

Recent development of legal system on
disaster management in Indonesia and
its function:
The role of law to support sustainability
of society under the disaster

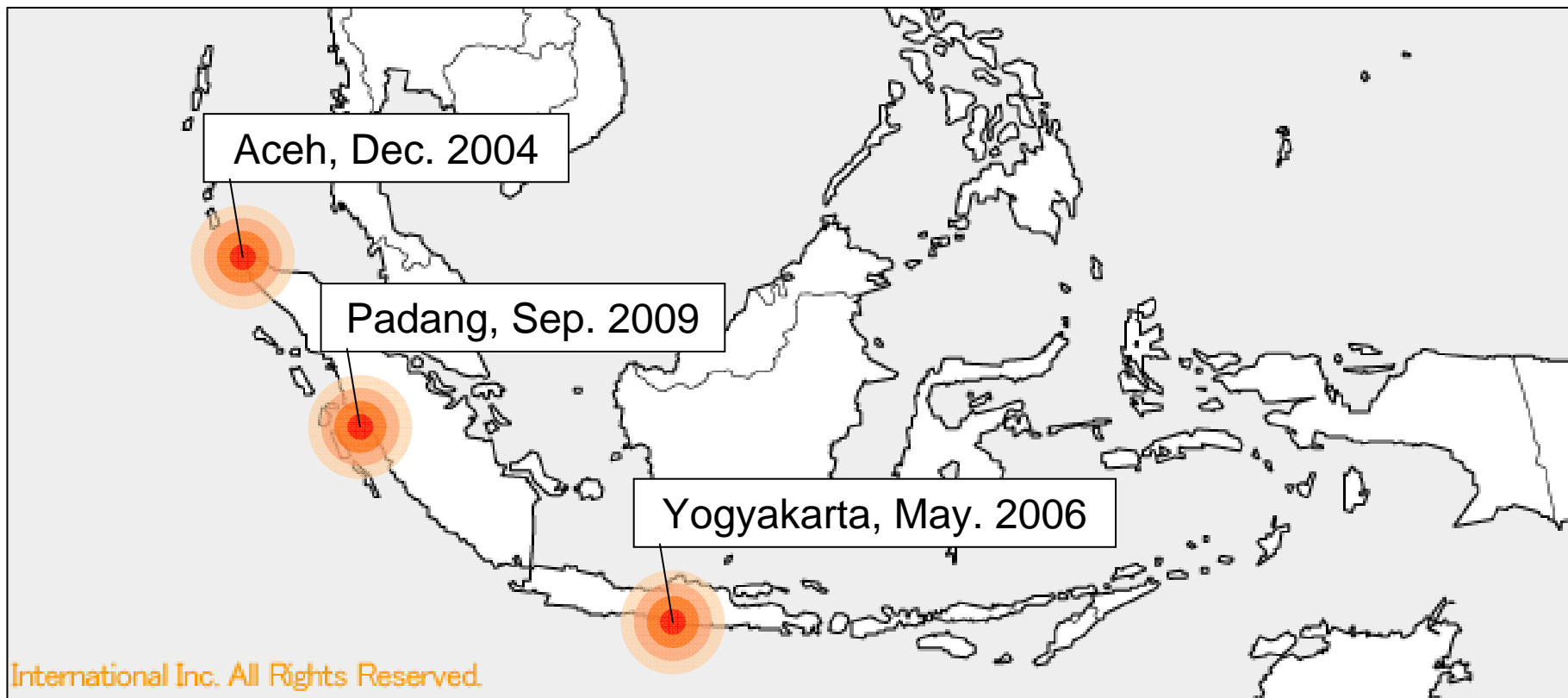
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Earthquakes struck densely populated areas in Indonesia 2004-2009



Location of law in Disaster (Risk, Hazard, Vulnerability)

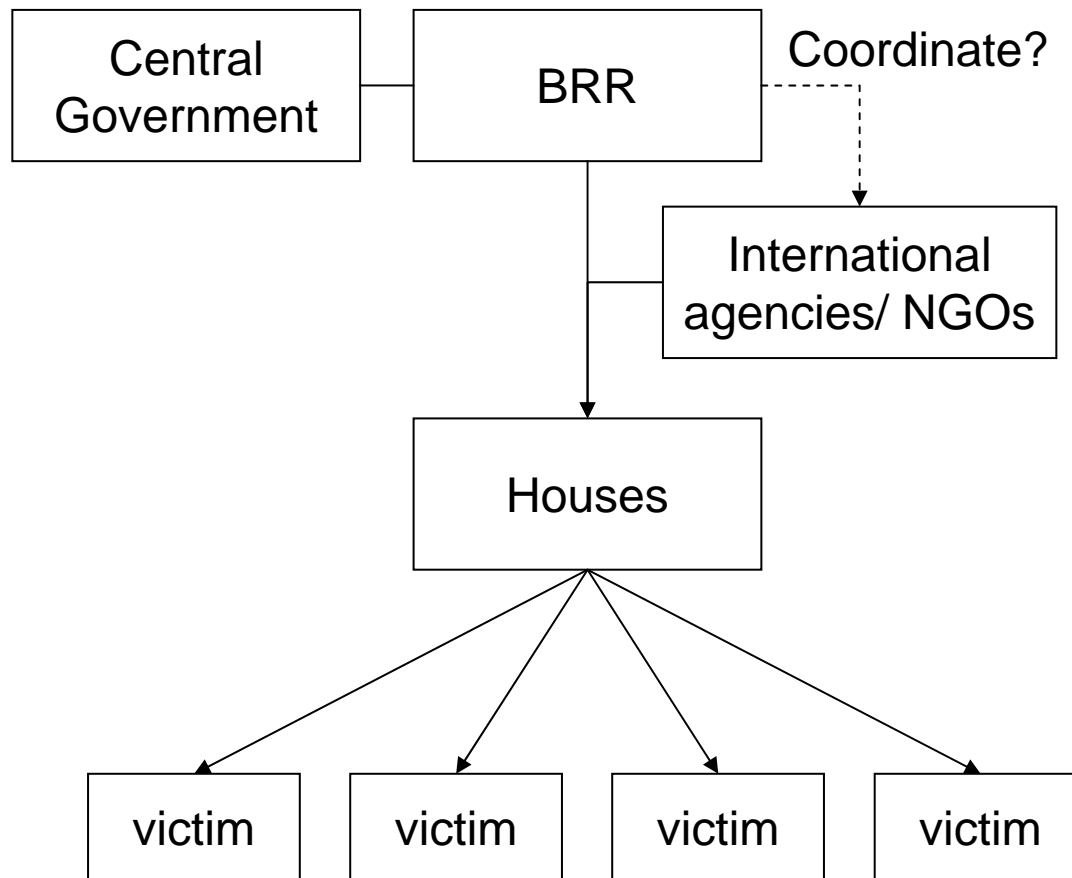


Disaster management law

- ◆ **Comprehensiveness**
 - Vulnerability exists before a disaster
 - Legal system for reducing vulnerability should cover pre-disaster as well as post-disaster.
- ◆ **Independence**
 - Vulnerability comes from various sectors.
 - There should be inter-sectoral efforts.
 - Necessity of administrative and financial independence to coordinate various government organs.
- ◆ **Empowerment**
 - Enhancement of local institution
 - Extension of social capital
 - Participation and chance of access

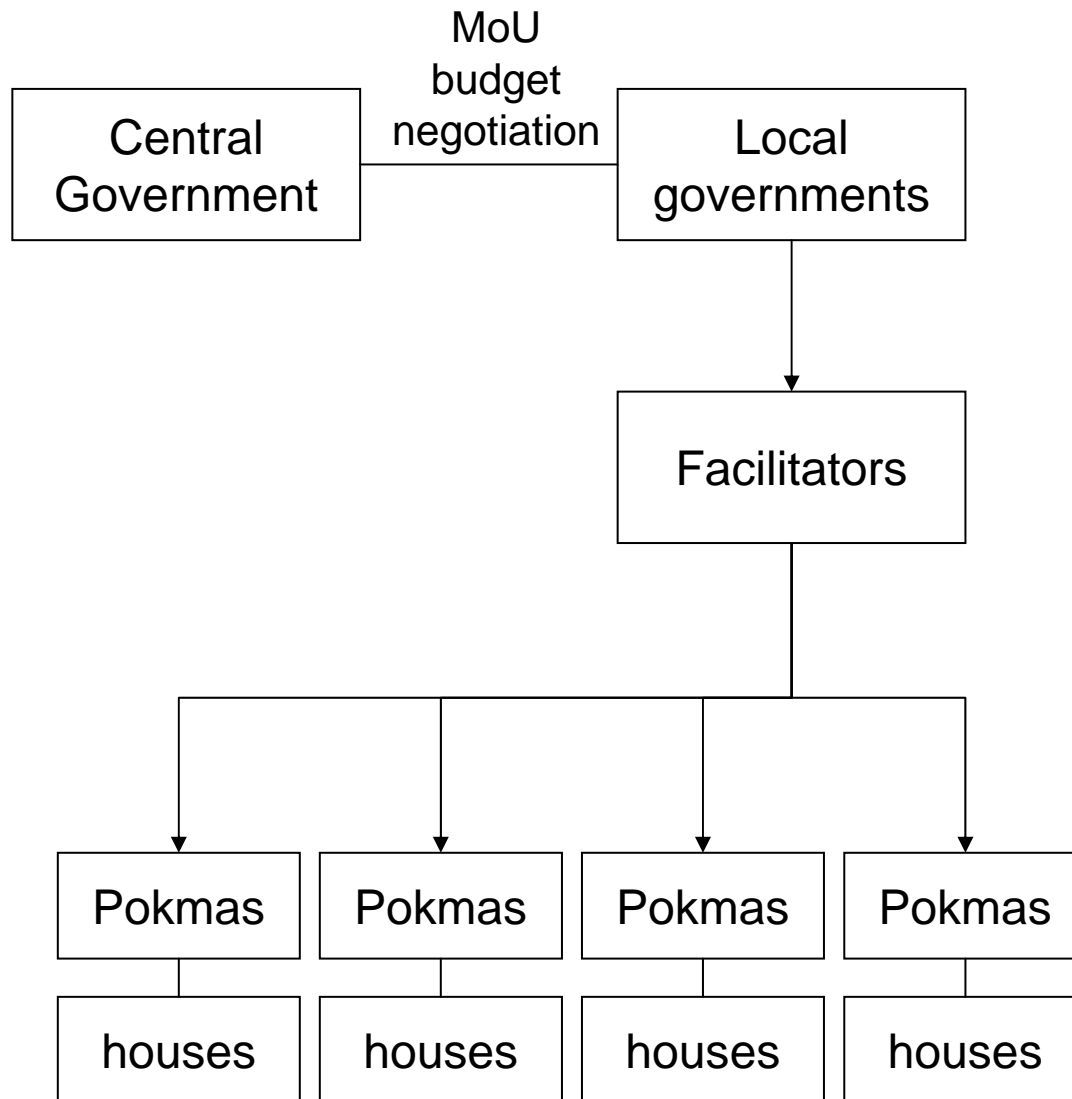
development of these factors in
disaster management laws

Aceh (2004)



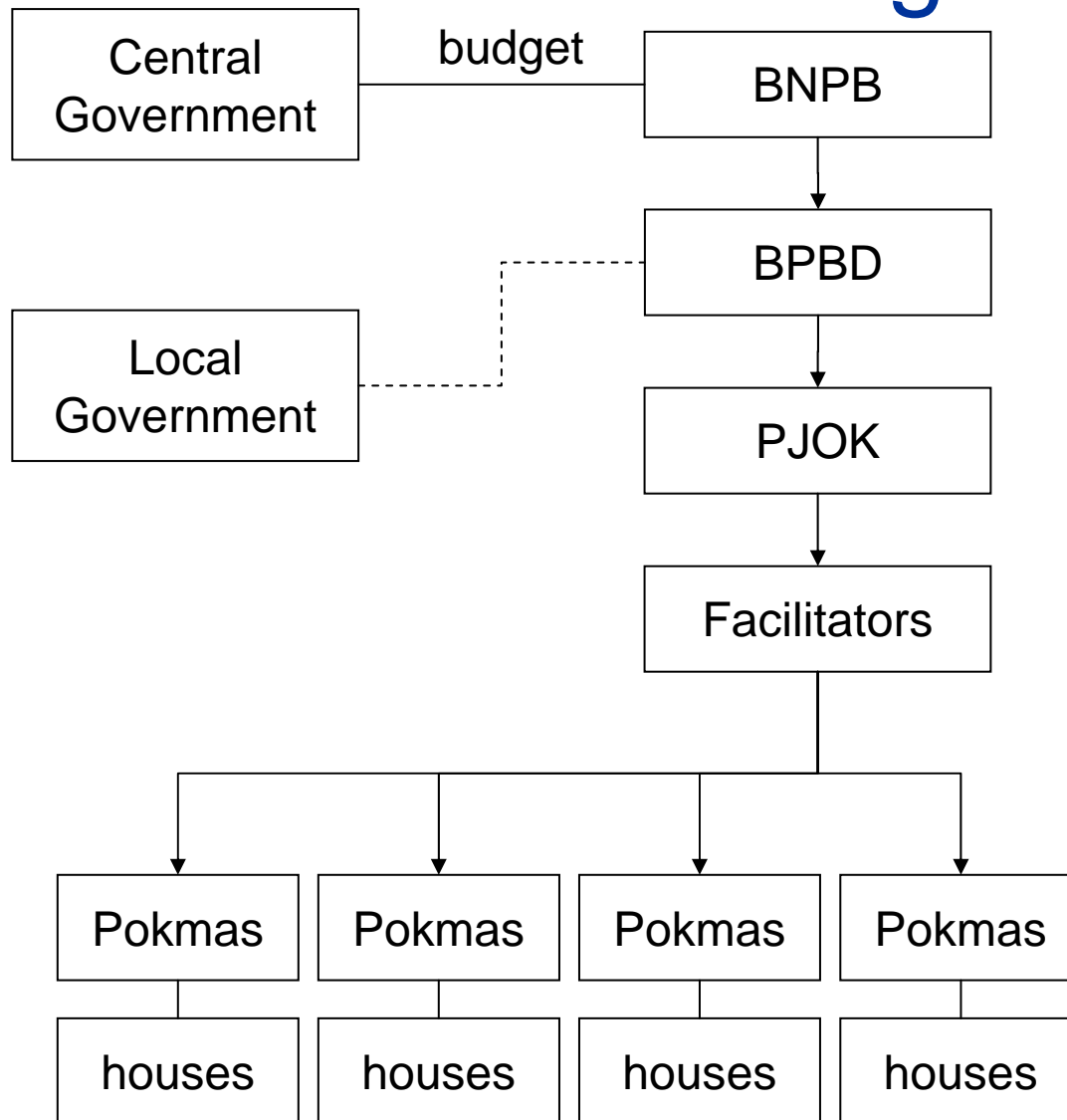
- ◆ high independence
- ◆ no decentralization
- ◆ low empowerment

Central Java (2006)



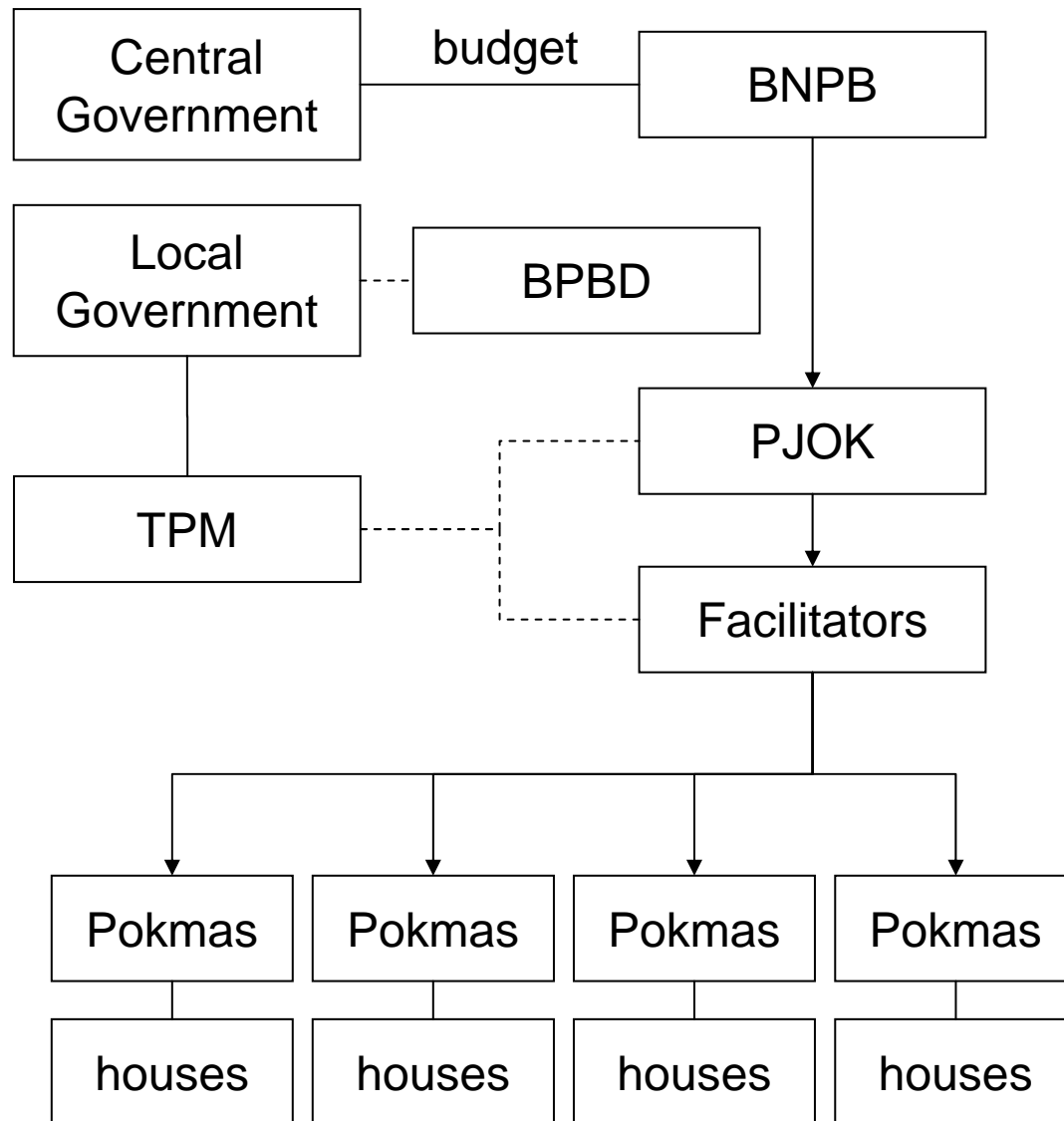
- ◆ *de facto* independence of local government
- ◆ high empowerment

Law no.24/2007 on disaster management



- ◆ high independence
- ◆ high empowerment
- ◆ emphasis on decentralization

West Sumatera (2009)



- ◆ high independence
- ◆ high empowerment
- ◆ less decentralization
- ◆ Insufficient daily supervising or inefficient monitoring?

Problems in West Sumatera

- ◆ Damage evaluation
- ◆ Quality of facilitator
- ◆ Lack of monitoring and checking
- ◆ Personal connection in community

Damage evaluation

- ◆ Primary survey by community leader
 - No clear criteria on damage level
 - Possibility of data manipulation
- ◆ Validation by facilitator
 - Criteria provided by government agency
 - Heavier damage to lighter damage
 - Reduction of subsidy → trouble with people
- ◆ Role of TPM (Accompanying People Team)
 - Representative of administration and community, community member with expertise knowledge, security sector
 - Actually, insufficient knowledge on particular community

Quality of facilitator

- ◆ Insufficient capacity, corrupt and irregular behavior.
 - Unlawful deduction of allocated subsidy
 - Facilitator requests extra payment
 - Irregular deduction is a rule rather than exception.
- ◆ Institutional reasons
 - Tight and rigid budget schedule
 - Must execute 3 trillions rupiah in a half year.
 - Government's slow response
 - Those problems had already been recognized before, but government failed to correct it.

Case 1: Urban area

◆ Fictive data

- Some victims are excluded from subsidy program.
 - Personal relation with community leadership (trouble on corruption in village administration etc.)
- Fictive damage
 - Get subsidy, but already ruined before the quake
 - In residential quarter under construction, empty plots recorded as damaged.
 - Collusion among leaders, plot owners and developer



According to data made by community leader, there should be 35 heavily damaged houses on this empty area.



A ruin of traditional wooden house. This ruin is recorded as a collapsed in validated data (no habitant since before the quake) .

Case 2: Remote area

- ◆ Earthquakes in 2007
 - No clear criteria on damage evaluation.
 - Arbitrary data survey by particular persons who close to village leadership.
 - Government also recognized the problem.
- ◆ Earthquake in 2009
 - Relation between village leader and facilitator
 - primary data is not checked by facilitator.
 - Data manipulation
 - Primary data by leader's family → 158hh
 - Data by university team → 181hh → discarded
 - Fettered by “harmony”
 - Villagers afraid to have trouble with village leadership.

Implications

- ◆ Limitation of local wisdom (*gotong-royong*)
 - Necessity of impartial check and monitoring to avoid negative aspects of personal social relation.
- ◆ Enhancement of civil society
 - Padang government considers NGOs as opposition.
 - Minimum participation of NGOs
 - Smaller stock of civil society (academic and business)
- ◆ Formalism in disaster management
 - Execution of budget
 - Lack of flexibility