

## Government Responsibilities in Fulfilling Victims' Rights During the Rehabilitation and Reconstruction Phase After the Earthquake in Sulai Village, Ulumanda District, Majene Regency

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### ABSTRACT

The rehabilitation and reconstruction phase is very important in restoring the environment, infrastructure, social, economic, cultural and psychological aspects of disaster victims, especially victims of the 6.2 magnitude earthquake in West Sulawesi in 2021. The rehabilitation and reconstruction phase is the stage where the community receives protection from the State in this regard. The central government and local governments in the recovery of all sectors of life after the disaster victims. 1 year after the earthquake in Sulai Village, Ulumanda District, it is still not evenly distributed to get the fulfillment of the facilities contained in the rehabilitation and reconstruction phase as a form of local government responsibility as stated in Article 5 of the Majene Regency Regulation No. 9 of 2019 concerning Disaster Management. Area. In the implementation of the rehabilitation and reconstruction phase in Sulai Village, there are 100% elements in the rehabilitation and reconstruction phase that have not been implemented at all, such as the implementation of security and order patrols, communication networks, community party activities, counseling by psychologists, reconciliation and conflict resolution, drainage development, health center repairs. Assistants, health counseling, counseling on disaster risk reduction efforts and permanent housing in the form of stimulant funds for earthquake victims have not been distributed evenly in Sulai Village.

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### 1. INTRODUCTION

Ulumanda sub-district is one of the sub-districts located in Majene Regency, West Sulawesi Province which is directly adjacent to Malunda sub-district on the north side, Mamasa and Polewali Mandar districts on the east side and Tubo sub-district on the south side. Some of the villages that are part of the administration of Ulumanda District are Tanduallo Village, Popenga Village, Ulumanda Village, Sulai Village, Panggalo Village, Kabiraan Village and Salutambung. Sulai Village, Ulumanda

District, is an area affected by an earthquake measuring 6.2 magnitude in West Sulawesi in 2021, which detected the majority of buildings experiencing heavy damage so that access and transportation to the puskesmas are not very conducive, in addition to poor road access, local medical care is limited due to the puskesmas as well as supporting health centers (pustu) were badly damaged, electricity was cut off and telecommunication networks were also cut off.

Victims of natural disasters get protection through Law Number 24 of 2007 concerning Disaster Management, the entire series during the emergency response time, namely at the time of the disaster until the next 7 days until the post-natural disaster, namely entering the phase of rehabilitation and reconstruction of disaster victims. The rights of disaster victims, which are the responsibility of the government and local governments, are to guarantee the fulfillment of the rights of communities and refugees affected by disasters fairly and in accordance with minimum service standards. This is as explained in Article 6 of Law No. 24 of 2007 concerning Disaster Management. Article 26 paragraph (1) of Law No. 24 of 2007 states that everyone has the right to:<sup>1</sup>

- 1) Obtain social protection and a sense of security, especially for disaster-prone community groups;
- 2) Obtain education, training, and skills in disaster management;
- 3) Obtain written and/or verbal information on disaster management policies.
- 4) Participate in the planning, operation, and maintenance of programs for the provision of health service assistance, including psychosocial support;
- 5) Participate in decision making on disaster management activities, especially those related to themselves and their communities; and
- 6) Supervise in accordance with the mechanism regulated for the implementation of disaster management

Then Paragraph (2) states that every person affected by a disaster has the right to receive assistance to fulfill basic needs. Meanwhile, paragraph (3) states that everyone has the right to obtain compensation for being affected by a disaster caused by construction failure.<sup>2</sup> 2022 is a year after the earthquake that occurred in West Sulawesi, especially in Majene and Mamuju districts, which suffered a lot of heavy damage. One year after the natural disaster is the time that enters the rehabilitation and reconstruction phase after a natural disaster. The rehabilitation phase is the improvement of infrastructure and facilities to restore the social and economic functions of the disaster-affected area while the reconstruction phase emerges as a long-term restoration that includes not only the physical improvement of the affected communities but also the revival of livelihoods, economy, industry, culture, traditions, and environment. Post-disaster recovery includes several aspects that are the focus of the government, namely the Housing, Economy, Environmental Infrastructure, Psychological Social and Public Services Sector.

Majene Regency Regional Regulation Number 9 of 2019 concerning Disaster Management regulates the responsibility of local governments to carry out post-disaster recovery, namely in the rehabilitation and reconstruction phase. In the rehabilitation phase contained in Article 45 of the regional regulation, the regional government is responsible for improving the disaster area environment, public

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<sup>1</sup> Law No. 24 of 2007 concerning Disaster Management

<sup>2</sup> *ibid*

infrastructure and facilities, providing assistance for community housing repairs, social psychological recovery, health services, reconciliation and conflict resolution, socio-economic and cultural recovery, recovery security and order, restoration of government functions, restoration of public service functions. The reconstruction is contained in article 46, namely the rebuilding of facilities and infrastructure; development of community social facilities; revival of the social and cultural life of the community; application of proper design and use of better and disaster-resistant equipment; participation and participation of institutions and organizations, improvement of public services, improvement of primary services in society. The technical arrangements for the post-disaster rehabilitation and reconstruction phase are contained in the Regulation of the Head of the National Disaster Management Agency Number 11 of 2008 concerning Guidelines for Post-Disaster Rehabilitation and Reconstruction.

On the basis of these regulations, a study was conducted that will describe the fulfillment of the rights of victims in the rehabilitation and reconstruction phase by the local government of Majene Regency as the implementation of Article 26 of Law Number 24 of 2007 concerning disaster management in conjunction with Majene Regency Regional Regulation Number 9 of 2019 concerning Disaster Management. to the community in Sulai village, Ulumanda sub-district, Majene Regency where until now there are still some people who have not received assistance for house repairs, there has been no improvement by the local government regarding public facilities such as health, inadequate worship, as well as road access infrastructure.

## **2. METHOD**

The method used in this research is empirical research in the form of field research, using a Statute approach<sup>3</sup> research approach such as Law No. 24 of 2007 concerning Disaster Management, Regulation of the Head of the National Disaster Management Agency Number 11 of 2008 concerning Guidelines for Post-Disaster Rehabilitation and Reconstruction. and Majene Regency Regional Regulation Number 9 of 2019 concerning Disaster Management also uses conceptual approaches such as authority theory and responsibility theory, using the nature of qualitative-quantitative description research with inductive-deductive thinking methods.

## **3. RESULTS AND DISCUSSION**

### **Fulfillment of the rights of victims in the rehabilitation and reconstruction phase by the local government of Majene Regency**

Disaster is a series of events that can disrupt and threaten the life of a community, usually caused by human, natural and non-natural factors. Natural disasters cause casualties, property damage, environmental damage and mental disorders (Article 1 of Law Number 24 of 2007 concerning Disaster Management). Indonesia is a country with many natural disasters in the world. The implementation of disaster management is a shared responsibility of the central and regional governments, the National Disaster Management Agency (BNPB) at the central level, and the Regional Disaster

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<sup>3</sup> Peter Mahmud Marzuki, *Penelitian Hukum (revisi)*, Kencana, Jakarat, 2005, p 56

Management Agency (BPBD) at the provincial and district levels.<sup>4</sup> When a natural disaster occurs, the phase that is very crucial and always considered is the emergency response phase and the rehabilitation-reconstruction phase. These two phases are often used in natural disaster management in Indonesia. Rehabilitation and reconstruction is an inseparable series aimed at long-term recovery that takes into account the physical and non-physical factors of the disaster-affected area.

According to Alka Dhameja, there are three types of disaster rehabilitation, namely physical, social, and psychological. Physical rehabilitation is a very important aspect of rehabilitation. This includes the reconstruction of physical infrastructure, such as housing, buildings, railroads, roads, communication networks, water supplies, electricity, and others. Physical rehabilitation and reconstruction should also include policies for subsidies, agricultural equipment, land acquisition for relocation, land use planning, land zoning, strengthening of undamaged houses, and housing construction. Social rehabilitation is also an important part of disaster rehabilitation where vulnerable groups, such as the elderly, orphans, widows, and children, need special social support to survive the impact of disasters. Dealing with the psychology of victims is a very sensitive issue and should be done with care and attention. The psychological trauma of losing family and friends as well as the memory of the disaster event itself, actually takes longer to heal. Therefore, social welfare and psychological support must be seriously considered immediately after a disaster occurs so that they can become an important part of the rehabilitation program. The rehabilitation program must also pay attention to the traditions, values, norms, beliefs, and habits of the disaster-affected community.<sup>5</sup>

This study describes the achievement of the fulfillment of the elements in the rehabilitation and reconstruction phase in Sulai Village, Ulumanda District, Majene Regency which was affected by the earthquake. An earthquake measuring 6.2 magnitude by the Regional Government of Majene Regency was as follows.

Table 1  
Respondents for the victims of the West Sulawesi Earthquake in Sulai Village are 20 people per hamlet

Dusun	Keruskaan Rumah						Terima dana Stimulan				Dana stimulant yang diterima					
	Ringan		Sedang		Berat		Ya		Tidak		21jt-31jt		32jt-42jt		43jt-53jt	
	F	P	F	P	F	P	F	P	F	P	F	P	F	P	F	P
<b>Sulai Utara</b>	0	0%	0	0%	20	100	17	85%	3	15%	0	0%	0	0%	17	85%
						%										
<b>Sulai Selatan</b>	0	0%	2	10%	18	90%	14	70%	6	30%	0	0%	0	0%	14	70%

<sup>4</sup> Wahyu Rizana dan Zikri Alhadi, Efektivitas peran BPBD dalam Upaya Rehabilitasi dan Rekonstruksi Rumah Masyarakat Pasca Bencana Banjir di Nagari Tanjung Sani Kabupaten Agam, Jurnal Ilmu Sosial dan Pendidikan (JISIP), Vol 5 No 3, 2021, p 4

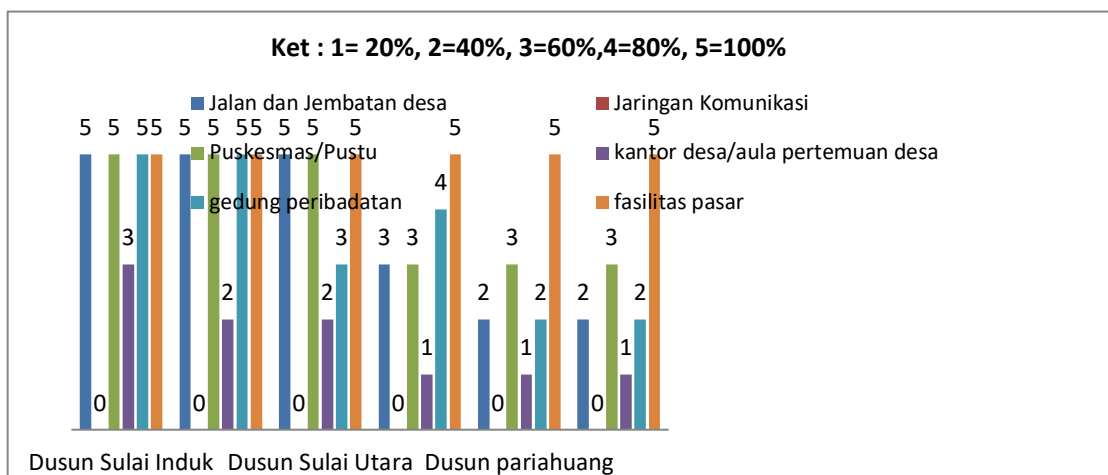
<sup>5</sup> Lidya Christin Sinaga, Problematika Rehabilitasi dan Rekonstruksi Studi Kasus Pasca Bencana Tsunami Mentawai 2010, Jurnal, Jurnal Dialog Penanggulangan Bencana, Vol 4 No 1, 2013, p 3

<b>Batulotong</b>	0	0%	8	40%	12	60%	17	85%	3	15%	0	0%	5	25%	12	60%
<b>Pariahuang</b>	0	0%	11	55%	9	45%	20	100%	0	0%	0	0%	11	55%	9	45%
<b>Kasambi</b>	0	0%	3	15%	17	85%	18	90%	2	10%	0	0%	3	15%	15	75%
<b>Sulai Induk</b>	0	0%	6	30%	14	70%	15	75%	5	25%	0	0%	1	5%	14	70%

Source: Questionnaire Data Processing of Respondents in Sulai Village, Kec.ulumanda, Majene Regency in 2022

From the table above, it can be seen that the damage to the houses of residents in Sulai Village, Ulumanda District was dominantly heavily damaged with an average percentage of damage that was 75% and an average of moderate damage in Sulai Village, namely 25%. As for the people affected by the earthquake, there are still those who have not received stimulant fund assistance from the government with an average percentage of 19%, the percentage is still quite large, seeing the sample used is 20 people per hamlet in Sulai Village.

Table 2  
Responsibilities of the local government of Majene Regency in the Physical Type Rehabilitation Phase



Source: Questionnaire Data Processing of Respondents in Sulai Village, Kec.ulumanda, Majene Regency in 2022

In the diagram above, it can be described that what needs to be considered in the provision of facilities and infrastructure in the rehabilitation phase in Sulai Village is the provision of a Communication Network. Communication Network percentage 0 in all hamlets in Sulai Village, the limitation of the communication network in question is

the internet network, while the telephone network can be accessed but in certain places. In addition to the communication network providing the Village Office or Village meeting hall, it has not yet functioned as before the post-earthquake, this can be seen from the diagram which shows the numbers 3 hamlets of Sulai Induk, 2 Hamlets of South Sulai, 2 Hamlets of North Sulai and 1 each for the hamlet of Batulotong, parahuang and kasambi, so that the average percentage of only 33% stated that the village office was functioning well. Even the health functions have not functioned properly, especially in the hamlets of Batulotong, Parahuang and Kasambi, this is because the access of the three hamlets is far from the Puskesmas, so that the closest Sub-Puskesmas in the hamlet are assessed.

Table 3  
Responsibilities of local government in the rehabilitation phase Social type

Dusun	Puskesmas or Pustu health services (the presence of doctors and nurses)				socio-economic recovery							
					folk party activities				stable food prices			
					Y		N		Y		N	
	f	p	f	p	f	p	f	p	f	p	f	p
sulai Induk	20	100%	0	0%	0	0%	20	100%	14	70%	6	30%
sulai utara	20	100%	0	0%	0	0%	20	100%	11	55%	9	45%
sulai selatan	20	100%	0	0%	0	0%	20	100%	13	65%	7	35%
batulotong	6	30%	14	70%	0	0%	20	100%	7	35%	13	65%
pariahuang	10	50%	10	50%	0	0%	20	100%	3	15%	17	85%
Kasambi	7	35%	13	65%	0	0%	20	100%	5	25%	15	75%

Source: Questionnaire Data Processing of Respondents in Sulai Village, Kec.ulumanda, Majene Regency in 2022

In the table above, it can be seen that what needs to be paid attention to in Dusun Batulotong, Pariahuang and Kasambi with an average of 61% stating that the health services for doctors and nurses at the Sub-Puskesmas are not good, this is meant is the service of nurses at the Sub-Puskesmas, the percentage This is high because nurses are rarely available and open supporting puskesmas services, while in the hamlets of Sulai Main, North Sulai and South Sulai the health services are very good, this is supported by access or the distance to the Puskesmas in Sulai Village is very easy and affordable.

Tabel 4  
Security and order patrols (security patrols by TNI/Polri

Dusun	running of government functions and services											
	security and order (security patrols by TNI/Polri				the village office correspondence service is going well				schools have opened and carry out the educational process as before the earthquake			
	Y		N		Y		N		Y		N	
	f	p	f	p	f	P	f	P	f	p	f	p
<b>sulai Induk</b>	0	0%	20	100%	15	75%	5	25%	20	100%	0	0%
<b>sulai utara</b>	0	0%	20	100%	10	50%	10	50%	20	100%	0	0%
<b>sulai selatan</b>	0	0%	20	100%	8	40%	12	60%	20	100%	0	0%
<b>batulotong</b>	0	0%	20	100%	5	25%	15	75%	20	100%	0	0%
<b>pariahuang</b>	0	0%	20	100%	9	45%	11	55%	20	100%	0	0%
<b>Kasambi</b>	0	0%	20	100%	11	55%	9	45%	20	100%	0	0%

Source: Questionnaire Data Processing of Respondents in Sulai Village, Kec.ulumanda, Majene Regency in 2022

In the table above, it can be described that security patrols have never been carried out at all, even according to respondents after the earthquake until the rehabilitation phase there were no security patrols. The function of the correspondence service has not been running well with an average percentage of 51%.

Table 5  
Responsibilities of local government in the rehabilitation phase of the Psychological type

Dusun	psychological social recovery (there are counseling activities by psychologists from the government to the community				reconciliation and conflict resolution in society by the government			
	Y		N		Y		N	
	f	p	f	p	f	p	f	p
<b>sulai Induk</b>	0	0%	20	100%	0	0%	20	100%
<b>sulai utara</b>	0	0%	20	100%	0	0%	20	100%
<b>sulai selatan</b>	0	0%	20	100%	0	0%	20	100%
<b>batulotong</b>	0	0%	20	100%	0	0%	20	100%
<b>pariahuang</b>	0	0%	20	100%	0	0%	20	100%
<b>kasambi</b>	0	0%	20	100%	0	0%	20	100%

Source: Questionnaire Data Processing of Respondents in Sulai Village, Kec.ulumanda, Majene Regency in 2022



In terms of psychology, it can be seen in the table above that the local government and BPBD have never carried out counseling and reconciliation activities or resolutions in the form of mediating earthquake-affected communities in conflict. In fact, the need for information is a need that is based on the urge to understand, master the environment, find curiosity and explanations, starting with questions and then looking for answers.<sup>6</sup>

Table 6  
Responsibilities of local government in the physical type reconstruction phase

Dusun	PHYSICAL RECOSTRUCTION PROGRAM															
	permanent housing assistance				village office fixed to permanent				the puskesmas/pustu building has been repaired to be permanent				drainage infrastructure rehabilitated			
	Y		N		Y		N		Y		N		Y		N	
	f	p	f	p	f	P	f	p	f	P	f	p	F	p	f	p
sulai Induk	15	75%	5	25%	12	60%	8	40%	20	100%	0	0%	0	0%	20	100%
sulai utara	17	85%	1	5%	8	40%	12	60%	20	100%	0	0%	0	0%	20	100%
sulai selatan	14	70%	6	30%	8	40%	12	60%	20	100%	0	0%	0	0%	20	100%
Batulotong	17	85%	3	15%	4	20%	16	80%	3	15%	17	85%	0	0%	20	100%
pariahuang	20	100%	0	0%	4	20%	16	80%	0	0%	20	100%	0	0%	20	100%
kasambi	18	90%	2	10%	4	20%	16	80%	0	0%	20	100%	0	0%	20	100%

Source: Questionnaire Data Processing of Respondents in Sulai Village, Kec.ulumanda, Majene Regency in 2022

In the table above it can be described that the physical reconstruction program for communities affected by the earthquake in Sulai Village, Ulumanda District, Majene Regency, permanent housing is defined as having received a stimulant so that they can build permanent housing, the percentage that has not received permanent housing assistance is 14%, repairs village office buildings have not been repaired with an average of 47.5% answering no, construction of drainage infrastructure 0%

<sup>6</sup> Andi Akifah, Risqy Alfityaty, Kudratullah, Evaluasi Penyebaran Informasi pada Proses Rekonstruksi Pasca Bencana Alam di Kota Palu, Jurnal, Intelektiva: Jurnal Ekonomi, Sosial dan Humaniora, Vol 2, No 11, 2021, p 5



Table 7  
Responsibilities of local government in the non-physical reconstruction phase

Dusun	NON PHYSICAL RECOSTRUCTION PROGRAM							
	the existence of health education by the government / BPBD to disaster victims				the existence of counseling on disaster risk reduction efforts by the government/BPBD			
	Y		N		Y		N	
	f	p	f	p	f	P	f	P
sulai Induk	0	0%	20	100%	0	0%	20	100%
sulai utara	0	0%	20	100%	0	0%	20	100%
sulai selatan	0	0%	20	100%	0	0%	20	100%
batulotong	0	0%	20	100%	0	0%	20	100%
pariahuang	0	0%	20	100%	0	0%	20	100%
kasambi	0	0%	20	100%	0	0%	20	100%

Source: Questionnaire Data Processing of Respondents in Sulai Village, Kec.ulumanda, Majene Regency in 2022

In the table above, it can be described that compliance in the non-physical reconstruction phase 100% has never been carried out by the local government or BPBD in terms of conducting health education activities and disaster risk reduction efforts in Sulai Village, Ulumanda District, Majene Regency. The frequent occurrence of natural disasters in Indonesia, for this reason, disaster risk management is needed for better and systematic handling of disaster assistance. The problem that arises is that there are still many Indonesians who do not know and understand what a disaster is, how to anticipate and deal with a disaster, so that the risks caused by the disaster are as minimal as possible.<sup>7</sup> This point is very important to be carried out by BPBD and regional governments based on the regulation of the Head of the National Disaster Management Agency Regulation Number 11 of 2008 concerning Guidelines for post-disaster rehabilitation and reconstruction.

According to William N. Dunn, public policy is a series of interrelated choices made by government agencies or officials in areas related to government duties. Such as defense and security, energy, health, education, public welfare, criminalization, urban and others.<sup>8</sup> In Law Number 24 of 2007 concerning Disaster Management Article 57, the State is obliged to carry out the stages of rehabilitation and reconstruction of disaster

<sup>7</sup> Desy Triana, Wahyu Oktri Widyarto, Sarwidi, Management Risiko Bencana Gempa dan Tsunami Berbasis Edukasi Bagi Masyarakat di Wilayah Rawan Gempa Bumi dan Tsunami, Jurnal, Jurnal Dialog Penanggulangan Bencana, Vol 6 No 2, 2015, p 2

<sup>8</sup> Riau Sujarwani, Suhandri, Evaluasi Program Rehabilitasi Sosial Rumah Tidak Layak Huni di desa Tanjung Lipat Kabupaten Lingga, Jurnal, Jisipol (Jurnal Ilmu Sosial dan Ilmu Politik Raja Haji) STISIPOL RAJA HAJI TANJUNGPINANG, Vol 3, No 1, 2021, p 4

victims. This was later confirmed in the Majene Regency Regional Regulation No. 9 of 2019 concerning Disaster Management in article 44.

From the results of this study, it can be explained that there are several points in the rehabilitation and reconstruction phase that have not been fulfilled by the Majene district government in Sulai village, namely there are points in the rehabilitation and reconstruction phase 100% that have not been fulfilled such as the implementation of security and order patrols, communication networks, party activities people, counseling by psychologists, reconciliation and conflict resolution, drainage construction, repair of sub-health centers, health education and counseling on disaster risk reduction efforts. Permanent housing for earthquake victims has not been distributed evenly, while those that have not been fulfilled are limited to three hamlets which are located further from the main axis road, namely Kasambi Hamlet, Batulotong Hamlet and Pariahuang Hamlet, there are several implementations that are the government's responsibility to fulfill, namely village mail services, Puskesmas Helpers are rarely opened by nurses, which then has implications for health services for the three villages, the basic food element is not stable in the three hamlets in Sula Village, Ulumanda District, Majene Regency.

Levinas stated that responsibility is always asymmetrical (non-reciprocal), beyond existing rules, concrete and beyond human freedom.<sup>9</sup> Theory of Responsibilities in line with Padal 5 Regional Governments are responsible for regional management in the Majene Regency Regional Regulation No. 9 of 2019 concerning Disaster Management. The responsibility of the regional government is then clarified again in the Majene Regency Regional Regulation No. 9 of 2019 concerning Disaster Management Article 6 (b) protection of the community from the impact of disasters which can be interpreted as the fulfillment of all rights granted by the State in the form of laws and regional regulations. Local governments with their authority can make programs according to the guidelines for rehabilitation and reconstruction with the aim of fulfilling the rights of the earthquake victims in Sulai village and evaluating the rehabilitation and reconstruction program for people who have not received assistance or the provision of facilities that have been guaranteed by the government in regulations for earthquake victims. . As is known, according to Philipus M Hadjon, authority, namely in constitutional law, authority (bevoegdheid) is described as legal power, so that in the concept of public law, authority is related to power.<sup>10</sup> Thus, all efforts of the local government to carry out the rehabilitation and reconstruction phase for disaster victims in Sulai Village to achieve the right goal, which is dependent on the Regional Government of Majene Regency in realizing and implementing the Rehabilitation and Reconstruction program in Sulai Village, Ulumanda District, Majene Regency.

#### **4. CONCLUSION**

The responsibility of the Majene district government to the community The 6.2 magnitude earthquake disaster paper in Sulai Village, Ulumanda district, Majene district related to the implementation of the Regional Government in the rehabilitation and reconstruction phase has not been fulfilled in its entirety, there are still 100% elements in the rehabilitation and reconstruction phase that are completely have not

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<sup>9</sup> Kosmas Sobon, Konsep Tanggungjawab dalam Filsafat Emmanuel Levinas, Jurnal, Jurnal Filsafat, Vol 28, No 1, 2018, p 2

<sup>10</sup> Ridwan HR, Hukum Administrasi Negara, Rajawali Pers, Jakarta, 2006, p 100

been implemented in Sulai village such as organizing security and order patrols, communication networks, people's party activities, counseling by psychologists, reconciliation and conflict resolution, drainage development, repair of sub-health centers, health counseling, counseling on disaster risk reduction efforts and permanent housing in the form of stimulant funds for earthquake victims have not been distributed evenly in Sulai Village.

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