:4 International Journal of Business, Economics and Law 51-57.

²⁴ Morten Broberg & Hans-Otto Sano, "Strengths and weaknesses in a human rights-based approach to international development - an analysis of a rights-based approach to development assistance based on practical experiences" (2018) 22:5 The International Journal of Human Rights 664-680.

²⁵ Andrea Cornwall & Celestine Nyamu-Musembi, "Putting the "Rights-Based Approach" to Development into Perspective" (2004) 25:8 Third World Quarterly 1415-1437.

Laws and regulations are typically the first things that governments consider when a significant disaster strikes with a large number of victims in need of aid.²⁶ Laws and regulations are frequently regarded as issues pertaining to the efficacy of disaster management.²⁷ Contributions and responses that lack handling care are frequently disorganized, unsuitable, and wasteful. Disaster victims consequently do not get prompt, focused, and useful support.²⁸ One example would be the disaster management of the situation in Palu, Central Sulawesi. Almost a month after the disaster, on October 25, 2018, the Coordinating Minister for Political, Legal, and Security Affairs announced that while a lot of aid supplies were still being piled up at Halim Perdana Kusuma Airport in Jakarta, Sepinggan Airport in Balikpapan, and Mutiara Airport in Palu, many disaster victims were still in need of proper assistance.²⁹ When managing the risk of disasters, international human rights norms should be taken into account.³⁰ Those involved in disaster management become more accountable and empowered when they adopt a human rights-based strategy. The International Covenant on Civil and Political Rights (ICCPR) must be upheld to guarantee that victims' and beneficiaries' basic needs will be satisfied in a framework based on rights, thereby reducing the vulnerability of affected populations and special groups, facilitating the return to normalcy, and enhancing risk reduction.³¹ The ICCPR seeks to uphold the fundamental human rights principles found in the Universal Declaration of Human Rights (UDHR) within the civil and political spheres so that they can be enforced by law.³² It also elaborates on these principles by addressing other relevant issues. The Covenant comprises the preamble and 53 articles, organized into six parts.

The right to protection and disaster relief are not specifically addressed by international human rights law,³³ however, this goal is suggested. Article 3 of the UDHR

²⁶ M Murat Civaner, Kevser Vatansever & Kayihan Pala, "Ethical problems in an era where disasters have become a part of daily life: A qualitative study of healthcare workers in Turkey." (2017) 12:3 PloS one e0174162.

²⁷ Jusman Iskandar, Ummu Salamah & Nonah Patonah, "Policy Implementation in Realizing the Effectiveness of Disaster Management" (2018) 7 International Journal of Engineering & Technology 548.

²⁸ Dina Sunyowati et al, "Can Big Data Achieve Environmental Justice?" (2022) 19:3 Indonesian Journal of International Law 6.

²⁹ POLHUKAM, "18 Negara Tawarkan Bantuan ke Indonesia" (2018), online: *POLHUKAM*.

³⁰ Aktieva Tri Tjitrawati et al, "The Palu Disaster and Indonesia's Obligation to Ensure the Right of Adequate Housing and Land Rights: Mission Accomplished?" in *The Asian Yearbook of Human Rights and Humanitarian Law* (Brill | Nijhoff, 2024) 311.

³¹ Paulina Pospieszna & Karen da Costa, "The Relationship between Human Rights and Disaster Risk Reduction Revisited: Bringing the Legal Perspective into the Discussion" (2015) 6 Journal of International Humanitarian Legal Studies 64-86.

³² R Y Ramadani, A T Tjitrawati & M K Romadhona, "Humanitarian commitment: Indonesia's policy on refugees' rights to health" (2024) 12:s2 Healthcare in Low-Resource Settings Export Date: 21 March 2025; Cited By: 0.

³³ Hilda Maulida, "The Implementation of Disaster Management and Legal Protection for Disaster Relief Volunteers (Case of Central Java Province, Indonesia)" (2020) 1:3 Journal of Law and Legal Reform 415-424.

states that everyone has the right to life, liberty, and personal security.³⁴ Furthermore, Article 25 states that everyone has the right to a standard of living that is sufficient for their own and their families' health and well-being, including food, clothing, housing, medical care, and essential social services.³⁵ They also have the right to security if they are unable to work due to illness, disability, old age, widowhood, or other uncontrollable circumstances.³⁶ How to apply these rights in an operational setting is a difficult problem.³⁷ This article will examine the subject of human rights and natural disaster mitigation under Indonesian national legislation, emphasizing the pressing need to incorporate human rights considerations into disaster management and mitigation. The handling and prevention of disasters require international cooperation since disasters and the pain they cause do not respect the authority of the State. The UN Office for Disaster Risk Reduction (UNDRR), previously known as UNISDR, is in charge of handling this within the framework of the UN. They are a UN body with the authority to "serve as the focal point in the United Nations system for the coordination of disaster reduction and to ensure synergies among the disaster reduction activities of the United Nations system and regional organizations and activities in socio-economic and humanitarian fields".³⁸ The field of international disaster management has evolved and improved through:

1. Yokohama Strategy and Plan of Action for a Safer World (1994), which established principles for preventing, preparing for, and mitigating natural disasters;
2. International Strategy for Disaster Reduction (ISDR) is the Hyogo Framework for Action 2005-2015;
3. Yogyakarta Declaration on Disaster Risk Reduction in Asia and the Pacific (2012), one of the regional documents developed, among other things;
4. Third United Nations World Conference on Disaster Risk Reduction, held in Sendai, Japan, on March 18, 2015, which established the Sendai Framework for Disaster Risk Reduction 2015-2030).

³⁴ United Nations, *Universal Declaration of Human Rights*.

³⁵ T Koesbardiati et al, "Reforming "Merariq": Towards Harmonized Approach - Socio-culture, Islamic Law, and Biological Consequences" (2025) 6:1 Journal of Law and Legal Reform 357-390 Export Date: 21 March 2025; Cited By: 0.

³⁶ United Nations, *The Universal Declaration of Human Rights*.

³⁷ Terje Aven, "Risk assessment and risk management: Review of recent advances on their foundation" (2016) 253:1 European Journal of Operational Research 1-13.

³⁸ B S A Subagyono et al, "Regulatory Framework on Ocean Threats -Transportation Law Analysis to Multiple Oil-Spill Cases in Indonesia" (2024) 13:2 Transactions on Maritime Science Export Date: 21 March 2025; Cited By: 0.

II. METHODOLOGY

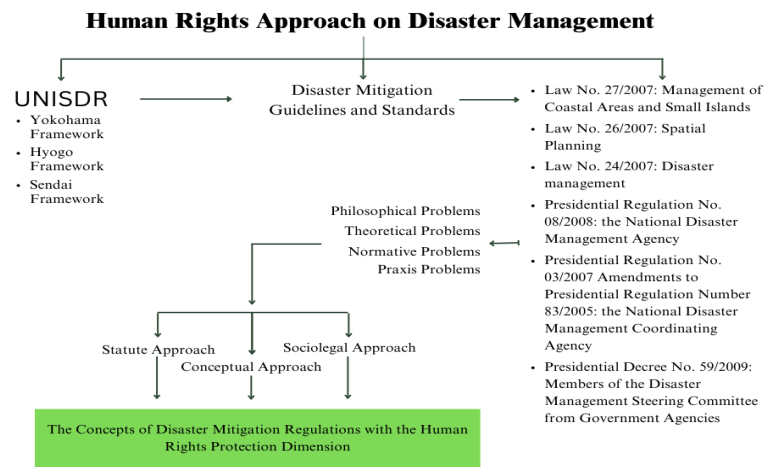


Figure 1. Research Design of Human Rights Approach on Disaster Management

Data gathered following the multi-disaster (earthquake, tsunami, and liquefaction) that struck Palu, Central Sulawesi, Indonesia on September 28, 2018 was used to produce this article. Researchers employed an analytical design. Primary sources (field observations, focus group discussions) and secondary sources (published writings, books, reports) were used to gather qualitative data. Researchers analyzed the data using descriptive and analytical methods.

III. HUMAN RIGHTS IMPLICATIONS IN DISASTER MANAGEMENT

The failure to provide for the community's basic needs and fundamental rights, including the rights to economic security, education, clean water, food, clothing, shelter, health care, etc.³⁹ When catastrophe victims' homes are destroyed, new human rights issues are frequently brought forward⁴⁰ such as forced departure, forced return, unequal access to transitional housing, or payment that violates the victim's property rights.⁴¹ Natural disasters can also result in horizontal disputes between affected communities and other

³⁹ Gautam Kumar Chaudhary & Rohit Kalia, "Development curriculum and teaching models of curriculum design for teaching institutes" (2015) 1(4):4 International Journal of Physical Education, Sports and Health 57-59.

⁴⁰ Michael Méndez, Genevieve Flores-Haro & Lucas Zucker, "The (in)visible victims of disaster: Understanding the vulnerability of undocumented Latino/a and indigenous immigrants." (2020) 116 Geoforum; journal of physical, human, and regional geosciences 50-62.

⁴¹ Yi Hu et al, "Uneven compensation and relocation for displaced residents: The case of Nanjing" (2015) 47 Habitat International.

communities that are not affected by the disaster⁴² or vertical disputes between the government and those affected by disasters. Citizens who have been victims of disasters have filed many legal cases alleging state negligence.⁴³ People's survival instincts might lead to conflict over the few resources available when food and water become scarce.⁴⁴ Another issue that may arise is the damage caused to victims' dwellings.⁴⁵ Following the occurrence of natural disasters, victims are typically subjected to the process of house evacuation, which may subsequently lead to the occurrence of additional human rights violations. These violations encompass forced relocation, forced repatriation, disparities in access to temporary accommodation, as well as inequitable compensation for property losses suffered by the affected individuals. Under certain circumstances, governmental entities may encounter difficulties in effectively carrying out their responsibilities to safeguard the well-being of their citizens. The challenges in accessing disaster-stricken areas stem from severe impairment of the infrastructure and the consequent breakdown in communication channels.⁴⁶ This circumstance necessitates that the individuals affected must rely solely on their own resources for survival. The state machinery has the potential to reach critical levels of dysfunction, as their ability to effectively carry out their functions is frequently hindered by resource deficiencies. The considerable magnitude of individuals affected and the limited availability of resources can pose challenges in the equitable allocation of assistance by organizations. Furthermore, the inherent need for self-preservation and the psychological strain experienced by those affected by calamities may incite competition for governmental resources, hence necessitating increased efforts from state entities to uphold societal harmony during their provision. The adverse impact of natural catastrophes on vital ecosystems can potentially jeopardize the fundamental rights of individuals affected by such catastrophes.⁴⁷ Victims frequently require essential provisions such as potable water, sustenance, medical supplies, and equitable access to humanitarian assistance.⁴⁸ Natural catastrophes have been found to exacerbate existing

⁴² Elizabeth Ferris, *A YEAR OF LIVING DANGEROUSLY: A REVIEW OF NATURAL DISASTERS IN 2010* (The Brookings Institution, 2013).

⁴³ Kristian Lauta, "Human Rights and Natural Disasters submit" in *Research handbook on disasters and international law* (2016) 91.

⁴⁴ Raj Patel, "Food sovereignty" (2009) 36:3 *The Journal of Peasant Studies* 663-706.

⁴⁵ Teguh Dartanto, "Natural disasters, mitigation and household welfare in Indonesia: Evidence from a large-scale longitudinal survey" (2022) 10:1 *Cogent Economics & Finance* 2037250.

⁴⁶ Zayan EL Khaled & Hamid McHeick, "Case studies of communications systems during harsh environments: A review of approaches, weaknesses, and limitations to improve quality of service" (2019) 15:2 *International Journal of Distributed Sensor Networks* 1550147719829960.

⁴⁷ *Disaster Prevention and Preparedness*, by Lelisa Sena, 663-A-00-00-0358-00. (2006).

⁴⁸ Samira Sadat Pourhosseini, Ali Ardalan & Mohammad Hossien Mehrollhassani, "Key Aspects of Providing Healthcare Services in Disaster Response Stage." (2015) 44:1 *Iranian journal of public health* 111-118.

disparities within society, hence amplifying the adverse impacts experienced by affected individuals.⁴⁹

Moreover, a significant proportion of individuals experience internal displacement as a consequence of volcanic eruptions,⁵⁰ tsunamis,⁵¹ floods,⁵² droughts,⁵³ landslides,⁵⁴ or earthquakes that destroy homes,⁵⁵ and shelters,⁵⁶ forcing affected residents to leave.⁵⁷ Empirical evidence demonstrates that when a given phenomenon persists, the potential for human rights violations escalates. Over time, there is a tendency for discrimination and infringements of economic, social, and cultural rights to assume a more systematic nature.⁵⁸ Human rights breaches that occur in the aftermath of disasters are typically not premeditated or orchestrated but rather stem from inadequate policies, negligence, or insufficient oversight on the part of local governments.⁵⁹ The lack of resources and capacity to effectively plan for and respond to the repercussions of catastrophes amplifies the likelihood of encountering such violations. For instance, the disruption or impairment of sanitation systems following a disaster impacts the safeguarding of human rights.⁶⁰ The lack of proper sanitation in the aftermath of a disaster gives rise to health issues stemming from the contamination of water sources used for drinking and bathing. It is noteworthy that marginalized populations are particularly susceptible to falling victim

⁴⁹ Danielle Zoe Rivera, Bradleigh Jenkins & Rebecca Randolph, “Procedural Vulnerability and Its Effects on Equitable Post-Disaster Recovery in Low-Income Communities” (2022) 88:2 *Journal of the American Planning Association* 220–231.

⁵⁰ Ahmad Fuady, “Prominent diseases among internally displaced persons after Mt. Merapi eruption in Indonesia” (2013) 4 *Health Science Journal of Indonesia*.

⁵¹ Clark Gray et al, “Studying Displacement After a Disaster Using Large Scale Survey Methods: Sumatra After the 2004 Tsunami.” (2014) 104:3 *Annals of the Association of American Geographers Association of American Geographers* 594–612.

⁵² Kaoru Kakinuma et al, “Flood-induced population displacements in the world” (2020) 15 *Environmental Research Letters*.

⁵³ Kristina Lindvall et al, “Health Status and Health Care Needs of Drought-Related Migrants in the Horn of Africa—A Qualitative Investigation” (2020) 17 *International Journal of Environmental Research and Public Health* 5917.

⁵⁴ Kate Burrows et al, “Mental wellbeing following landslides and residential displacement in Indonesia” (2021) 1 *SSM - Mental Health* 100016.

⁵⁵ Bradley Chen, Timothy Halliday & Victoria Fan, “The impact of internal displacement on child mortality in post-earthquake Haiti: A difference-in-differences analysis” (2016) 15 *International Journal for Equity in Health*.

⁵⁶ Anna Conzatti et al, “A review of the impact of shelter design on the health of displaced populations” (2022) 7:1 *Journal of International Humanitarian Action* 18.

⁵⁷ David Cantor et al, “Understanding the health needs of internally displaced persons: A scoping review” (2021) 4 *Journal of Migration and Health* 100071.

⁵⁸ Audrey Chapman, “A “Violations Approach” for Monitoring the International Covenant on Economic, Social and Cultural Rights” (1996) 18 *Human Rights Quarterly* 23–66.

⁵⁹ Mohamed Sesay & Megan Bradley, ““When the ground opened”: Responsibility for harms and rights violations in disasters – Insights from Sierra Leone” (2022) 21:1 *Journal of Human Rights* 1–17.

⁶⁰ Marie Aronsson-Storrier, “Sanitation, human rights and disaster management” (2017) 26 *Disaster Prevention and Management: An International Journal* 0.

to these adverse circumstances.⁶¹ Diseases resulting from inadequate sanitation include diarrhea,⁶² cholera,⁶³ worm infestation,⁶⁴ schistosomiasis,⁶⁵ trachoma,⁶⁶ and polio.⁶⁷ The emergence of new challenges have posed additional obstacles in safeguarding human rights, particularly the infringement against the rights to education and development. This predicament is mostly attributed to the declining accessibility of these rights for marginalized individuals.⁶⁸

Disaster-affected communities possess the capacity to confront and mitigate diverse forms of discrimination⁶⁹ based on race,⁷⁰ colour,⁷¹ sex,⁷² language,⁷³ religion,⁷⁴ political or another opinion,⁷⁵ national or social origin, property, birth,⁷⁶ age,⁷⁷ disability, or other

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- ⁶¹ Pranect Singavarapu & Emmanuel Murray, *Impact of Inadequate Sanitation on the Marginalised* (2013).
- ⁶² Elizabeth Omoladun Oloruntoba, Taiwo Bukola Folarin & Adejumo Idowu Ayede, “Hygiene and sanitation risk factors of diarrhoeal disease among under-five children in Ibadan, Nigeria.” (2014) 14:4 African health sciences 1001-1011.
- ⁶³ Dawn L Taylor et al, “The Impact of Water, Sanitation and Hygiene Interventions to Control Cholera: A Systematic Review.” (2015) 10:8 PloS one e0135676.
- ⁶⁴ Muhammad Riaz et al, “Prevalence, risk factors, challenges, and the currently available diagnostic tools for the determination of helminths infections in human” (2020) 18 European Journal of Inflammation 2058739220959915.
- ⁶⁵ Jack E T Grimes et al, “The Relationship between Water, Sanitation and Schistosomiasis: A Systematic Review and Meta-analysis” (2014) 8:12 PLOS Neglected Tropical Diseases e3296.
- ⁶⁶ Meredith E Stocks et al, “Effect of water, sanitation, and hygiene on the prevention of trachoma: a systematic review and meta-analysis.” (2014) 11:2 PLoS medicine e1001605.
- ⁶⁷ Gemma Lien & David L Heymann, “The problems with polio: toward eradication.” (2013) 2:2 Infectious diseases and therapy 167-174.
- ⁶⁸ Aronsson-Storrier, *supra* note 61.
- ⁶⁹ Tatiana M Davidson et al, “Disaster impact across cultural groups: comparison of Whites, African Americans, and Latinos.” (2013) 52:1-2 American journal of community psychology 97-105.
- ⁷⁰ Ophra Leyser-Whalen, Mahbubur Rahman & Abbey B Berenson, “Natural and social disasters: racial inequality in access to contraceptives after Hurricane Ike.” (2011) 20:12 Journal of women’s health (2002) 1861-1866.
- ⁷¹ Sten Hansson et al, “Communication-related vulnerability to disasters: A heuristic framework” (2020) 51 International Journal of Disaster Risk Reduction 101931.
- ⁷² Eric Neumayer & Thomas Plümper, “The Gendered Nature of Natural Disasters: The Impact of Catastrophic Events on the Gender Gap in Life Expectancy, 1981-2002” (2007) 97:3 Annals of the Association of American Geographers 551-566.
- ⁷³ Shinya Uekusa, “Disaster linguicism: Linguistic minorities in disasters” (2019) 43 Language in Society 353-375.
- ⁷⁴ Adisaputri Gianisa & Loic Le De, “The role of religious beliefs and practices in disaster: The case study of 2009 earthquake in Padang city, Indonesia” (2017) 27 Disaster Prevention and Management: An International Journal.
- ⁷⁵ Lisa Wood, Bryan Boruff & Helen Smith, “When Disaster Strikes... how communities cope and adapt: a social capital perspective” in *Social Capital: Theory, Measurement and Outcomes* (2013).
- ⁷⁶ Hansson et al, *supra* note 72.
- ⁷⁷ Lori Peek, “Children and Disasters: Understanding Vulnerability, Developing Capacities, and Promoting Resilience :An Introduction” (2008) 18:1 Children, Youth and Environments 1-29.

essential statuses.⁷⁸ Discrimination encompasses both policies and acts that exhibit discriminating behavior.⁷⁹ In the wake of calamitous events, instances of inequity and prejudice frequently manifest among individuals directly impacted by the disasters and those who are not directly affected, as well as among different factions within the affected population.⁸⁰ The practice of selectively providing assistance to specific religious factions and employing help as a means to incentivize individuals to choose a particular faith frequently occurs in the aftermath of a calamitous event.⁸¹ The matter of discrimination poses a significant and intricate barrier within the realm of disaster relief efforts.⁸² Individuals are internally relocated as a result of natural or man-made disasters.⁸³ Women, girls, and other marginalized groups, including those with disabilities or HIV/AIDS, single parents, parents lacking familial assistance, and individuals belonging to ethnic minorities or indigenous communities, are susceptible to experiencing this disruption. In instances of exceptional and unmanageable circumstances following a catastrophic event, the State frequently encounters challenges in effectively implementing protective measures for its populace.⁸⁴ Disaster survivors may face heightened vulnerability to experiencing cruel treatment, which may originate from both state authorities and fellow survivors. This mistreatment encompasses several forms of gender-based violence, including but not limited to crimes of a gender-specific nature, indecent assault, and domestic abuse. Women are susceptible to victimization in situations characterized by disorder and instability.⁸⁵ This includes instances wherein individuals are compelled to engage in conflict and competition to secure essential relief supplies for the sustenance and survival of their families. In this scenario, disorderly factions exploit the circumstances to further their interests through acts of looting and robbery.⁸⁶

⁷⁸ Julie King et al, "Barriers to disability-inclusive disaster management in the Solomon Islands: Perspectives of people with disability" (2019) 34 *International Journal of Disaster Risk Reduction* 459-466.

⁷⁹ Vincent J Roscigno, "Discrimination, Sexual Harassment, and the Impact of Workplace Power" (2019) 5 *Socius* 2378023119853894.

⁸⁰ Krys Kaniasty & Fran Norris, "Social support in the aftermath of disasters, catastrophes, and acts of terrorism: Altruistic, overwhelmed, uncertain, antagonistic, and patriotic communities" (2004) 3 *Bioterrorism: Psychological and Public Health Interventions*.

⁸¹ Joshua Whittaker, Blythe McLennan & John Handmer, "A review of informal volunteerism in emergencies and disasters: Definition, opportunities and challenges" (2015) 13 *International Journal of Disaster Risk Reduction* 358-368.

⁸² Suresh Bada Math et al, "Disaster Management: Mental Health Perspective." (2015) 37:3 *Indian journal of psychological medicine* 261-271.

⁸³ Sebastián Albuja & Isabel Cavelier Adarve, "Protecting People Displaced by Disasters in the Context of Climate Change: Challenges from a Mixed Conflict/Disaster Context" (2011) 24:2 *Tulane Environmental Law Journal* 239-252.

⁸⁴ Nikunj Makwana, "Disaster and its impact on mental health: A narrative review." (2019) 8:10 *Journal of family medicine and primary care* 3090-3095.

⁸⁵ David R Langford, "Social Chaos and Danger as Context of Battered Women's Lives" (1998) 4:2 *Journal of Family Nursing* 167-181.

⁸⁶ Elaine Enarson & Lourdes Meyreles, "International Perspectives on Gender and Disaster: Differences and Possibilities" (2004) 24 *International Journal of Sociology and Social Policy* 49-93.

The displacement of catastrophe victims from their original locations of residence is frequently necessitated by the destruction of their homes and the enduring presence of hazards that continue to pose effects. Individuals are required to seek alternative accommodations, either within the vicinity of their current location, inside the national borders, or potentially relocate to a different country. The act of inhabitants in a new location or the government declining to accept individuals poses a potential infringement upon the fundamental rights of freedom of movement and the ability to select one's place of abode. Frequently, calamities have the propensity to dismantle the fundamental pillars of ordinary family life or precipitate the disintegration of family units.⁸⁷ Children may experience the unfortunate circumstance of parental or caregiver loss, resulting in the displacement from their previous environment.⁸⁸ This scenario has the potential to be exploited by those who are not accountable for capitalizing on their lack of power for economic gain, such as engaging in child labor, employing child soldiers, facilitating sexual exploitation, participating in illicit activities, and perpetrating human trafficking. Therefore, following a catastrophic event with substantial ramifications, the government must establish a disaster mitigation framework aimed at safeguarding children from unscrupulous individuals seeking to exploit them.

There is a possibility that individuals, as well as non-governmental organizations (NGOs) involved in assisting, may perpetrate human rights violations against victims of disasters. The lack of effective coordination and oversight by the State during emergencies results in their activities deviating from the established norms of disaster management by human rights principles. An instance of discriminatory behavior that runs counter to human principles is the selective allocation of aid by specific religious organizations, which neglect to assist those belonging to different religious affiliations. Other disasters were successfully averted, thanks to the proactive measures taken by both the government and other institutions. Various stakeholders, both domestic and foreign, have a keen interest in safeguarding pertinent human rights from the very beginning. A study conducted by the Representative of the Secretary General of the United Nations (RSG) on the human rights of refugees determined that the recognition of the significance of human rights principles in the context of natural catastrophes is not limited solely to the national level. There remains a lack of clarity among international organizations and NGOs on the effective integration of a human rights-based strategy into emergency relief and response efforts. Despite the existence of numerous laws and codes of conduct that encompass these protections in the context of natural disasters, the precise implementation of such principles continues to pose challenges. The legal foundation of all humanitarian efforts for natural disasters should be grounded in the principles of human rights. There is no other legal structure to oversee such efforts, especially in areas

⁸⁷ *Protecting People Crossing Borders in the Context of Climate Change Normative Gaps and Possible Approaches*, by Walter Kälin and Nina Schrepfer, in *LEGAL AND PROTECTION POLICY RESEARCH SERIES* (Geneva, 2012).

⁸⁸ Kimberly Howard et al, "Early mother-child separation, parenting, and child well-being in Early Head Start families." (2011) 13:1 Attachment & human development 5-26.

where there is no armed conflict. Assuming that the provision of humanitarian aid is not grounded in a framework that upholds and protects human rights, in such circumstances, there exists potential for an excessively limited scope, wherein the comprehensive planning process fails to incorporate the fundamental needs of the affected individuals. The incorporation of risk elements is crucial for the formulation of catastrophe recovery and reconstruction strategies.

Neglecting the human rights of individuals impacted by natural disasters entails depriving them of the protection afforded by legal frameworks. Nevertheless, individuals residing in these nations benefit from legal frameworks, regulations, and established organizations that bear the responsibility of safeguarding their rights. The incorporation of international human rights concepts is crucial in shaping disaster risk management strategies across all stages, including pre-disaster mitigation and preparedness, emergency relief and rehabilitation, as well as post-disaster reconstruction endeavors. It is imperative to ensure the protection of individuals who are vulnerable to acts of violence and theft. It is imperative to ensure that individuals who have been displaced receive adequate protection and aid, enabling them to securely and dignifiedly return to their land and property. If individuals possess the ability to be self-reliant or reside in alternative locations, it is imperative to support them to facilitate their integration into local communities within the respective region or country.

IV. LEGAL FOUNDATION AND INTERNATIONAL REGULATORY FRAMEWORK ON DISASTER MANAGEMENT

Table 1. Legal Foundation on Disaster Management

Legal Foundation	Year	Institution/ Organization	Key Points	Article
Universal Declaration of Human Rights (UDHR)	1948	UN	<ol style="list-style-type: none"> 1. Right to life, security, and dignity 2. Ensure non-discrimination in disaster response and recovery efforts 	
International Covenant on Civil and Political Rights	1966	UN	<ol style="list-style-type: none"> 1. Right to life 2. Right to access information 	<ol style="list-style-type: none"> 1. Article 6: Protect the right to life, which imposes a duty on governments to

(ICCPR)			mitigate disaster risks and provide emergency assistance
			2. Article 19: Ensure the right to access information, crucial for disaster preparedness and response
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1966	UN	Right to adequate housing, health, food, and water
Sendai Framework for Disaster Risk Reduction	2015	UN	Emphasizes a human rights-based approach to disaster risk reduction, urging governments to prioritize vulnerable populations and ensure resilience-building efforts

The Universal Declaration of Human Rights (UDHR) is a pivotal text that delineates the fundamental rights of all individuals, particularly in times of emergency such as catastrophes.⁸⁹ It is essential in disaster response to guarantee that all persons, without discrimination, get protection, aid, and recovery support. The UDHR encompasses five principles:⁹⁰ the right to life and protection (Articles 3 & 5),⁹¹ the right to an adequate standard of living (Article 25),⁹² the right to information and participation (Articles 19 &

⁸⁹ Victoria Sutton, “Emergencies, disasters, conflicts, and human rights” (2013) *Advancing the human right to health* 379–388.

⁹⁰ Robin Ramcharan & Bertrand Ramcharan, “Crafting Universal Values: The UDHR Model, Context, and Process” in Robin Ramcharan & Bertrand Ramcharan, eds, *Asia and the Drafting of the Universal Declaration of Human Rights* (Singapore: Springer Singapore, 2019) 23.

⁹¹ Elizabeth Wicks, “The Meaning of ‘Life’: Dignity and the Right to Life in International Human Rights Treaties” (2012) *12:2 Human Rights Law Review* 199–219.

⁹² Jessie Hohmann, “Article 25.1–The Right to an Adequate Standard of Living: The Right to Housing” in *The Universal Declaration of Human Rights* (Brill Nijhoff, 2023) 588.

21),⁹³ the right to non-discrimination and safeguarding of vulnerable groups (Articles 2 & 7),⁹⁴ and the right to equal protection under the law (Article 7).⁹⁵ Article 3 asserts that all individuals possess the right to life, liberty, and security.⁹⁶ In disaster response, governments and humanitarian organizations must guarantee prompt and efficient rescue operations to save lives.⁹⁷ Article 5 forbids torture or harsh treatment, which is pertinent to delivering assistance while upholding human dignity, particularly for migrants and marginalized populations. Article 25 asserts that every individual is entitled to a sufficient standard of life conducive to their health and well-being, including sustenance, clothing, shelter, and healthcare.⁹⁸ In crisis scenarios, humanitarian aid must fulfill these fundamental requirements to avert starvation, sickness, and further misery.

The International Covenant on Civil and Political Rights (ICCPR) delineates the basic right to life, asserting that governments are obligated to safeguard lives against avoidable damage.⁹⁹ This includes catastrophe risk mitigation, early warning mechanisms, and emergency response strategies.¹⁰⁰ Inadequate disaster response, evacuation, or medical assistance may infringe against the right to life.¹⁰¹ Disaster response initiatives must be equal and impartial, delivering aid based on need without prejudice.¹⁰² In disaster relief efforts, marginalized groups, including immigrants, indigenous communities, and those with disabilities, must not be overlooked.¹⁰³ Access to information and freedom of

⁹³ David Kaye & Azin Tadjini, “Article 19–The Right to Freedom of Opinion and Expression” in *The Universal Declaration of Human Rights* (Brill Nijhoff, 2023) 445; Maeve McDonagh, “The right to information in international human rights law” (2013) 13:1 Human Rights Law Review 25–55.

⁹⁴ Samantha Besson & Eleonor Kleber, *Article 2: The right to non-discrimination* (Oxford University Press, 2019); Mary Crock, “The protection of vulnerable groups” in *Research handbook on disasters and international law* (Edward Elgar Publishing, 2016) 383.

⁹⁵ Dorothy Estrada-Tanck, “Article 7–Equality before the Law and Equal Protection of the Law” in *The Universal Declaration of Human Rights* (Brill Nijhoff, 2023) 152.

⁹⁶ Danielle Anne Pamplona, “Article 3–The Right to Life, Liberty and Security” in *The Universal Declaration of Human Rights* (Brill Nijhoff, 2023) 56.

⁹⁷ Yves Beigbeder, *The role and status of international humanitarian volunteers and organizations: The right and duty to humanitarian assistance*, 12 (Brill, 2023).

⁹⁸ Virginia Bras Gomes, “Article 25.3–The Right to an Adequate Standard of Living: The Right to Social Security” in *The Universal Declaration of Human Rights* (Brill Nijhoff, 2023) 646.

⁹⁹ Yena Jang, *International Legal Framework for Disaster Management Seoul National University*, 2024; Ingrid Nifosi-Sutton, “Contour of Disaster Victims’ Rights to a Remedy and Reparation Under International Human Rights Law” (2012) International Disaster Response Law 415–440.

¹⁰⁰ Shirin Sultana, “International Human Rights Law (IHRL) in Disaster Risk Reduction (DRR) Planning” in *International Handbook of Disaster Research* (Springer, 2023) 1909.

¹⁰¹ Jean Connolly Carmalt & Claudine Haenni Dale, “Human rights and disaster” in *Handbook of Hazards and Disaster Risk Reduction* (Routledge, 2012) 61.

¹⁰² Liza Ireni Saban, *Disaster emergency management: the emergence of professional help services for victims of natural disasters* (SUNY Press, 2014).

¹⁰³ Kalindu Mendis et al, “Challenges faced by marginalized communities in a post-disaster context: a systematic review of the literature” (2023) 15:14 Sustainability 10754; Mariangela Bizzarri, “Protection of vulnerable groups in natural and man-made disasters” (2012) International disaster response law 381–414.

speech are crucial, necessitating governmental openness in catastrophe management.¹⁰⁴ Limiting information or disseminating falsehoods may infringe upon human rights. Governments must also facilitate orderly evacuations that uphold human dignity, safeguard people from looting, violence, or involuntary relocation, and implement legitimate, necessary, and reasonable emergency movement restrictions. Survivors of disasters must not endure cruel living circumstances, inadequate medical treatment, or coerced labor in relief camps or shelters. Governments must guarantee that disaster response programs uphold human dignity. In critical circumstances, governments may suspend certain rights under the ICCPR; nevertheless, many rights remain non-derogable even during crises. Temporary limits must be commensurate, warranted, and limited in duration.

Table 2. Application of ICCPR in Disaster Scenarios

Disaster Scenario	ICCPR Rights Involved	State Responsibility
Earthquake & Tsunami	Right to Life (Art. 6)	Implement disaster risk reduction measures, provide evacuation routes and shelters
Hurricane & Flooding	Non-Discrimination (Art. 2 & 26)	Ensure equal access to aid for marginalized communities
Pandemic & Health Crisis	Freedom of Information (Art. 19)	Provide accurate health information, avoid censorship
Conflict-Induced Displacement	Right to Security (Art. 9)	Protect refugees and displaced persons, ensure safety in camps
Nuclear or Industrial Disaster	Freedom from Inhumane Treatment (Art. 7)	Prevent hazardous exposure, provide safe living conditions

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) is a treaty that obligates nations to safeguard and realize economic, social, and cultural

¹⁰⁴ Sharon O'Brien et al, "Language translation during disaster: A comparative analysis of five national approaches" (2018) 31 International journal of disaster risk reduction 627–636; John Hannigan, *Disasters without borders: The international politics of natural disasters* (John Wiley & Sons, 2013); Stephane Roche, Eliane Propeck-Zimmermann & Boris Mericskay, "GeoWeb and crisis management: Issues and perspectives of volunteered geographic information" (2013) 78 GeoJournal 21–40.

rights.¹⁰⁵ It is essential in disaster management as it safeguards the rights of communities impacted by disasters. The treaty delineates the rights of individuals to a sufficient standard of living, health, education, employment, and equitable working conditions.¹⁰⁶ Governments must provide access to sustenance, clothing, and shelter, particularly during emergencies such as natural disasters.¹⁰⁷ They must also provide access to healthcare services, including illness prevention and medical treatment,¹⁰⁸ while ensuring the availability of medical facilities, healthcare personnel, and vital medications.¹⁰⁹ The treaty underscores the right to employment and equitable working conditions, mandating governments to restore livelihoods and support those who have lost their jobs or income.¹¹⁰ It also underscores the principles of non-discrimination and safeguarding marginalized groups, including women, children, the elderly, and those with disabilities. States that have signed the ICESCR are legally obligated to include these rights in their disaster planning and response strategies. International organizations and NGOs often use the ICESCR as a legal framework to ensure governmental accountability for delivering sufficient disaster aid. Governments have to formulate disaster response and recovery programs that uphold and safeguard economic, social, and cultural rights.

Table 3. International Regulatory Framework on Disaster Management

Regulation	Year	Institution/ Organization	Key Points	Related Human Rights	Article
Sendai Framework for Disaster Risk Reduction	2015	UN (UNDRR)	Focuses on disaster risk reduction through preparedness, prevention, and	Right to Life and Security	UDHR, Article 3: guarantees the right to life, liberty, and security of a

¹⁰⁵ Anthony J Langlois, "International Covenant on Economic, Social and Cultural Rights (ICESCR)" in *Encyclopedia of International Relations and Global Politics* (Routledge, Taylor & Francis, 2005) 418.

¹⁰⁶ Eberhard Eichenhofer, "Rights and Principles of the Economic, Social and Cultural Order" in *Writing Constitutions: Volume 2: Fundamental Rights*, 2nd ed (Springer, 2024) 393.

¹⁰⁷ Stephane Hallegatte et al, *Unbreakable: building the resilience of the poor in the face of natural disasters* (World Bank Publications, 2016); Sara McLaughlin Mitchell & Elise Pizzi, "Natural disasters, forced migration, and conflict: The importance of government policy responses" (2021) 23:3 *International Studies Review* 580-604.

¹⁰⁸ Michael J Murray, "Disaster management" in *Anesthesia Emergencies* (Oxford University Press, 2015).

¹⁰⁹ Kristi L Koenig, Hoon Chin Steven Lim & Shin-Han Tsai, "Crisis standard of care: refocusing health care goals during catastrophic disasters and emergencies" (2011) 3:4 *Journal of Experimental & Clinical Medicine* 159-165; Ernest Benjamin et al, "Principles and practice of disaster relief: lessons from Haiti" (2011) 78:3 *Mount Sinai Journal of Medicine: A Journal of Translational and Personalized Medicine* 306-318.

¹¹⁰ Lara Wilkinson, *Labour Rights Protection in Post-Conflict and Post-Disaster Recovery: What Role for International Labour Standards?* (Lund University, 2018).

			recovery.		person
Hyogo Framework for Action (HFA)	2005	UN (UNDRR)	Provided global guidelines for building disaster resilience, valid until 2015.	Right to Safety and Development	UDHR, Article 19: rights to information
Paris Agreement	2015	UNFCCC (UN)	Regulates climate change mitigation, which impacts disaster risks.	Right to a Healthy Environment	UDHR, Article 25: ensure the right to standard of living adequate for health and well-being (including food, housing, and medical)
International Health Regulations (IHR)	2005	WHO	Governs preparedness and response to health emergencies, including outbreaks caused by natural disasters.	Right to Health	UDHR, Article 25; ICESCR, Article 12: Response to epidemics, pandemics, and other health emergencies
United Nations Framework Convention on Climate Change (UNFCCC)	1992	UN	Addresses climate change, which contributes to natural disasters, through greenhouse gas reduction.	Climate Justice	-
Kyoto Protocol	1997	UNFCCC (UN)	Sets emission reduction targets for industrialized countries to combat climate change.	Responsibility of Developed Nations to Protect Human Rights	-
Sendai Cooperation Initiative for Disaster Risk Reduction	2015	Government of Japan	Japan's initiative to support disaster risk reduction in developing countries.	Right to International Assistance	UDHR, Article 28: emphasized international cooperation for human right protection

ASEAN Agreement on Disaster Management and Emergency Response (AADMER)	2005	ASEAN	A regional framework for ASEAN coordination and response to natural disasters in Southeast Asia.	Right to Humanitarian Assistance	IHL; UDHR, Article 14: the right to seek asylum and protection from disaster and conflict
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The Sendai Framework for Disaster Risk Reduction (2015) is a successor to the Hyogo Framework for Action (HFA) and focuses on disaster risk reduction (DRR) by emphasizing preparedness, prevention, and recovery.¹¹¹ It aims to minimize disaster losses in terms of human lives, economic impact, and environmental damage. The framework outlines four key priorities: understanding disaster risk, strengthening disaster risk governance, investing in disaster risk reduction, and improving disaster preparedness and building back better. The Hyogo Framework for Action (HFA) was the first global guideline for disaster risk reduction and laid the foundation for the Sendai Framework.¹¹² It identified five key priorities: making disaster risk reduction a national and local priority; identifying, assessing, and monitoring disaster risks while enhancing early warning systems; building a culture of safety and resilience through education and public awareness; reducing underlying risk factors; and strengthening disaster preparedness for an effective response. The Paris Agreement (2015) is an international treaty focused on climate change mitigation,¹¹³ tackling a significant factor in the increasing frequency and severity of natural disasters.¹¹⁴ It aims to keep the global temperature rise below 2°C,

¹¹¹ Ben Wisner, “Five years beyond Sendai—can we get beyond frameworks?” (2020) 11 International Journal of Disaster Risk Science 239–249; Lucy Pearson & Mark Pelling, “The UN Sendai Framework for Disaster Risk Reduction 2015–2030: Negotiation Process and Prospects for Science and Practice” (2015) 02:01 Journal of Extreme Events 1571001; Amina Aitsi-Selmi et al, “The Sendai framework for disaster risk reduction: Renewing the global commitment to people’s resilience, health, and well-being” (2015) 6 International journal of disaster risk science 164–176.

¹¹² Hazuki Matsuda & Keiichi Ogawa, “Aid Policies in Disaster Risk Reduction: Japan and the Development Assistance to Disaster-Prone Developing Countries” in Yijia Jing, Jung-Sun Han & Keiichi Ogawa, eds, *Risk Management in East Asia: Systems and Frontier Issues* (Singapore: Springer Singapore, 2021) 199; Rajib Shaw & Yan Cui, “Disaster Law: An Overview on Its History, Potentials and Challenges” in Yan Cui & Rajib Shaw, eds, *Disaster Law: Implications to Governance and Implementation* (Singapore: Springer Nature Singapore, 2025) 1.

¹¹³ ROBERT FALKNER, “The Paris Agreement and the new logic of international climate politics” (2016) 92:5 International Affairs 1107–1125.

¹¹⁴ Daniel Bodansky, “The Paris Climate Change Agreement: A New Hope?” (2016) 110:2 American Journal of International Law 288–319; Ilan Kelman, “Linking disaster risk reduction, climate change, and the sustainable development goals” (2017) 26:3 Disaster Prevention and Management: An International Journal 254–258; Rosemary Lyster, “Climate justice, adaptation and the Paris Agreement: a recipe for disasters?” (2017) 26:3 Environmental Politics 438–458.

require countries to submit Nationally Determined Contributions (NDCs),¹¹⁵ and provide financial assistance to developing countries for climate change adaptation and disaster preparedness. The International Health Regulations (IHR) (2005) is an international legal framework that focuses on preventing and controlling global health emergencies, including those caused by natural disasters.¹¹⁶ Its main objectives include rapidly detecting and responding to disease outbreaks, ensuring countries develop public health capacities to handle health crises and emergencies, and establishing guidelines for border control, travel, and trade regulations to prevent the spread of infectious diseases during disasters. The United Nations Framework Convention on Climate Change (UNFCCC) (1992) is the first international treaty to address climate change as a global issue contributing to natural disasters.¹¹⁷ Its goals include stabilizing greenhouse gas concentrations, serving as a platform for global negotiations, and enhancing adaptation and preparedness for climate-related disasters. The Sendai Cooperation Initiative for Disaster Risk Reduction (2015) was launched by Japan to assist developing countries in DRR.¹¹⁸ Key aspects include financial and technical assistance to improve disaster resilience in vulnerable countries, training and technology transfer to help nations prepare for disasters like earthquakes and tsunamis,¹¹⁹ support for early warning systems and emergency response

¹¹⁵ Suraj Mal et al, “Introducing Linkages Between Climate Change, Extreme Events, and Disaster Risk Reduction” in Suraj Mal, R B Singh & Christian Huggel, eds, *Climate Change, Extreme Events and Disaster Risk Reduction: Towards Sustainable Development Goals* (Cham: Springer International Publishing, 2018) 1.

¹¹⁶ Adam Kamradt-Scott, “The International Health Regulations (2005): Strengthening Their Effective Implementation and Utilisation” (2019) 16:2 *International Organizations Law Review* 242–271; Lawrence O Gostin, Mary C DeBartolo & Eric A Friedman, “The International Health Regulations 10 years on: the governing framework for global health security” (2015) 386:10009 *The Lancet* 2222–2226; Pratik DIXIT, “Synergising International Public Health Law and International Disaster Law” (2022) 13:1 *European Journal of Risk Regulation* 45–55.

¹¹⁷ Jonathan Verschuuren, “Climate change adaptation under the United Nations Framework Convention on Climate Change and related documents” in *Research Handbook on Climate Change Adaptation Law* (Edward Elgar Publishing, 2022) 14.

¹¹⁸ Ranit Chatterjee et al, “Bangkok to Sendai and Beyond: Implications for Disaster Risk Reduction in Asia” (2015) 6:2 *International Journal of Disaster Risk Science* 177–188.

¹¹⁹ Elizabeth Maly & Anawat Suppasri, “The Sendai Framework for Disaster Risk Reduction at Five: Lessons from the 2011 Great East Japan Earthquake and Tsunami” (2020) 11:2 *International Journal of Disaster Risk Science* 167–178; Misako Kaji, “Disaster Risk Reduction—Japanese Initiatives in the World Agenda” (2017) 24:1 *Asia-Pacific Review* 58–73.

planning in disaster-prone regions.¹²⁰ The ASEAN Agreement on Disaster Management and Emergency Response (AADMER) (2005).¹²¹

VI. REGULATORY FRAMEWORK ON INDONESIA DISASTER MANAGEMENT

The Aceh tsunami tragedy that took place in 2004 and the Indonesian government's involvement in the Hyogo Conference in 2007 served as catalysts for the enactment of Law No. 24 of 2007, which pertains to the management of disasters. This legislation was an endeavor to establish a disaster management system characterized by reduced levels of planning, integration, coordination, and comprehensiveness. Before the implementation of this legislation, various ministries and institutions held jurisdiction that did not directly pertain to the application or central responsibilities and activities of the National Disaster Management Agency (BNPB). During the occurrence of a natural disaster, challenges arose in terms of coordinating efforts and ensuring clear implementation and efficacy of disaster management strategies. This legislation can be regarded as a significant achievement in the realm of disaster management regulation at the national level in Indonesia. According to Article 3 of Law No. 24 of 2007, the implementation of disaster management in Indonesia adheres to the following principles: humanity, justice, equality in law and government, balance, harmony, legal certainty, togetherness, environmental sustainability, and science and technology.¹²²

The execution of Law No. 24 of 2007 has revealed several deficiencies in the management of disasters,¹²³ which this study aims to highlight. These include the need

¹²⁰ Yukihiko Oikawa, "International Cooperation: ESD and DRR in Japan" in Koichi Shiwaku, Aiko Sakurai & Rajib Shaw, eds, *Disaster Resilience of Education Systems: Experiences from Japan* (Tokyo: Springer Japan, 2016) 143; Mani Mizutori, "Reflections on the Sendai Framework for Disaster Risk Reduction: Five Years Since Its Adoption" (2020) 11:2 International Journal of Disaster Risk Science 147-151; Sálvano Briceño, "Looking Back and Beyond Sendai: 25 Years of International Policy Experience on Disaster Risk Reduction" (2015) 6:1 International Journal of Disaster Risk Science 1-7.

¹²¹ Gabrielle SIMM, "Disaster Response in Southeast Asia: The ASEAN Agreement on Disaster Response and Emergency Management" (2018) 8:1 Asian Journal of International Law 116-142; Mohammad Syaban & Mizan B F Bisri, "The Role of Institutional Vulnerability in the Adoption of ASEAN Agreement on Disaster Management and Emergency Response (AADMER) at Local Level" in Andri N R Mardiah, Robert B Olshansky & Mizan B F Bisri, eds, *Post-Disaster Governance in Southeast Asia: Response, Recovery, and Resilient Societies* (Singapore: Springer Singapore, 2022) 145; Krishnakali Ghosh, Ranit Chatterjee & Rajib Shaw, "Disaster Management Law and Agreement in ASEAN" in Yan Cui & Rajib Shaw, eds, *Disaster Law: Implications to Governance and Implementation* (Singapore: Springer Nature Singapore, 2025) 37; Angela Pennisi di Floristella, "Dealing with natural disasters" (2016) 29:2 The Pacific Review 283-305.

¹²² Qurattu Ayuni & Fitra Arsil, "Acceleration for disasters: Evaluation of the disaster management act in Indonesia" (2021) 716 IOP Conference Series: Earth and Environmental Science 12034.

¹²³ Simon Butt, "Disaster Management Law in Indonesia: From Response to Preparedness?" in *Asia-Pacific Disaster Management* (2014) 183.

for the implementation of a derivative regulation within the disaster management law, the suboptimal level of support allocated to disaster management budgets, the sluggishness of the disaster management process, the delayed response to disaster mitigation and response efforts, and the inherent weaknesses within the existing disaster management system. The potential vulnerability identified in this context may be the absence of derivative regulations related to the disaster management law, which could impact the effective execution of said law. Several regulatory factors necessitate further consideration of the feasibility of implementing this law. These factors include: (1) the classification and severity of disasters, as stipulated in Article 1, Article 7, and Article 57 of Law No. 24 of 2007; and (2) the evaluation of disaster risk and the establishment of minimum service requirements. There are prompt calls for regulation to ascertain the status and magnitude of a natural disaster, as the absence of clarity poses hindrances to executing response efforts.¹²⁴ The occurrence of the earthquake, tsunami, and liquefaction disasters in Palu was accompanied by a delayed determination of their designation as a national disaster by the central government.¹²⁵ The Governor of Central Sulawesi refrained from promptly declaring it as a regional disaster.¹²⁶ The lack of this official status results in a delay in the execution of relief distribution, recovery initiatives, and the coordination of disaster management implementation. The Governor of Central Sulawesi established an emergency response period, commencing on September 30, 2018, two days after the occurrence of the disaster. This period was officially recognized and remained in effect until October 11, 2018.¹²⁷ In this particular undertaking, the BNPB (National Disaster Management Agency) possesses the jurisdiction to establish an operational unit for disaster management, as stipulated in Article 11, Subsection B. This unit is responsible for coordinating, commanding, and executing disaster management measures.¹²⁸ Law No. 24 primarily pertains to regulating the functions of the National Disaster Management Agency (BNPB). It includes an implementation article which states that additional provisions will be established through a Presidential Regulation. These provisions will address matters such as the formation, functions, duties, organizational structure, and working procedures of the BNPB.¹²⁹ Presidential Regulation No. 08 of 2008 pertains to the establishment and functioning of the National Disaster Management Agency.¹³⁰ The existing laws lack comprehensive details regarding the execution of coordination, leading

¹²⁴ Hajer AL-Dahash, M Thayaparan & Udayangani Kulatunga, *Challenges during Disaster Response Planning Resulting From War Operations and Terrorism in Iraq* (Kandy, 2016).

¹²⁵ Budi Pramono et al, "Management Earthquake and Tsunami Disaster in Palu Indonesia" (2022) *Jurnal Pertahanan & Bela Negara*.

¹²⁶ Ben Mason et al, *Geotechnical Reconnaissance: The 28 September 2018 M7.5 Palu-Donggala, Indonesia Earthquake* (2019).

¹²⁷ Kharishar Kahfi and Ruslan Sangadji, "C. Sulawesi declares 14-day emergency period after earthquake, tsunami", *The Jakarta Post* (30 September 2018).

¹²⁸ Nancy Brown et al, *Indonesia Disaster Response Practices and Roles* (2017).

¹²⁹ Shylvana Adella et al, "Disaster Risk Communication Issues and Challenges: Lessons Learned From the Disaster Management Agency of Banda Aceh City" (2019) 273 *IOP Conference Series: Earth and Environmental Science* 12041.

¹³⁰ Maulida, *supra* note 34.

to a regulatory gap that may result in practical challenges during implementation. First, the coordination among institutions often encounters obstacles due to bureaucratic issues and regulatory constraints, particularly in the absence of clear confirmation regarding the command structure for managing emergency response situations. Second, the significant role of the Indonesian Army (TNI) in disaster management and its relationship with the National Disaster Management Agency (BNPB) has not been adequately acknowledged, despite the TNI's dominant involvement alongside the SAR Agency and other institutions. Third, the regulation of NGOs and other volunteer institutions has not been addressed. Lastly, there is currently no regulation in place regarding the reporting and utilization of donations and assistance coordinated by non-governmental entities. Consequently, the government faces challenges in monitoring whether the donations have reached their intended recipients. The lack of accountability in reporting the reception and allocation of disaster donations to the general public is evident.

The formulation of national disaster management policies in the 2015-2019 RENAS PB (*Rencana Nasional Penanggulangan Bencana* or National Planning for Disaster Management) is further hindered by weaknesses present in these laws and regulations.¹³¹ The RENAS PB organization provides an analysis of the current disaster risk situation in Indonesia, along with an examination of the government's strategies to mitigate these risks. This includes an assessment of various initiatives, priorities, and targets set from 2015 to 2019.¹³² The magnitude of disaster risk is observed to escalate in correlation with the exacerbation of geologic factors, climate change, environmental degradation, and demographic challenges.¹³³ The RENAS PB 2015-2019 has a pivotal role in shaping the trajectory of national policies, including the implementations of:¹³⁴ integrated disaster risk reduction (DRR) endeavors, a robust catastrophe emergency management system, effective rehabilitation and reconstruction endeavors, accountability and transparency mechanisms and systems, as well as the management of public budgeting at both the national and regional levels. The primary objectives of the 2015-2019 RENAS PB plan are:

1. Enhancing the legal framework for disaster management;
2. Integrating disaster management into the broader context of development;

¹³¹ Danang Putra & Mihoko Matsuyuki, "Disaster Management Following Decentralization in Indonesia: Regulation, Institutional Establishment, Planning, and Budgeting" (2019) 14 *Journal of Disaster Research* 173-187.

¹³² Rina Suryani Oktari et al, "Indonesia's Climate-Related Disasters and Health Adaptation Policy in the Build-Up to COP26 and Beyond" (2022) 14:2 *Sustainability* (Switzerland) 1-17.

¹³³ Ilan Kelman, J C Gaillard & Jessica Mercer, "Climate Change's Role in Disaster Risk Reduction's Future: Beyond Vulnerability and Resilience" (2015) 6:1 *International Journal of Disaster Risk Science* 21-27.

¹³⁴ I D K K Widana et al, "Knowledge and attitudes of the BNPB leaders towards nuclear disaster threat in Indonesia: expectation and reality - ICDM 2020" (2021) 708:1 *IOP Conference Series: Earth and Environmental Science* 12062.

3. Augmenting the involvement of several stakeholders in disaster management initiatives;
4. Enhancing the efficacy of disaster prevention and mitigation efforts;
5. Enhancing disaster emergency preparedness and response;
6. Enhancing the ability of individuals, communities, and organizations to effectively respond to and recover from disasters;
7. Enhancing governance in the realm of disaster management.

Despite the shift in disaster management policy from a reactive approach to a proactive one, in line with the principles outlined in the Hyogo Framework of Action (HFA), there remains a necessity for enhancing effectiveness and making improvements, particularly through legislation. As mentioned earlier, it is necessary to reassess Law No. 24 of 2007 in light of the present circumstances. Furthermore, there remain numerous laws and regulations about the execution of disaster management that have not yet been fully harmonized, as other sectors also bear the responsibility of implementing public budgeting in accordance to their respective obligations. The regulatory oversight of disaster management resources and the coordination of intragovernmental contacts between the central and regional levels are entrusted to the Ministry of Home Affairs and the Ministry of Finance. The management of disaster emergencies is overseen by the Ministry of Social Affairs, the Ministry of Health, and the Ministry of Public Works. Within the context of this legislative matter, there exist pending regulations on many aspects, namely the determination of disaster status, the conduct of disaster risk assessments, and the establishment of minimum service requirements.

Furthermore, national disaster management institutions have certain limitations. The BNPB, also known as the National Disaster Management Agency, is a governmental organization tasked with the primary responsibility of organizing disaster management efforts through coordination, command, and implementation. According to Presidential Decree 8/2008, which pertains to the establishment of BNPB, it is a non-departmental technical agency that is overseen by a head of ministerial rank. Hence, the coordination between BNPB and other K/L entities (institutional) poses challenges due to BNPB's hierarchical structure within the Ministry. The presence of a Regional Disaster Management Agency (BPBD) is encompassed within the derivative regulatory aspect of the Disaster Law, which is technical. In the context of budget allocation, the BPBD falls within the purview of the local government, operating under the direction of the Ministry of Home Affairs, rather than being directly under the jurisdiction of the BNPB. The BNPB solely possesses subordinate entities in a technical capacity to the BPBDs. This circumstance gives rise to a multitude of impediments. One notable observation is the lack of BPBDs in certain areas or cities. According to Ministry of Home Affairs Regulation No. 46 of 2008, which pertains to the Organizational Guidelines and Work Procedures of Regional Disaster Management Agencies, there is no mandatory requirement for the establishment of a BPBD in a regency or city region. The obligation

to establish such an agency is only imposed on the provincial government. The BPBDs face constraints in terms of both the quantity and quality of their human resources, as well as restricted facilities. Out of the total 403 *Badan Penanggulangan Bencana Daerah* (BPBDs) that have been established, a majority lack physical office space, and a majority do not own an around-the-clock *Pusat Pengendalian Operasi* (Pusdalops) facility. The availability of logistics and equipment remains constrained, resulting in their inability to be promptly and adequately deployed to the desired time and location. Their human resources exhibit a high degree of flexibility, making them readily transferable. Furthermore, it is worth noting that municipal politics experiences limited backing from legislative bodies.

The aforementioned circumstances are further aggravated by the inadequate legislative framework for disaster management. Enhancing the efficacy of disaster management implementation necessitates bolstering national dedication through the harmonization of responsibilities, duties, and functions among the ministries, institutions, and local governments involved. Ensuring that this commitment is achieved is done through the reinforcement of the legislative framework. The enhancement of the legal framework in disaster management also encompasses the development of technical regulations on several key areas. These areas include the allocation of financial resources for disaster management at both the central and regional levels, the enhancement of the national emergency and preparedness system to maximize its efficacy, the establishment of partnerships, and the implementation of a disaster status. Additionally, the implementation of an integrated monitoring mechanism across various sectors and institutions at both the central and local government levels is crucial.

Law No. 24/2007 has several laws that embody fundamental principles aimed at safeguarding human rights. Law No. 24/2007 also acknowledges the imperative of safeguarding "vulnerable populations" during emergency interventions. This demographic comprises individuals within the following categories: infants, toddlers, children, pregnant or breastfeeding women, individuals with impairments, and the elderly. The aforementioned requirement is reiterated in Government Regulation No. 21 of 2008, specifically addressing the implementation of disaster management. This regulation mandates the National Disaster Management Agency (BNPB) to assume the responsibility of coordinating various agencies and institutions to effectively carry out protective measures aimed at safeguarding vulnerable populations. Furthermore, the regulation governing the protection of vulnerable groups is outlined in Regulation of the Head of BNPB No. 14 of 2014, which specifically addresses the management of persons with disabilities in disaster situations, encompassing their handling, protection, and participation. The BNPB has enacted a regulation about the integration of gender perspectives in the field of disaster management, specifically outlined in the Regulation of the Head of BNPB No. 13 of 2014, which addresses the topic of gender mainstreaming in disaster management. Moreover, the Regulation of the Head of BNPB No. 7 of 2008, which pertains to the Guidelines for the Provision of Assistance to Fulfill Basic Needs, designates vulnerable groups as the primary recipients of disaster

emergency aid in the form of necessities. Prioritizing assistance for these vulnerable groups is considered one of the fundamental principles outlined in this regulation. The inclusion of gender and disability considerations in disaster management laws by BNPB demonstrates the integration of a human rights perspective into the national framework for disaster management. Nevertheless, the limited practical scope of these regulations is evident due to their classification as a Regulation of the Head of BNPB, which restricts its applicability just to BNPB organs and excludes its relevance as a guiding document for external entities.

Table 4. Disaster Management Programs

Priority/Focus	Target	Action plan
Strengthening the legal framework for disaster management	Availability of legal instruments that encourage the implementation of effective and independent disaster management at the central and regional levels in a proportional manner	<ol style="list-style-type: none"> 1. Revision of Law Number 24 of 2007 concerning Disaster Management; 2. Coordination of other rules that have occurred with the law of disaster management; 3. Refinement of disaster management technical regulations; 4. Increasing the implementation of the legal framework for implementing disaster management.
Mainstreaming disaster risk reduction in development	Integrated disaster management in development activities carried out by government and non-government entities.	<ol style="list-style-type: none"> 1. Mainstreaming disaster risk reduction and disaster-related climate change adaptation in national development plans; 2. Monitoring, evaluating, and updating RENAS PB in an integrated manner with related sectors;

		3. Development of RENAS PB implementation information system
Increasing multiparty partnerships in disaster management	Increasing multi-party partnerships (government, business institutions, media, universities, and civil society) in implementing disaster management.	1. Development of community empowerment strategies and their implementation for disaster resilience paying attention to local wisdom and adapting to climate change, gender, and vulnerable groups
Fulfilling good governance in the field of disaster management	Implementation of strategies that guarantee the implementation of community empowerment in a synergistic manner oriented to reducing disaster risk, local wisdom and regional independence	1. Strengthening partnerships for independence and sustainability in implementing disaster management; 2. Strengthening National, regional, and thematic DRR forums as a medium for mutual sharing in the implementation of disaster management; 3. Utilization and strengthening of educational institutions and expert associations in the field of disasters as a medium for education and development of a disaster awareness culture (safety culture); 4. Strengthening and increasing the role of

volunteers in disaster management;

5. Fulfillment of Minimum Service Standards (SPM) related to disaster management;

Sources: Author

VII. CHALLENGES IN IMPLEMENTATION OF HUMAN RIGHTS PRINCIPLES IN INDONESIA DISASTER MANAGEMENT

The insufficiency of human rights protection principles within these laws and regulations poses challenges in their practical application. The prevalence of bureaucratic behavior characterized by excessive adherence to rules and regulations, a strong emphasis on legalistic approaches, limited flexibility, and a lack of professionalism in addressing urgent situations hampered the effective execution of the 2018 Palu disaster management plan. According to Sangaji, a major participant in the focus group discussion (FGD), the absence of identification cards among certain individuals resulted in inadequate dissemination of information on unprofessional refugee management, substandard relocation practices, and inadequate catastrophe zoning arrangements within the community. The Governor of Central Sulawesi's delay in releasing an emergency decree resulted in the distribution of rice stocks owned by the Central Sulawesi government to disaster victims being disrupted, leading to instances of looting by those in need of assistance. The lack of professionalism in this context leads to inadequate data collection regarding the population affected in a given area. Consequently, this results in an uneven distribution of aid, disparities in the treatment and management of victims, variations in the provision of facilities to victims, and even misdirected delivery of aid (Bahri and Aristi, personal interview, focus group discussion). The presence of bureaucratic rigidity poses significant challenges to the coordination of activities, primarily due to the absence of a single institution capable of serving as both the coordinator and crisis management center in emergencies. According to Armansyah, a major participant in the focus group discussion, the presence of hurdles hampers the ability of field officers to effectively identify solutions and operate at their highest level of efficiency when assisting catastrophe victims. The apparent lack of effective coordination implies that the government's commitment to addressing disasters, from initial emergency response to subsequent rehabilitation efforts, may be lacking. This is potentially due to inadequate

and misdirected budget allocations. The government, in its capacity as the accountable entity, has yet to establish explicit criteria for the obligations that the State should fulfill. Consequently, there has been a deliberate exclusion and disregard by state officials at all levels, including the limited involvement of the BNPB as a coordinator in the realm of disaster management (Askary, FGD participant). It is imperative to conduct a comprehensive evaluation of extant institutions and their respective roles in disaster management to ensure widespread awareness and preparedness in the event of a calamity. According to Lelono, a crucial participant in the focus group discussion, disaster management fails to utilize the valuable knowledge and experience of local inhabitants who have been in the region for centuries and have encountered diverse natural disasters that align with the natural environment.

Instances of human rights breaches in the context of disaster management might also arise as a result of administrative mismanagement. Based on the extant standard operating procedures (SOP) on disaster management after September 28, 2018, it can be inferred that a breach of human rights has occurred, stemming from the underlying cause and preceding maladministration by the government. This maladministration is evident in the absence of the Governor, Mayor, and Deputy Mayor during the initial three days, thereby impeding the implementation of governmental measures in response to the emergency.¹³⁵ Consequently, the affected community was deprived of timely and adequate post-disaster management. The Governor's remarks regarding the earthquake victims who evacuated Palu city were perceived as lacking empathy, as he characterized them as cowards and said that their return to the city was not anticipated. There is an increasing trend towards autonomous implementation of disaster management efforts by NGOs. The maladministration in question arose during the stages of development planning and spatial planning conducted by the regional government. The government did not adequately consider the seismic vulnerability of the Palu area. The Regional Disaster Management Agency (BPBD) had not been granted the authority to propose an optimal spatial design based on local circumstances. The current emphasis on development only prioritizes physical growth, neglecting the crucial factors of sustainability and the distinct characteristics of the area (Tangahu, FGD participant). The lack of attention to this matter was further exemplified by the dearth of rules pertaining to disaster management, leading to disorganized disaster management practices and the failure to adequately uphold the rights of populations affected by disasters. Inadequate disaster management practices have led to the lack of precision in aid objectives and, in some cases, infringements upon human rights.

The observed fatality count of 8000 individuals serves as evidence of inadequate spatial planning within Palu city.¹³⁶ Residential areas within the disaster red zone had been authorized for usage by the regional government. The omission of the Disaster

¹³⁵ Bambang Sugeng Ariadi Subagyo et al, "Can Indonesia's Laws Keep Up? Protecting Consumer Rights in Digital Transactions" (2024) 5:3 Journal of Law and Legal Reform 869-890.

¹³⁶ Avinia Ismiyati & Fatma Lestari, "Analysis on emergency and disaster preparedness level of hospitality industry in palu and gorontalo cities" (2020) 10 Int J Saf Secur Eng 671-677.

Management Law in Central Sulawesi's provincial regulation on regional spatial planning has been observed. Law No.24 of 2007 is one of the laws that ought to serve as the legal foundation for spatial planning. The inadequate data collection efforts by the government towards the identification, classification, and quantification of human casualties and material damages have given rise to concerns over potential human rights infringements in the treatment of victims. The distribution of funds allocated by the central government for the provision of essential living necessities to catastrophe victims was hindered by two primary challenges. Firstly, the lack of integration between the data systems utilized for disaster relief and the population database posed a significant obstacle. Secondly, there were additional complications that further impeded the prompt distribution of these funds. Government officials were hesitant to exercise discretion as a result of the inflexible and intricate state financial reporting structure. The challenge of allocating resources for essential needs and other forms of assistance resulted in a significant number of refugees resorting to begging as a means to meet their daily requirements. Ardiansyah, the participant in the focus group discussion. Inadequate data posed challenges to the government's rehabilitation initiatives aimed at facilitating victims' access to energy and clean water. Marzuki is a participant in the focus group discussion.

An inadequate population registration system exacerbates challenges related to the claims for ownership of assets or land, as well as applications for assistance, which are entitled to individuals affected by disasters. The occurrence of a natural disaster results in the loss of several forms of identification and documentation substantiating ownership rights. The absence of documentation verifying one's place of residence is a significant challenge for individuals affected by disasters in obtaining temporary shelter aid provided by the government. The absence of documented evidence verifying ownership of assets or land is a significant challenge for individuals affected by disasters in securing bank loans to facilitate the restoration of economic activities that have been disrupted by said disasters. This is mostly because financial institutions uphold their standard business requirements, even in the aftermath of such disasters. Lahamu is participant in the focus group discussion. Maladministration may also occur due to errors in the distribution of financial resources for disaster management. An evaluation completed by the Indonesian government estimated the financial damages resulting from the Palu disaster to be approximately 4.7 trillion IDR. However, the requested rehabilitation costs amounted to 14 trillion IDR.¹³⁷ The inquiry pertains to the mechanisms underlying the occurrence wherein the cost of rehabilitation needs surpasses the value of the initial development.

The post-disaster management in Palu in 2018 highlights the existence of ongoing structural challenges in the implementation of human rights within the context of disaster management in Indonesia. The primary cause of this issue stems from the inadequate incorporation of human rights protection measures within the framework of disaster

¹³⁷ Aktieva Tri Tjitrawati & Mochamad Kevin Romadhona, "Affliction in the post Palu disaster: State failure to implement human rights standard on disaster management" (2023) 9:1 Cogent Social Sciences.

management, prevention, and response. Additionally, there are shortcomings in the integration of catastrophe mitigation endeavors into broader development programs. The issue is further compounded by the inadequate control mechanisms, including both governmental oversight and community involvement, which fail to prevent the unauthorized issuance of housing development licenses within restricted areas. The level of supervision remains inadequate, as evidenced by the continued circumvention of regulations on the establishment of red zones for construction purposes. The successful implementation of the community's control function necessitates the public's accessibility to the information disseminated by the State. In the event of a disaster, it is the responsibility of the State to disseminate crucial information regarding self-preservation measures, as the absence of such information can potentially result in fatalities. The significance of the right to access information appears to be undervalued, indicating a persistent oversight on our part. From the standpoint of fundamental rights, specifically human rights, the concept is intricately linked to matters of life and death (Tavip, FGD participant).

The concept of human rights necessitates that the State assumes its corresponding duties and responsibilities.¹³⁸ The entity responsible for safeguarding, upholding, and ensuring the realization of human rights, particularly in the aftermath of a disaster, is the State. In this specific scenario, both the central and regional governments bear this responsibility. Consequently, violations of human rights can be categorized as systemic offenses. It is also the responsibility of the State to ensure access to information, enabling people to be informed about the established protocols for managing circumstances both during and after disasters, as well as facilitating the understanding of matters about life and death.

VIII. CONCLUSION

The Indonesian government bears the responsibility of safeguarding the human rights of all individuals within its jurisdiction, including those who have been affected by natural disasters. The responsibility in question is conferred upon the government through the ratification of international human rights treaties by Indonesia, as well as through pertinent local legislation. Indonesia has implemented legislation and rules regarding disaster management, which were subsequently used in the management of the Palu tragedy. Nevertheless, the existing legislation and regulations exhibit insufficiencies in terms of safeguarding human rights, as they lack provisions specifically addressing this matter. Additionally, there are gaps in the law and regulations about the effective administration and execution of the law by the authorized entity or entities. The insufficiency of legal frameworks and regulatory measures has resulted in

¹³⁸ Agung Sujatniko et al, "Pierre Cardin and the Legal Battle for Well-Known Marks: Insights from Indonesia and the Netherlands" (2024) 10:3 Hasanuddin Law Review 240.

implementation issues and the infringement upon human rights in the context of disaster management in Palu.

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