



DISASTER RECOVERY IN INDONESIA

A Legal and Policy Survey

+CIFRC

Disaster Law

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CONTENTS

Acknowledgements	4
Executive summary	5
1. Introduction	6
1.1 Background	6
1.2 Indonesia's disaster risk profile	6
1.3 The 2018 Sulawesi Earthquake and Tsunami	7
2. The legal, policy and institutional framework for disaster rehabilitation and reconstruction in Indonesia	8
2.1 Overview of the legal and policy framework for disaster risk management	8
2.2 Legal and policy framework for rehabilitation and reconstruction	9
2.3 Legal and policy framework for rehabilitation and reconstruction in Central Sulawesi	10
2.4 Institutional framework for disaster rehabilitation and reconstruction	12
2.5 Building back better and safer	13
3. Funding	14
3.1 Domestic sources of funding	14
3.2 Domestic financial aid	14
3.3 International sources of funding	15
4. Specific rehabilitation and reconstruction policies and strategies	16
4.1 Housing and settlements	16
4.1 Infrastructure	16
4.2 Economic, social, cultural and psychological recovery	17
5. The protection of vulnerable groups	19
5.1 Gender	19
5.1 Children	21
5.2 People with disabilities	21
5.3 Indigenous groups	22
Endnotes	23

Acknowledgements

This report was authored by Shebanee Devadasan, IFRC Disaster Law Intern, as part of a project on law and disaster recovery and reconstruction. Technical review and oversight were provided by Rachel Macleod, IFRC Senior Disaster Law Officer.

This report was produced with the financial assistance of the German Federal Ministry for Economic Cooperation and Development. The views expressed herein can in no way be taken to reflect the official opinion of the German Federal Ministry for Economic Cooperation and Development.

The IFRC wishes to thank and acknowledge the support of the German Federal Ministry for Economic Cooperation and Development, which enabled the development of this report.



Methodological note

It should be noted that the lack of official translations of most Indonesian laws and policies cited in this report required their translation by the author. Although this was done as faithfully and attentively as possible, any errors are IFRC's responsibility.

Executive summary

Indonesia is a country which experiences a high level of disaster risk, being susceptible to multiple hazards including earthquakes, tsunamis, volcanic eruptions, flooding, droughts, landslides, and epidemics. The country has been very active in disaster law, having continually worked to strengthen its legal framework for disasters during the past two decades.

This report is a desktop survey of Indonesia's laws and policies relating to disaster recovery. The report surveys laws at national and regional levels and considers a variety of different topics relevant to disaster recovery including funding, housing and settlements, reconstruction of infrastructure, and the protection of vulnerable groups. In addition to examining the generally applicable laws and policies, the report examines the legal and policy instruments adopted specifically to support the recovery from the 2018 Sulawesi Earthquake and Tsunami.

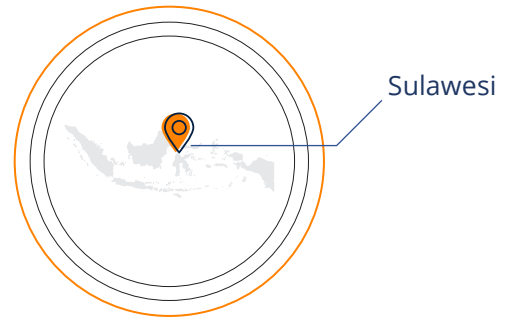
The main disaster law in force in Indonesia is Law Number 24 of 2007 concerning Disaster Management (the 2007 Disaster Law). While the 2007 Disaster Law does address recovery, greater detail is found in Government Regulation Number 21 of 2008 Concerning Disaster Management. The National Agency for Disaster Management (*Badan Nasional Penanggulangan Bencana* or BNPB) is the main national government body responsible for disaster management. There are also regional disaster management bodies (*Badan Penanggulangan Bencana Daerah* or BPBD) which report to the BNPB. Regional BPBDs largely mirror BNPB in terms of their structure and function.

Disaster recovery in Indonesia is conceptualised as having two components, namely 'rehabilitation' and 'reconstruction'. The difference between rehabilitation and reconstruction mainly relates to the timeframe in which they are implemented. The rehabilitation phase follows the early recovery phase, typically lasting three to six months. Subsequently, the reconstruction phase takes place, lasting for six to twenty-four months. The national government and the affected regional government(s) are jointly responsible for disaster rehabilitation and are required to develop a rehabilitation plan. Reconstruction, including reconstruction planning, is the responsibility of the regional government, except in the case of facilities and infrastructure which remain the responsibility of the national government.

In the specific case of the 2018 Sulawesi Earthquake and Tsunami, rehabilitation and reconstruction were regulated by the existing instruments and, additionally, Presidential Instructions dated 28 November 2018 and the Provincial Master Plan for Recovery and Development. Overall, both the existing instruments and the Sulawesi-specific instruments have several strengths. This includes (but is not limited to):

- a strong emphasis on building back better/safer, including through improving the resilience of public infrastructure and supporting relocation to lower risk areas;
- recognition of the disproportionate impacts on vulnerable groups and the identification of practical measures to mitigate these impacts; and
- adopting a holistic approach to disaster recovery which encompasses the 'soft' elements of social, cultural, and psychological recovery.

As this report is based on desktop research, it does not evaluate the implementation of the legal and policy provisions surveyed. It is recommended that further research be undertaken to examine the implementation of the legal and policy provisions identified in this report, with a view to developing recommendations for strengthening Indonesia's legal and policy framework for disaster recovery.



1. Introduction

1.1 Background



This report is part of a global research project on 'Law and Disaster Recovery and Reconstruction' conducted by IFRC Disaster Law. Following the publication of a [Literature Review on Law and Disaster Recovery and Reconstruction in 2020](#), IFRC Disaster Law has conducted country-level mappings on law and disaster recovery around the world. Indonesia has been selected for this research project, with attention being specifically given to the 2018 Sulawesi Earthquake and Tsunami. Indonesia has been selected as it is a country that experiences a high level of disaster risk and that has also been very active in

disaster law, having continually worked to strengthen its legal framework for disasters during the past two decades.

This report considers how Indonesia's legal and policy framework supports recovery from disaster. In order to capture this, a variety of themes and issues have been selected including funding, housing and settlements, reconstruction of infrastructure, and the protection of vulnerable groups. In addition to examining the generally applicable laws and policies, the report examines the legal and policy instruments adopted specifically to support the recovery from the 2018 Sulawesi Earthquake and Tsunami. In terms of methodology, this report is a desktop review prepared using legal and policy documents available online. As such, this report does not evaluate the implementation of the existing legal framework, but instead seeks to comprehensively survey the applicable provisions.

1.2 Indonesia's disaster risk profile



The Republic of Indonesia is an island country situated in Southeast Asia, composed of over 13,000 islands. Indonesia is one of the most disaster-affected countries in the world due to its position in the Pacific 'Ring of Fire', causing the country to be at risk from multiple hazards. Its geographical position, as well as the fact that it is the largest archipelago nation in the world, means that it is at risk of floods, landslides, earthquakes, volcanic eruptions, tsunamis, tropical storms, and forest fires. In terms of fatalities, earthquakes are the most dangerous hazard, followed by epidemics and droughts.¹

Indonesia experiences regular earthquakes due to its position along the boundaries of three tectonic plates, placing Java, Bali, Nusa Tenggara, Maluku, Sulawesi and Papua at high risk. It is reported that Indonesia experiences earthquakes with a magnitude of 5.0 or lower on a daily basis.² Further, Indonesia's position at the boundaries of three tectonic plates and the position of those boundaries on the sea floor, means that earthquake epicenters are often located in areas where they can generate tsunamis that reach Indonesia.

Indonesia has a population of 273.5 million and a population density of 151 people per square kilometer, making it the fourth most populous country in the world. In 2022, 9.8% of the population lived below the national poverty line, earning less than \$4.87 per household per day.³ Up to 30% of the population also remain vulnerable to falling into poverty.⁴ Further, it is estimated that 62% of the population live in earthquake-prone areas.⁵ The impact of tsunamis in Indonesia is compounded by the fact that the most at-risk communities are located along coastlines. These often poorer communities tend to be isolated and lack access to timely information.⁶ Overall, Indonesia has a relatively high mortality risk from multiple hazards.⁷

1.3 The 2018 Sulawesi Earthquake and Tsunami



Sulawesi has a population of 20 million and, as such, is the fourth most populated island in Indonesia. It is divided into six provinces: North Sulawesi, Central Sulawesi, West Sulawesi, South Sulawesi, Southeast Sulawesi, and Gorontalo. The provinces are further divided into regencies. Similar to most islands in Indonesia, Sulawesi is prone to multiple hazards. Sulawesi has several active volcanoes spread across the island, including Mount Lokon and Karangetang. Sulawesi is also very prone to earthquakes due to the various active fault lines which underly the island.⁸ Since 1900, Sulawesi has experienced 119 earthquakes with a magnitude of 6.0 or greater.⁹ Most seismic activity occurs on the northern and north-eastern parts of the island, but more destructive earthquakes have affected the whole island.¹⁰

On the 28th of September 2018 at 17:02 local time, an earthquake with a magnitude of 7.5 struck Central Sulawesi. This subsequently triggered a 10.5 metre tsunami which also hit Central Sulawesi.¹¹ The earthquake also caused soil liquefaction, which led to severe mudflows and landslides. The most affected regencies in Central Sulawesi were Palu and Donggala. In total, 1.5 million people were affected throughout Central Sulawesi. In terms of casualties, more than 2,000 people lost their lives to the earthquake and tsunami. 4,600 people were severely injured, whilst 210,000 people were displaced from their homes. Regarding housing and infrastructure, more than 65,000 houses were destroyed or severely damaged.¹² Palu and Donggala had electricity and telecommunications cut for days, whilst other affected regencies had very limited access.¹³ Healthcare facilities were destroyed or damaged, causing shortages in medical supplies.¹⁴ Airport runways and control towers were also severely damaged, hindering access to aid.¹⁵ 170 aftershocks were also recorded by the 30th of September, many of which caused further displacement and damage.¹⁶

In the immediate aftermath of the earthquake, local responders rushed to rescue individuals trapped under the rubble of buildings that had collapsed. They also provided medical assistance to those who were injured. Further search and rescue efforts were undertaken by PMI, the National Search and Rescue Agency ('BASARNAS'), the Indonesian Armed Forces as well as local government agencies.¹⁷ Subsequently, the Governor of Central Sulawesi announced 14 days of emergency from 28 September to 11 October (which was later extended to 26 October).¹⁸ By the 1st of October, the Government began to accept offers of international assistance in line with identified humanitarian needs.¹⁹

2. The legal, policy and institutional framework for disaster rehabilitation and reconstruction in Indonesia

2.1 Overview of the legal and policy framework for disaster risk management



Indonesia is a presidential republic with a decentralised administration. The President is the head of state and the chief of government. The 34 provinces in Indonesia (including the special region of Yogyakarta and National Capital District of Jakarta) are responsible for implementing laws and policies. Provinces (led by Governors) are further divided into regencies (led by Regents) and, in turn, municipalities (led by Mayors).²⁰ In the context of this report, Central Sulawesi is a province which has 12 regencies. Central Sulawesi has a provincial government. Each of the 12 regencies also have their own regional governments. Due to the decentralised nature of governance in Indonesia, there is no hierarchy between the provinces and regencies. However, the Governor of a province has supervisory powers over the regional governments.²¹

Legislative power in Indonesia is vested in a bicameral parliamentary system under the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*), which consists of two houses: the People's Representative Council (*Dewan Perwakilan Rakyat*), comprised of 550 representatives drawn from political parties, and the Regional Representatives Council (*Dewan Perwakilan Daerah*), comprised of 128 representatives from the provinces in Indonesia. Indonesia has a civil law legal system. The Law of the Republic of Indonesia Number 12 of 2011 on Enactment of Laws established the procedure and hierarchy of written laws in Indonesia. In Indonesia, bills can be presented by the Indonesian House of Representatives, President, or the Regional Representative Council. The Bill is then deliberated in the House of Representatives, and must be jointly approved by both the House of Representatives and President in order to become written law. An overview of the hierarchy of written laws is as follows:

- The Constitution of 1945 (*Undang-Undang Dasar 1945*), as amended
- Laws (*Undang-Undang*)/Government Regulations in lieu of Law (*Peraturan Pemerintah Pengganti Undang-Undang*)
- Government Regulation (*Peraturan Pemerintah*) – enacted by the President to implement detailed provisions of Laws
- Presidential Decree (*Peraturan Presiden*)
- Regional Regulation (*Peraturan Daerah*)
- Ministerial Regulation (*Peraturan Menteri*)
- Regulation of other (non-Ministerial) government bodies (*Peraturan Kepala*)

The key laws and regulations concerning disasters in Indonesia include:

- Law Number 24 of 2007 concerning Disaster Management
- Regulation Number 21 of 2008 concerning Disaster Management
- Regulation Number 22 of 2008 concerning Disaster Aid Financing and Management
- Regulation Number 23 of 2008 concerning Participation of International Institutions and Foreign NGOs in Disaster Management

- Presidential Regulation Number 8 of 2008 concerning the National Agency for Disaster Management
- Guideline Number 22 of 2010 on the Role of International Organizations and Foreign Non-Governmental Organizations during Emergency Response

The principal legislation concerning disasters in Indonesia is the Law of the Republic of Indonesia Number 24 of 2007 Concerning Disaster Management (henceforth, the 2007 Disaster Law). The 2007 Law regulates disaster relief and governs the entire disaster management system in Indonesia. As such, it outlines: the implementation of the national disaster management system; the responsibilities of the national and regional governments; and the roles of the national and regional disaster management bodies, among others.

The 2007 Disaster Law also established the National Agency for Disaster Management (*Badan Nasional Penanggulangan Bencana*) ('BNPB'). BNPB serves as the governing body for the disaster management system in the country. Its primary functions are the creation of disaster management policies and coordination of disaster management activities.²² BNPB's main tasks include: (i) the provision of guidelines and directions on disaster management (which includes rehabilitation and reconstruction); and (ii) the setting of disaster management standards and requirements which must be followed.²³ Since 2019, the head of the BNPB holds a minister-level position, effectively enabling BNPB to take direct command from the President during disasters.²⁴

The 2007 Disaster Law also created regional disaster management bodies ('BPBDs') which report to BNPB. Regional BPBDs largely mirror BNPB in terms of structure and functions and are composed of members from the regency level agencies. The tasks of BPBDs include: (i) stipulation of guidelines (including on rehabilitation and reconstruction) in line with BNPB's guidelines on disaster management; (ii) the preparation of disaster management procedures; and (iii) conducting disaster management within their territory.

2.2 Legal and policy framework for rehabilitation and reconstruction



Chapter VII of the 2007 Disaster Law is dedicated to disaster management. The third paragraph of part two of this Chapter concerns the post-disaster phase. Article 57 establishes that disaster management during the post-disaster phase refers to (i) rehabilitation and (ii) reconstruction. Rehabilitation is defined as 'repairing and recovering all aspects of public or community services to an adequate level in post-disaster areas particularly to normalize or recover all aspects of government administration and community life.'²⁵ Rehabilitation in this context involves:

- improvement of the disaster area environment;
- repair of public facilities and infrastructure;
- provision of aid for community housing repair;
- socio psychological recovery;
- healthcare;
- reconciliation and conflict resolution;
- socioeconomic and cultural recovery;
- security and order recovery;
- government administration function recovery; and
- public services function recovery.²⁶

Reconstruction is defined as ‘rebuilding of all facilities and infrastructure, institutions in post-disaster areas, at government and community levels particularly with the aim to enable growth in economic, social and cultural activities, enforce law and order, and revive public participation in all aspects of community life in post-disaster areas.’ Reconstruction involves:

- rebuilding of facilities and infrastructure;
- rebuilding of communities’ social facilities;
- revival of socio cultural community life;
- use of appropriate design with improved and disaster-resistant equipment;
- participation of social institutions and organizations, businesses and communities;
- improvement of social, economic, and cultural conditions;
- improvement of public service functions; and
- improvement of essential services in communities.²⁷

Thus, disaster recovery in Indonesia is conceptualised as having two components, namely rehabilitation and reconstruction. The difference between rehabilitation and reconstruction mainly relates to the timeframe in which they are implemented. In the immediate aftermath of a disaster, following the provision of emergency relief (immediate disaster response), the government usually implements the **early recovery phase**. This usually lasts for one to three months. During this time, a damage and loss assessment would be conducted. Following this, the **rehabilitation phase** is implemented, which typically lasts for three to six months. Finally, the **reconstruction phase** will take place, lasting for six to twenty-four months.²⁸

This distinction is reiterated in Government Regulation Number 21 of 2008 Concerning Disaster Management, which goes into more detail than the 2007 Disaster Law in some respects. Regarding rehabilitation, Regulation Number 21 highlights that it is the shared responsibility of both the national and regional government (whose area is affected by the disaster) to set out rehabilitation plans which should consider aspects such as regulation of building construction standards, social conditions, customs, culture, and the economy.²⁹ The plans shall be executed by both the national and regional government. Such rehabilitation plans should also comply with guidelines established by BNPB.³⁰ Similarly, Regulation Number 21 requires that a reconstruction plan be established, however it notes that the regional government has the primary responsibility for conducting reconstruction activities, except in the case of facilities and infrastructure which remain the responsibility of the national government.³¹

2.3 Legal and policy framework for rehabilitation and reconstruction in Central Sulawesi



On the 28th of November 2018, the Indonesian President released Presidential Instructions (*Instruksi Presiden*) Number 10 of 2018³² on expediting rehabilitation and reconstruction in Central Sulawesi and other affected areas. This document reiterated the activities that comprise rehabilitation and reconstruction, and this was largely the same as the activities listed in Law Number 24 of 2007. Most notably, the instructions highlighted the roles of the various ministers and ministries in Indonesia regarding the rehabilitation and reconstruction following the 2018 Sulawesi Earthquake and Tsunami. For example, the Minister of Public Works and Public Housing was specifically tasked with, among other things, overseeing the rehabilitation and reconstruction of affected educational and religious facilities.

Following the Presidential Instructions, the Central Sulawesi provincial government published the 'Provincial Master Plan for Recovery and Development' (*Rencana Induk Pemulihan Dan Pembangunan Kembali Wilayah Pascabencana Sulawesi Tengah*) on 14 December 2018 ('Master Plan'). The Master Plan defined rehabilitation as 'bettering and restoring all aspects of public service to an adequate level in the affected area(s)' whilst reconstruction was defined as 'rebuilding all infrastructure, facilities and institutions in the affected area(s)'.³³ The Master Plan aimed to: (i) guide recovery efforts in areas affected by the disaster, particularly those that were at risk for future disasters; (ii) provide a recovery plan for infrastructure, economic and socio-cultural aspects of communities in affected areas; and (iii) coordinate financing, cooperation and institutional plans in implementing recovery efforts. The Master Plan further detailed the responsibilities and division of tasks between different bodies, including the BNPB and the Central Sulawesi BPBD.

The Master Plan outlined three phases for recovery in the aftermath of the disaster: (i) the emergency phase; (ii) the rehabilitation phase; and (iii) the reconstruction phase.³⁴ The emergency phase concerned the immediate aftermath of the disaster and lasted for the duration of the declaration of emergency (i.e., 28 September 2018 to 26 October 2018). It mostly involved disaster response activities (such as evacuations and search and rescue efforts). However, it also covered the short-term improvement of infrastructure and public services, such as medical facilities, so that they could function during the emergency phase.

The rehabilitation phase was designed to last for two months, from 26 October 2018 to 26 December 2018. This phase aimed to restore the function of buildings and infrastructure that were urgently needed to follow up on the services provided during the emergency phase. This included the rehabilitation of mosques, hospitals, basic social infrastructure, as well as urgent economic infrastructure. It was noted that the overall objective of this stage was to improve public services and make them functional at an adequate and acceptable level. This stage also included efforts to provide psychological support to individuals suffering from disaster-related trauma and legal support concerning the settlement of land rights.

The reconstruction phase was designed to last for two years, from 26 December 2018 to 26 December 2020. It aimed to rebuild areas and communities in Central Sulawesi that were affected by the disaster, with the involvement of disaster victims, experts, and representatives from non-governmental organisations. The Master Plan also notes that the reconstruction phase would begin following the creation of a provincial-level reconstruction plan. This reconstruction plan would address more specific reconstruction plans concerning damage incurred in selected districts and cities across Central Sulawesi. Such a plan would contain more detail than the Master Plan, as it would take into consideration the specific needs of the selected districts and cities.

The Master Plan highlighted the key principles for rehabilitation and reconstruction, the majority of which linked back to the principle of building back better and safer.³⁵ These principles were the following.

- **Recovery that is better, safer and sustainable.** This principle emphasised the importance of not only restoring damaged infrastructure to its pre-disaster state, but building back said infrastructure in a way that would make it more resilient to future disasters.
- **Recovery that is holistic and inclusive.** This principle emphasised that rehabilitation and reconstruction must be considerate of the needs of different communities, particularly social, economic and cultural needs. Recovery also has to be gender, socio-economic status, and disability inclusive.
- **Recovery that is integrative, collaborative and participative.** This principle required recovery efforts to involve officers from both the national and regional disaster management bodies.

- **Recovery that takes into account the needs of vulnerable groups.** This principle emphasised that recovery was to be conducted in stages, and that vulnerable groups were to be prioritised.
- **Recovery that is transparent.** This principle required recovery efforts to be transparent and communicated to the public. This also required open channels whereby officials could be answerable if issues were to arise.
- **Recovery that utilises uniform sources of funds.** This principle provided that recovery efforts would be able to receive funding from various sources in order to achieve the goal of recovery in the region.
- **Recovery that is consistently monitored and evaluated.** This principle linked back to the need to ensure transparency and accountability in recovery efforts.

The Master Plan divided rehabilitation and reconstruction into several sectors: (i) housing and settlements; (ii) infrastructure; (iii) socio-cultural; (iv) regional economy and society; and (v) cross sectoral activities. For each sector, the Master Plan outlines strategies for recovery based on the damage caused by the disaster, the specific needs of the affected communities, and the need to mitigate future risks.

2.4 Institutional framework for disaster rehabilitation and reconstruction



As noted in Section 2.1, the 2007 Disaster Law established BNPB as Indonesia's national disaster management body, and regional BPBDs which report to BNPB. Among the missions of BNPB is to 'carry out post-disaster recovery areas and communities through better coordinated rehabilitation and reconstruction with disaster risk reduction dimensions.'³⁶ As such, one of the duties of BNPB is the '[provision of] guidelines and direction for disaster management efforts that include disaster prevention, disaster emergency management, rehabilitation and reconstruction in a fair and equitable manner.'³⁷ These are reflected in the organisational structure of BNPB which has a deputy for rehabilitation and reconstruction, in addition to deputies for other phases of disaster management. The deputy's main tasks involve:³⁸

- the coordination and implementation of general policies on disaster management during the post-disaster period;
- the formulation of general policies on disaster management during the post-disaster period;
- the maintenance of employment relations of disaster management during the post-disaster period; and
- the monitoring, evaluating, and reporting of/on the implementation of general policy on disaster management during the post-disaster period.

There are three directorates under the deputy for rehabilitation and reconstruction: (i) the directorate for planning rehabilitation and reconstruction; (ii) the directorate for physical recovery and enhancement; and (iii) the directorate for the recovery and enhancement of the social economy and natural resources.

Regional BPBDs largely mirror the same organisational structure as BNPB. Notably, BPBD Central Sulawesi has a head of rehabilitation and reconstruction. Under the head, there is a dedicated deputy head for rehabilitation and a deputy head for reconstruction.

Following the 2018 Sulawesi Earthquake and Tsunami, regional coordination and assistance teams for rehabilitation and reconstruction were established in the form of thematic area working groups. Each working group was tasked with identifying recovery needs based on recorded damages, and subsequently developing recovery and development plans for their respective area(s). As such, five main working groups were established: (i) disaster risk-based regional development; (ii) regional infrastructure recovery; (iii) regional economic recovery and socio-cultural recovery of the community; (iv) funding and cooperation; and (v) regulation and institutional arrangements.

2.5 Building back better and safer



The concept of ‘building back better’ and ‘building back safer’ refer to rehabilitation and reconstruction activities that aim to increase the future resilience of an area and community. Various Indonesian laws, policy documents and guidelines integrate the concept of building back better and/or building back safer.

Notably, the Regulations of the National Disaster Management Agency Number 6 of 2017 aim to guide post-disaster rehabilitation and reconstruction, ensuring that they are planned, integrated, coordinated and comprehensive to build back better and safer. The Regulations define building back better and safer as the ‘capacity or ability to rehabilitate and reconstruct damaged infrastructure to make it better and safer to make it more resilient to future hazard risks.’³⁹ The Regulations then reiterate that one of the main principles of post-disaster rehabilitation and reconstruction is building back better and safer based on the concept of disaster risk reduction.

The Provincial Master Plan for Central Sulawesi (discussed in Section 2.3) notes that the approach adopted when crafting the plan was the concept of building back better – that is, redeveloping Central Sulawesi to ensure that it is more resilient to future hazards. This also links back to the first key principle highlighted in the Master Plan (i.e., recovery that is better, safer and more sustainable). Further, the Minister for Public Works and Housing highlighted the need for building back better principles to be implemented when carrying out rehabilitation and reconstruction in Palu City, to be able to better withstand disasters in the future.⁴⁰ It is, therefore, clear that the principle is viewed as a fundamental part of rehabilitation and recovery in Indonesia.

The Master Plan provides details regarding rehabilitation and reconstruction activities, and how build back better and safer principles are integrated into these activities.⁴¹ For example, regarding the rehabilitation and reconstruction of housing and settlements, BPBD Central Sulawesi is to first conduct a damage assessment and note any specific areas of weakness or concern. Utilising this, BPBD Central Sulawesi must create a strategy for rehabilitation and reconstruction, taking into consideration how the houses and settlements can be built back better and safer so that they will be able to better withstand future disasters of a similar nature and minimise damage. This could include, for example, improving building codes to require the use of stronger structural materials when building houses in more vulnerable or high-risk areas. Following this, BPBD Central Sulawesi implements the plans.⁴²

3. Funding

3.1 Domestic sources of funding



According to BNPB estimates, the damage caused by the 2018 Sulawesi Earthquake and Tsunami amounted to 14.48 trillion Indonesian Rupiah.⁴³ The Master Plan estimated that 22 trillion Indonesian Rupiah was needed for rehabilitation and reconstruction activities.⁴⁴ This number could increase depending on the additional costs incurred through implementing resettlement plans. As such, funding in the form of domestic and international sources were both sought in order to fund the rehabilitation and reconstruction activities.

3.2 Domestic financial aid



The Indonesian government establishes different types of funds relating to disasters. Firstly, disaster contingency funds refer to funds reserved for potential or future disaster.⁴⁵ Secondly, ready funds are funds used by government during the emergency phase of disaster response, until the cessation of such emergency response.⁴⁶ Finally, grant-patterned social assistance funds concern funds provided by the national government to regional governments for post-disaster management.⁴⁷

The 2007 Disaster Law establishes the responsibility of the Indonesian Government in ensuring that sufficient funds are allocated for disaster management in the National Budget.⁴⁸ Additionally, it notes a requirement to establish a specific disaster management fund. Regulation Number 22 of 2008 establishes that the disaster management fund shall be used for disaster management at the pre-disaster, emergency response and post-disaster stages.⁴⁹ Funding used at the post-disaster stage includes funding for rehabilitation and reconstruction.⁵⁰ The disaster management fund is composed of funds from the national and regional disaster management agencies, as well as the community.⁵¹ Community participation can take place through facilitating community plans to raise funds for disaster management, and increasing community's participation in the provision of funds.⁵² All fundraising efforts for disaster management require a license from authorised agencies or institutions.⁵³

Regulation Number 22 of 2008 highlights that grant-patterned social assistance funds shall be specifically provided for post-disaster activities.⁵⁴ Further, it notes that disaster aid shall be provided to disaster victims.⁵⁵ Such aid includes both shorter-term aid, such as compensation money for grief following the death of a relative, as well as longer-term aid, such as soft loans (i.e., loans with no interest or a below-market rate of interest) for productive businesses.⁵⁶ The latter would include the provision of: (i) credit for productive businesses; or (ii) credit for ownership of capital goods, for disaster victims who have lost their livelihoods.⁵⁷

In addition, Indonesia's Multi Donor Fund Facility for Disaster Recovery (IMDFF-DR) is a funding mechanism established in 2009 with the aim of mobilising funds and coordinating international assistance.⁵⁸ IMDFF-DR aids in overcoming any shortfalls the government may have in their budget.⁵⁹ Funding from IMDFF-DR has been used for disaster management activities in the past, such as the 2014 Mount Sinabung and Kelud volcanic eruptions. Regarding the former, IMDFF-DR funds were used for livelihood recovery and community resilience-buildings programmes.⁶⁰ Concerning the latter, funding was used for community-based recovery and resilience programmes, including software development for high-risk areas and cultivation development programmes for farmers.⁶¹

In practice, the Indonesian Ministry of Social Affairs did distribute life insurance assistance for victims of the 2018 Sulawesi Earthquake and Tsunami. Thousands of people in Sigi, Palu and Donggala were recipients of this assistance. Although the life insurance was intended to meet the immediate basic needs of disaster victims, the Minister of Social Affairs also noted that the assistance would aid victims in longer-term psychosocial recovery.⁶²

3.3 International sources of funding



The 2007 Disaster Law establishes that the national and regional governments, alongside the BNPB and BPBDs, shall carry out resource management of disaster aid.⁶³ Such management includes planning, use, maintenance, monitoring, and evaluation of international assistance funds.⁶⁴

In November 2018, the Asian Development Bank provided a \$500 million emergency assistance loan for recovery and rehabilitation activities in Lombok and Central Sulawesi.⁶⁵ The loan aimed to provide immediate funding to aid in implementing the government's near-term recovery and rehabilitation plans. This loan complemented an earlier emergency grant provided by the Asia Pacific Disaster Response Fund which aimed to support immediate relief works in Central Sulawesi.⁶⁶ Additionally, in 2019, the Asian Development Bank approved a \$297.75 million loan in June 2019 for the rehabilitation and reconstruction of public works and transport infrastructure in Central Sulawesi.⁶⁷ The loan included two components. The first aimed to help the government reconstruct and rehabilitate water supply and educational facilities to improve their resilience to future hazards.⁶⁸ This also entailed building coastal protection systems and installing hydrogeological instruments for managing water flows.⁶⁹ The second component aimed to help the government in the recovery of airport and port infrastructure, mainly the damaged ports in Pantoloan, Donggala and Wani, and the Mutiara Sis Al Jufri Airport in Palu.⁷⁰ These efforts would improve their operational capacity, enhance their safety, and help increase economic development in the province.⁷¹

The World Bank also provided a grant to the Indonesian Government for technical assistance and support regarding disaster recovery in Central Sulawesi.⁷² This included: (i) the identification of priority recovery investments; (ii) development of investment plans based on identified critical needs in both the housing and social infrastructure sectors; and (iii) integration of resilience-based and inclusive principles into existing and future recovery programmes.⁷³

There were also various funds provided by states, international organisations and non-governmental organisations that aimed to aid the Indonesian Government in recovery efforts in Central Sulawesi, notably:

- the Government of Brunei provided a cash donation to the ASEAN Coordinating centre for Humanitarian Assistance on Disaster Management to support the building of more hazard-resilient houses;⁷⁴
- the United Nations Food and Agriculture Organisation provided funding to support the restoration of horticulture production, and the livelihoods of victims in Palu;⁷⁵ and
- Save the Children provided funding to aid in efforts to ensure access to education facilities for victims.⁷⁶

4. Specific rehabilitation and reconstruction policies and strategies

4.1 Housing and settlements



The 2007 Disaster Law notes that rehabilitation of housing and settlements includes the provision of government aid, which may take the form of money or materials, to repair damaged housing.⁷⁷

The Master Plan identifies specific rehabilitation and reconstruction policies and strategies that should be implemented in relation to housing and settlements. The damage assessment conducted on housing and settlements in Central Sulawesi following the disaster revealed several problems, including:

(i) the loss of homes for thousands of people; (ii) a limited number of safe locations for future settlements due to the majority of Central Sulawesi being hazard-prone; and (iii) the isolation of a few territories in the region due to the disaster.

The Master Plan identifies policies and strategies that could be adopted to address these problems. These include:⁷⁸

- **The identification of data needed to support the rehabilitation and reconstruction of housing and settlements.** This would include conducting multi-disaster risk analysis in post-disaster affected areas to determine their suitability for housing and settlement locations.
- **Giving residents options regarding housing and settlements.** This could include: (i) relocation to a new, safer area outside the immediate area for residents who want to start new lives; or (ii) relocation to new settlement locations within the immediate area (this would require development planning).
- **The provision of assistance.** This would include the provision of cash-based assistance to assist victims who wish to relocate away from high-risk areas.
- **The provision of safe and suitable relocation land for housing and settlements.** This would require the identification of disaster risk areas, and the subsequent preparation of new residential areas that are socially and culturally acceptable to the community.

4.1 Infrastructure



The 2007 Disaster Law notes that the rehabilitation of public facilities and infrastructure refers to the repair of facilities and infrastructure needed for transportation, smooth running of economic activities, and community sociocultural life.⁷⁹ The reconstruction of public facilities and infrastructure refers to building new facilities to fulfil economic, social and cultural needs of the concerned society, whilst taking into consideration the provincial and regional structure plan.⁸⁰

The Master Plan identifies the specific damage to infrastructure suffered in Central Sulawesi following the disaster. This includes the loss of basic facilities and infrastructure that supported community activities, and the breakdown of transportation, communication and logistics systems. As such, the Master Plan identified the following policies and strategies for the rehabilitation and reconstruction of infrastructure:⁸¹

- **Prioritising the development of facilities and infrastructure to meet basic needs.** This includes: (i) the reconstruction of basic needs facilities to make them more resistant to future hazards; and (ii) setting priorities on rebuilding integrated water, sanitation, drainage and solid waste infrastructure.
- **Developing better transportation and communication systems.** This would include: (i) prioritising the implementation of infrastructure rehabilitation related to sea ports and strategic airports; and (ii) reconstruction through building new facilities that are resistant to potential future disasters.
- **Rehabilitating and reconstructing energy and electricity distribution facilities.** This includes: (i) prioritising the rehabilitation of electricity distribution networks; and (ii) directing reconstruction efforts to support the diversification of energy sources that are environmentally friendly.

4.2 Economic, social, cultural and psychological recovery



In the aftermath of a disaster, economic, social, cultural and psychological recovery are intertwined. The 2007 Disaster Law notes that socioeconomic and cultural rehabilitation shall include the provision of assistance for disaster-affected communities to bring their social, economic and cultural lives back to pre-disaster conditions.⁸² This would be achieved through means such as the provision of advocacy and counselling services, aid for stimulating economic activities, and training. Further, the 2007 Disaster Law notes that reconstruction includes the rebuilding of new community and social facilities⁸³

and the revival of community sociocultural life.⁸⁴ The latter would require, amongst others: (i) the elimination of community disaster trauma; (ii) community preparedness through disaster awareness campaigns; and (iii) the adjustment of community sociocultural life to disaster-prone environments.⁸⁵ The improvement of social, economic and cultural conditions could also be achieved through reconstruction efforts such as fostering disaster-affected communities' capabilities and skills, and the empowerment of joint business groups through the provision of aid.⁸⁶

Additionally, the 2007 Disaster Law recognises that disasters can have immense psychological impacts.⁸⁷ As such, it establishes that rehabilitation includes socio-psychological recovery.⁸⁸ It also recognises that vulnerable individuals are particularly susceptible to psychological harm during disasters and, as such, should be prioritised in the provision of psychosocial services.⁸⁹ Regulation Number 21 of 2008 expands on the concept of socio-psychological recovery. It defines socio-psychological recovery as the provision of assistance to disaster-affected communities to bring their social and psychological lives back to pre-disaster conditions.⁹⁰ It clarifies services that could be provided to achieve this, such as family counselling and trauma recovery assistance.⁹¹

The Master Plan identifies specific damage caused by the disaster, notably: (i) the adverse impacts on community psychology, with many suffering from depression and trauma; (ii) the deterioration of public health due to food insecurity in post-disaster environments; and (iii) the loss of local indigenous culture due to damage to objects of cultural importance. As such, the Master Plan identifies policies and strategies for rehabilitation and reconstruction in these domains including:

- **Improving the quality of services available for disaster victims.** This includes the provision of psychological assistance to disaster victims, the provision of assistance for vulnerable people, and rebuilding damaged healthcare facilities.
- **Preserving cultural heritage.** This includes rebuilding historical monuments and repairing damaged historical buildings.⁹²

The Master Plan also identifies specific damage caused by the disaster to the regional economy and society, namely: (i) damage to almost all facilities and infrastructure that support economic activities; (ii) the decline in economic activity related to trade, production and tourism; and (iii) widespread unemployment. As such, the Master Plan identifies the following policies and strategies for rehabilitation and reconstruction:⁹³

- **Restoring community service facilities that support economic activities.** This includes repairing infrastructure which supports such activities.
- **Providing assistance to disaster victims.** This includes the provision of direct grants and bank credit, and the provision of land assistance for businesses.
- **Restoring the income of disaster victims.** This could be done through: (i) providing job opportunities related to rehabilitation and reconstruction in accordance with the location of the new settlements, such as agriculture; and (ii) providing job or vocational training to develop new skills for those who lost their jobs due to the disaster.

5. The protection of vulnerable groups

Disasters have a propensity to disproportionately impact certain groups within society. Depending on the local context, this may include women and girls, children, older people, people with a disability or chronic illness, migrants, indigenous groups, racial and ethnic minorities, and/or sexual and gender minorities.⁹⁴ Some of the underlying factors that contribute to vulnerable groups experiencing disproportionate disaster impacts include direct discrimination, assistance that is not adapted to their specific needs, and vulnerable housing or livelihoods.⁹⁵ Vulnerable groups may also be at increased risk of the various forms of violent, abusive and exploitative behaviours that generally increase during and following a disaster, such as sexual and gender-based violence and child abuse.⁹⁶

Indonesia recognises that vulnerable populations are particularly susceptible to disproportionate harm during disasters. This is evident through the adoption of legislative provisions that specifically address the need to include the needs of the vulnerable in disaster-related policies. The 2007 Disaster Law identifies vulnerable groups as: (i) infants, pre-schoolers, and children; (ii) pregnant women or nursing mothers; (iii) people with disabilities; and (iv) older people.⁹⁷ Governmental Regulation Number 21 of 2008 highlights that victims from vulnerable groups should be prioritised in the provision of healthcare and psychosocial services following a disaster.⁹⁸ The BNPB and BPBDs have a corresponding and complementary obligation to facilitate this.⁹⁹

The Master Plan identifies vulnerable groups as: (i) people with disabilities; (ii) pregnant women and breastfeeding mothers; (iii) children; and (iv) indigenous groups. The fourth key principle in the Master Plan specifically highlights the importance of ‘recovery that is inclusive of the vulnerable and their needs.’ This would entail the vulnerable being prioritised in recovery efforts. The second key principle, ‘holistic and inclusive recovery’, also reiterates the need for the creation of plans that take into consideration the needs of the vulnerable.¹⁰⁰ The Master Plan emphasises that the efforts identified in relation to protecting vulnerable groups should comply with national laws and international human rights standards.¹⁰¹

5.1 Gender



Disasters can have a gendered impact, most often disproportionately affecting women, causing them to be exposed to harm such as gender-based violence. As such, it is important that measures are taken to ensure that women are not disproportionately impacted compared to men following disasters.

Regulation Number 13 of 2014 regarding Women and Other Vulnerable Groups, made by the Head of BNPB, establishes a basis for gender equality in disaster recovery. It elaborates that:

- women and men must actively participate in the planning, implementation, and monitoring of rehabilitation and reconstruction;
- the special needs of women and men must be considered in the planning process, as well as the allocation of rehabilitation and reconstruction resources;
- BNPB and BPBD must map and engage community organisations to ensure the equal participation of women and men in consultations, data collection and the delivery of information;
- efforts directed at economic recovery must prioritise female heads of households, motherless households, and other vulnerable households;
- BNPB and BPBD must involve women and men in the process of reviewing and updating annual risk data.

The Regulation also requires gender-responsive vulnerability assessments to be carried out. Such assessments should include:

- mapping and documenting differences in gender-related vulnerabilities in terms of physical, social, cultural, economic, political, security, and environmental aspects;
- identifying the needs and interests of women and men (which could vary depending on the type of disaster);
- analysing the impacts of the disaster on women and men; and
- ensuring active and balanced engagement between women and men from different regions, age groups, disability status, and socio-economic backgrounds.

The Master Plan recognises the gendered impact of disasters, highlighting that women face additional burdens due to pressures to find additional jobs to support their families whilst also balancing existing gendered roles, such as cooking and caring for children.¹⁰² The Master Plan also recognises that women may not be compensated fairly for their work, with many earning less than men.¹⁰³ Due to this, the Master Plan reiterates the need for gender-responsive disaster management through ensuring that: (i) women are actively involved in planning and executing recovery efforts; and (ii) all efforts that are adopted are inclusive of the needs of women.¹⁰⁴

The Master Plan lists specific areas and corresponding efforts that must be taken to ensure gender-sensitive disaster management, including the following.

- **Ensuring women have equal access to jobs, finance and vocational training during the rehabilitation and reconstruction periods.**¹⁰⁵ This includes: (i) ensuring women and men are compensated equally for the same jobs; (ii) providing access to free or affordable child care to enable women to participate in training programmes; and (iii) holding accessible vocational training programmes that are tailored to the needs of different groups, such as female heads of households, adolescent girls or women with disabilities.
- **Ensuring women have an equal say to men in decision making during the rehabilitation and recovery processes.**¹⁰⁶ This includes: (i) ensuring women hold office and decision-making positions; (ii) supporting local women's organisations that provide rehabilitation, reconstruction, and resettlement services; (iii) holding regular dialogues with affected women and men to understand their specific concerns and needs; and (iv) ensuring women have access to information and training to ensure they are aware of their rights, and corresponding support that they are entitled to.
- **Strengthening the capacity and effectiveness of humanitarian agencies in protecting women and girls.**¹⁰⁷ This includes ensuring: (i) gender equality across all sectors, departments, and teams; (ii) that staff receive gender-sensitivity training; and (iii) that staff receive training in gender-responsive protection protocols.

Additionally, the Indonesian Ministry of Public Works and Housing adopted efforts to increase female participation in decision-making processes in relation to rehabilitation and reconstruction efforts. This included the development of guidelines to ensure that all recovery projects were universally accessible for women in Central Sulawesi, such as through organising technical training with project consultants.¹⁰⁸

5.1 Children



Children are particularly vulnerable during disasters mainly due to: (i) the possibility that they may have lost or become separated from family members; (ii) a higher degree of susceptibility to physical and mental harm; and (iii) the destruction of facilities that children particularly rely on for their wellbeing, such as educational facilities.

The Master Plan identified extensive damage to educational facilities in Central Sulawesi as a result of the 2018 Earthquake and Tsunami.¹⁰⁹ This resulted in children in Central Sulawesi having their education disrupted, with many falling behind children of the same age in other parts of Indonesia.¹¹⁰ As such, the Master Plan focuses strongly on recovery efforts that target educational facilities. The Master Plan establishes that recovery of educational facilities includes:

- repairing and rebuilding educational facilities to ensure they are more earthquake-resistant and able to better withstand future earthquakes;¹¹¹
- ensuring the availability of accessible educational facilities in new, safer locations;¹¹² and
- the provision of emergency or temporary education programmes while repairs take place.¹¹³

The Master Plan reiterates that during the recovery period, women must be actively involved in identifying needs, analysing, designing, monitoring, and implementing emergency educational services. It also states that such emergency educational services must be safe, protected, and accessible to children.

The Master Plan also does, to a lesser extent, address the fact that children may have lost one or both parents because of the disaster. As such, it notes specific efforts to protect such children, mainly ensuring that they are monitored and supported to minimise the risk that they may be exposed to harm, such as domestic violence or exploitation.¹¹⁴

5.2 People with disabilities



Disasters may disproportionately impact people with disabilities due to: (i) increased underlying susceptibility to physical and mental harm; (ii) housing and facilities being damaged in a way that renders them inaccessible to people with disabilities; and (iii) disruption in medical and social services required by people with disabilities. Additionally, a disaster may itself cause people to become disabled.

The 2007 Disaster Law notes that the national and regional governments should provide grief and disability compensation money to disaster victims.¹¹⁵ Regulation Number 22 of 2008 elaborates on this obligation, clarifying that disability compensation shall be provided to those who are suffering from mental and/or physical disabilities (both pre-existing, and those caused by the disaster), and the provision of which will be overseen by BNPB.¹¹⁶

The Master Plan reiterates that in disaster situations it is paramount that the principle of non-discrimination is respected.¹¹⁷ As such, the needs of disabled individuals must be taken into consideration

in rehabilitation and reconstruction efforts. Consequently, the Master Plan identifies specific efforts that need to be taken in relation to rehabilitation and reconstruction, including:

- prioritising the reconstruction and rehabilitation of essential services and facilities for people with disabilities;¹¹⁸
- ensuring that the abovementioned facilities are accessible to people with disabilities, and are reconstructed and rehabilitated in a manner that would still make them accessible following future disasters;¹¹⁹ and
- ensuring the participation of disabled individuals in decision making processes, especially those regarding the restoration of social, economic and cultural activities.¹²⁰

5.3 Indigenous groups



The Master Plan notes that there are fifteen indigenous groups in Central Sulawesi.¹²¹ These indigenous groups were affected by the 2018 Earthquake and Tsunami through not only losing members of the group, but also from loss or damage to historical and culturally significant land and monuments.¹²² As such, and as noted in Section 4.3, the Master Plan therefore identifies the need to: (i) include indigenous group members in identifying and planning resettlement locations;¹²³ and (ii) rehabilitate and/or reconstruct damaged historical monuments.¹²⁴

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