

Local Government Behavior in Implementing the Constitutional Rights of Communities Affected by Natural Disasters: A Legal Analysis State's Affairs on Disaster Management

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ABSTRACT

Study This motivated by problems gap systemic between guarantee right constitutional public affected disaster natural in the 1945 Constitution with implementation by the government area, which is marked with overlapping overlap regulation, behavior discretion problematic, fragmentation institutional, deficit accountability, as well as ineffectiveness mechanism accountability law. Type study This is study law normative with approach studies library research that analyzes material primary, secondary, and tertiary law in a way descriptive qualitative. Research results show that runway juridical right constitutional rights of disaster victims nature piled up but No integrated, creating uncertainty law. Behavior patterns government area be on the spectrum from response progressive until discretion problematic violations Principles General Good Governance. Roots failure implementation lies in disharmony regulation, fragmentation institutional and deficit accountability that forms circle demon systemic. Mechanism accountability existing laws, both preventive and repressive, proven No adequate For restore fundamental rights of disaster victims. Research conclusions This is that behavior government problematic areas is reflection from governance design disasters that are structural No side with protection right constitutional community. Implementation results study recommend fundamental reforms in realm regulations through compilation standard national indicator fulfillment right disaster victim base, strengthening authority BPBD coordination accompanied by real-time audits, as well as formation Constitution special about not quite enough state responsibility in disaster with procedure lawsuit simple.

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1. INTRODUCTION

Indonesia as a country that is geographical located in the area Ring Fire Pacific (Pacific Ring of Fire) and has potential disaster very high nature, it should be own governance system disaster that is capable protect rights constitutional its citizens in a way adequate. However reality show that every time a disaster occurs natural big occurs in various regions in Indonesia, always appear same complaint from public affected about slowness assistance, unclear emergency status, and uncertainty fate place residence and livelihood they post- disaster phenomenon This indicates existence systemic gaps between guarantee right constitutional which has arranged in Article 28H and Article 34 of the 1945 Constitution with implementation at the level area, where the government area as end spear handling disaster precisely often times show counter -productive behavior to fulfillment right basis of disaster victims (Putri & Hidayat, 2022).

More further, the fundamental problem that becomes root from gap the is ambiguity mechanism coordination vertical between government central and regional in situation emergency disaster, which was exacerbated by overlapping overlap regulations from various level hierarchy legislation. Law Number 23 of 2014 concerning The Regional Government has share affairs countermeasures disaster as affairs concurrent, however distribution authority between central and regional in the practice is very vague, especially in the phase responsive emergency that requires speed and flexibility action. As a result, when disaster happened, instead of move fast help society, apparatus area precisely busy with internal debate regarding which procedure should be take precedence, while time gold rescue and fulfillment need disaster victim base Keep going passed without certainty (Setiawan & Nugroho, 2023).

In perspective constitutional law, behavior government slow areas or even ignore right disaster victim base is form maladministration that should have been can accountable in a way law. However in fact, it is very rare found cases where the head area or apparatus area truly sentenced sanctions law on his failure in handling disaster, because discretion granted to government area in situation emergency often used as shield For protect self from demands. In fact, the Principles General Good Governance (AUPB) in general firm arrange that discretion only may used in boundaries interest general and not may cause loss for society, so that every action discretion that is detrimental to disaster victims should categorized as abuse authority that can sued through state administrative court (Lestari & Maulana, 2023).

Another phenomenon that is not lost worrying is existence pattern behavior discretion problematic which is precisely carried out by the government area with utilise leniency authority in situation emergency For interest political electoral term short. Research international by Martinez and Tanaka (2023) who conducted studies comparison in six Southeast Asian countries found that government area tend distribute help disaster in a way No evenly only to areas that are the support base political head area, while areas that are opposition bases get access distant help more slower and more little (Martinez & Tanaka, 2023). Findings This confirm that behavior government area in handling disaster No solely determined by capacity institutional or availability budget, but also greatly influenced by the dynamics political local often contradictory with principle justice and fulfillment right constitutional all over citizens without discrimination.

Beside factor politics, structural problems in the form of fragmentation institutions and deficits accountability also becomes inhibitor Serious in implementation right constitutional public affected disaster management agency Regional Disaster Management Agency (BPBD) which should become coordinator cross sector in handling disaster often not own sufficient authority For order other agencies, because each agency own track command vertical direct to ministry technical different centers, so that happen overlapping overlap orders and ambiguity who is the real one responsible answer. As a result, the policy relocation of disaster victims for example, often fails implemented because of the Department of Manpower General claim No own authority For provide land without order from regent or governor, while government area claim has deliver authority the to service technical (Rahayu, 2024).

More Far again, deficit accountability in management budget and logistics disaster has create a situation where the funds that should be used For saving disaster victims precisely settle in a long time because procedure convoluted and unrelated accountability flexible. Research by Prasetyo and Utami

(2022) shows that system procurement designed goods and services For normal situation no can adapted in a way fast to in situation emergency, so that every purchase logistics post-disaster must through a time - consuming auction process time for months, while the disaster victims were in refugee camps need help food and medicine in a matter of hours (Prasetyo & Utami, 2022). Ironically, when the Audit Board Finance Then audit use of disaster funds One or two year after disaster passed, findings deviation only culminating in recommendations administrative without Once There is recovery right in a way direct to victims of disasters that have occurred suffer consequence slowness and negligence apparatus area.

The above phenomena show very clearly that behavior government area in implementation right constitutional public affected disaster natural is a complex problem that requires surgery deep from perspective constitutional law. No Enough only see failure technical or administrative solely because root problem indeed lies in the design of governance disasters that are structural No side with protection fundamental rights of citizens. Therefore that, research about behavior government area This become very urgent For done, no only For map various pattern emerging behavior in practice, but also for formulate recommendation policies that are systemic, good in realm regulations, institutions, and mechanism accountability law, so that right constitutional public affected future disasters can fulfilled in a way more fair, fast, and accountable.

Problems main in study This is existence systemic gaps between guarantee right constitutional public affected disaster nature that has arranged in the 1945 Constitution with implementation by the government area in the field. The first problem located on the overlap overlap regulations centers and regions that create uncertainty law, so that disaster victims and officials area You're welcome difficulty determine procedures that must be taken in situation emergency. The second problem is emergence pattern behavior discretion problematic by the government areas that frequently violate Principles General Good Governance, such as delay distribution logistics, rejection give information public, up to policy relocation unilaterally that does not participatory. The third problem is fragmentation institutions that cause sectoral egos and weakness coordination vertical - horizontal, as well as deficit accountability in management budget and logistics disasters that create aid funds No until in a way fast to the victim. Fourth problem is ineffectiveness mechanism accountability available law, where the Ombudsman's recommendations are not binding, lawsuit actions oppose law difficult won by the victim, and judicial review only cancel regulations to front without give change make a loss direct.

Study This become very urgent done Because every the year Indonesia experienced dozens disaster natural large resulting in hundreds thousand citizens lost place stay, eyes livelihood, even life, but until moment This Not yet There is study constitutional law which is comprehensive dissect behavior government area as actor key in fulfillment right constitutional rights of disaster victims. Urgency next is Because absence standard binding national about minimum fulfillment indicators right disaster victim base has cause variation extreme in handling disaster between area, so that citizens in one area get distant protection more Good compared to citizens in other areas without base clear law. Besides that, research This urge done Because mechanism accountability existing laws moment This proven No effective For restore the rights of disaster victims, so required identification gaps laws and recommendations for systemic reform. Finally, the urgency study this is also driven by the fact that discretion problematic things that are done government area often protected by arguments of force majeure and the nature of emergency, so that without analysis sharp constitutional law, pattern behavior problematic This will Keep going repetitive from One disaster to disaster next without effect deterrent.

Based on the above problems and urgency, research This aim For analyze runway juridical right constitutional public affected disaster in hierarchy regulation legislation as well as identify overlapping overlap regulations that create uncertainty law in governance disaster. Research this also aims For identify and classify various pattern behavior government area in implementation fulfillment right basic disaster victims, starting from action responsive-progressive until discretion problematic, as well as test suitability discretion the with Principles General Good Governance. Furthermore, research This aim For map three main problems of governance disaster that is disharmony regulation, fragmentation institutional and deficit accountability, as well as analyze How all three in a way systemic hinder

implementation right constitutional society. Finally, research This aim For evaluate effectiveness mechanism accountability available laws for disaster victims through instrument constitutional law, as well as formulate recommendation policy For repair corridor existing laws to be more side with recovery fundamental rights of citizens post-disaster.

2. METHODS

Study This use type study law normative or study library research, where research focused on the study ingredients law written For find solution or answer on problem the law under study (McConville & Chui, 2024). Research law normative own characteristics main as research that prioritizes material libraries and documents law official as source main, different with study empirical which relies on field data, so that method this is very appropriate For analyze hierarchy regulation legislation, behavior government area, as well as mechanism accountability law in perspective constitutional law (Marzuki, 2021).

Data sources in study This consists of on three type material law, namely material primary law, material law secondary, and materials law tertiary, which is all obtained through studies bibliography (Soekanto & Mamudji, 2022). Material primary law is material law of a legal nature authoritative and binding in a way juridical, including The 1945 Constitution of the Republic of Indonesia in particular Article 28H and Article 34, Law Number 24 of 2007 concerning Countermeasures Disaster, regulations government related, and regulation the area that regulates about organization countermeasures disasters in various regions of Indonesia (Ali, 2023). Material law secondary covers books text constitutional law and law disaster, article journal scientific national and international, as well as report results study from institutions study law and disaster that provides interpretation and analysis to material the primary law. Material law tertiary used covering dictionary law, encyclopedia law, and index regulation legislation that helps researchers in understand terms technical and tracing correlation between regulations (Marzuki, 2021).

Data collection techniques in study This done through studies systematic library, namely with identify, inventory, and review all over material relevant laws with problem research (McConville & Chui, 2024). The data collection process begins with search instrument law from level constitution until regulation area use index legislation and legal databases electronic official such as JDIH (Network National Legal Documentation and Information and university digital libraries. Furthermore, it was carried out collection books Academic issues published in 2021-2025 are good from publisher international and nationally which is specific discuss constitutional law, rights constitutional and governance disaster. Collection article journal scientific done through indexed database such as Scopus, Web of Science, Garuda, and Google Scholar with range year 2021-2025 publication, using keywords such as " behavior government area ", " rights constitutional disaster victims ", " discretion in condition emergency ", " fragmentation institutional disaster ", and " accountability countermeasures disaster " (Soekanto & Mamudji, 2022). Report results study from institution such as the Ombudsman of the Republic of Indonesia, the National Agency for Combating Corruption Disasters, and institutions self-reliance people working in the field advocacy for disaster victims is also collected as supporting data that enriches understanding to implementation right constitutional in the field.

Data analysis techniques used in study This is analysis descriptive qualitative with approach prescriptive, where the data has been collected analyzed in a way systematic For give comprehensive overview about behavior government area at a time give argumentation law about what should be done based on norm applicable law (Ali, 2023). Analysis process started with examine all over material the law that has been collected, then classify it to in appropriate categories with sub- problems study that is runway juridical right constitutional, pattern behavior government region, governance problems disasters, and mechanisms accountability law. After that, it was carried out interpretation to material law the use various method interpretation law like interpretation grammatical (interpretation according to sound of words or sentence in regulations), interpretation teleological (interpretation) based on objective formation regulations), and interpretation systematic (interpretation with connect something regulation

with other regulations in One system law) (Marzuki, 2021). Analysis prescriptive done with give justification about Correct or the mistake something provision or behavior law based on doctrine, theory, and system related laws with the problem being researched, so that produce recommendation policies that are normative (McConville & Chui, 2024). Withdrawal conclusion done with use method think deductive, namely interesting conclusion from things of a nature general (norm) law in regulation legislation) to things that are special (behavior government area in cases concrete handling disaster), so that every the conclusions drawn own runway strong and able normative accountable in a way scientific (Soekanto & Mamudji, 2022).

Testing techniques validity of data in study law normative This done through a number of method For ensure that the data used is valid, reliable and can be accountable in a way academic. Method First is triangulation data sources, namely with compare and confirm findings from various source material different laws, for example compare provision in Constitution with explanation in book text and findings in article journal For ensure No There is contradiction interpretation (Ali, 2023). Method second is inspection to internal and external consistency from material law, where researchers research whether something regulation legislation consistent with more regulations tall the hierarchy as well as whether regulation the Still applicable and relevant with the problem being researched.

Method third is a member check or confirmation to expert constitutional law and law disaster, namely with discuss findings key study to the experts For get correction and validation to interpretation law that is carried out (Marzuki, 2021). Method fourth is a dependability audit, namely testing to the entire research process start from data collection, data processing, to analysis and withdrawal conclusion, which is done by the lecturer mentor or senior researcher for ensure that every stages study done in a way systematic, transparent, and can repeated by other researchers with similar results (Soekanto & Mamudji, 2022). With use fourth technique testing validity of the data, research This expected can produce credible, objective, and reliable findings made into references academic and recommendation policy in governance improvements disasters in Indonesia (McConville & Chui, 2024).

3. FINDINGS AND DISCUSSION

3.1 *Foundation Juridical Right Constitutional Affected Communities Disaster in Hierarchy Regulation Legislation*

Research result to various instrument law show that right constitutional public affected disaster has get runway solid normative However nature scattered and not integrated in a way vertical in hierarchy regulation Indonesian legislation. At the level constitution, Article 28H paragraph (1) and Article 34 of the 1945 Constitution in general explicit ensure right on life, health, place stay, and guarantee social for every citizens, including disaster victims nature, although phrase disaster No mentioned in a way literally (Asshiddiqie, 2023). Explanation more carry on found in Constitution Number 24 of 2007 concerning Countermeasures Disasters that operationalize rights the to in form help fulfillment need basic, protection social, and access service public post-disaster, however with level tightness norms vary widely between article (Siregar & Lestari, 2024).

Derivative regulations in the form of Regulation Government and Regulations The Head of BNPB actually often creates overlapping overlap authority Because No existence mechanism binding harmonization before regulation the implemented in the region (Kurniawan et al., 2022). Findings This reinforced by studies to regulation areas that show variation extreme in interpret right on place residence and guarantee social, start from the very detailed to the only one just repeat sound Constitution center without adjustment contextual (Sulistyo & Rahmawati, 2023). Accumulation pile regulations this, according to analysis document law, in fact give birth to uncertainty law because of disaster victims and officials area You're welcome difficulty determine which rule is most binding in situation emergency that requires speed action (Herdiansyah, 2024).

Discussion to findings the in perspective knowledge constitutional law reveals that the main problem is not absence norm but weakness mechanism harmonization vertical between central and regional governments preventive. Based on analysis journal international latest, found that

inconsistency interpretation happen Because every level government own authority make regulation implementer without required perform harmonization tests moreover before, it was different with practices in federal states such as Germany has mechanism announcement mandatory (notification) for every regulation area before enforced (Schmidt & Wagner, 2022).

Study national emphasize that government center Not yet own standard national in nature tie in a way technical about minimum fulfillment indicators right the basis of disaster victims, so that area given too much freedom the area that is actually vulnerable misused in situation emergency (Putri & Hidayat, 2022). More far, a study by Setiawan and Nugroho (2023) shows that hierarchy the rules that should be become system clear hierarchy changed become pile mutually exclusive documents collide Because regulation center often arrange very technical stuff temporary regulation area arrange the same thing with method different, so that disaster victims No Once get certainty law about right what is real can they demand (Setiawan & Nugroho, 2023).

With Thus, the basis overlapping juridical but No integrated This in a way systemic hinder fulfillment right constitutional public affected disaster, because the disaster victims No Once own map clear laws about procedure demand right them. So, harmonious interaction or heterogeneous between one element with other elements will influence results and will influence succeed whether or not objective (Azmi et al., 2022).

3.2 Behavior Patterns Regional Government in Implementation Fulfillment Basic Rights of Disaster Victims: Between Obligations and Responsibilities Progressive and Discretionary Actions

Identification and classification results to various pattern behavior government documented areas in literature show existence spectrum very wide action, starting from response progressive beyond minimum obligation up to discretion problematic which is real harm rights basic disaster victims. At the poles progressive, found pattern behavior responsive like acceleration declaration of emergency status disaster without wait procedure convoluted bureaucracy, formation post integrated involving organization public civil in distribution logistics, as well as policy relocation participatory that places disaster victims as subject taking decision about residence temporary and permanent they (Nugroho & Dewi, 2023).

On the contrary, studies the library also reveals in a way striking existence pattern behavior contrast in the form of problematic discretion, where the government area use leniency authority in situation emergency For precisely postpone or ignore fulfillment right basic, such as delay distribution logistics with reason procedure procurement that has not been fulfilled, rejection give information public about plan rehabilitation, up to policy relocation unilateral without agreement public impacted (Prasetyo, 2022). Analysis constitutional law regarding second pattern extreme This test its harmony with Principles General Good Governance (AUPB), and findings show that action progressive generally in line with principle certainty law, principle proportionality, and principles openness, while discretion problematic almost always violate at least principle accuracy and principles interest general (Fadillah & Haryanto, 2024). Factors determinants that cause difference behavior this, based on study literature, including capacity fiscal area, experience historical face disasters, as well as quality leadership local, where the area with experience disaster recurring and responsive leadership tend develop protocol fast fulfillment right basis (Mulyani et al., 2024).

Discussion more deep to pattern behavior the with use framework analysis critical constitutional law reveal that discretion problematic often not solely consequence ignorance apparatus area, but rather is product from structure incentive wrong politics. Research international by Martinez and Tanaka (2023) in studies comparison six Southeast Asian countries found that government area tend use discretion For slow down fulfillment rights of disaster victims during the term of office head area will ended, because handling fast and precise disaster response need flexibility the budget that is actually can utilized against political For accuse him do deviation finance (Martinez & Tanaka, 2023).

Study national by Firmansyah and Wardani (2024) strengthens findings This with show that area with head area background behind bureaucracy technical tend more discipline follow procedure

center, while area with head area background behind political practical more tend use discretion For interest electoral term short like distribute help in a way No evenly only to the area of its support base (Firmansyah & Wardani, 2024). From the AUPB perspective, the behavior problematic discretion This in a way firm violate principle professionalism and principles interest general Because apparatus area No may mix up interest political electoral with implementation obligation constitutional in situation emergency disaster (Lestari & Maulana, 2023). More Furthermore, a study by Hakim and Syafitri (2023) revealed that that maladministration that arises from discretion problematic this is very difficult proven in court Because government area always use force majeure argument and nature emergency that requires speed act without must follow normal procedures (Hakim & Syafitri, 2023). As a result, the pattern behavior discretion problematic Keep going repetitive from One disaster to disaster next without There is effect deterrent, because No Once There is head a truly area punished in a way heavy Because his failure fulfil right disaster victim base.

3.3 Disaster Management Problems: Disharmony Regulation, Fragmentation Institutions and Deficits Accountability as Root Failure Implementation

Synthesis results to studies previously which is specific dissect governance failure disaster produce mapping three main problems that are systemic, mutual related in a way causally, and in a collective become root obstacle implementation right constitutional public affected disaster. The first problem identified is disharmony and overlap overlap regulations central-regional, which is not only create uncertainty law but also in a active paralyze capacity response government area Because apparatus bureaucracy use up time gold rescue For just interpret which rules should be prioritized (Santoso & Wijaya, 2023).

Second problem is fragmentation institutions that give birth to very strong sectoral egos, where the Agency for Handling Regional Disaster Management Agency (BPBD) often does not own sufficient authority For coordinate other agencies such as the Social Services Department, Health Department, and Employment Department General because each department own track command vertical to ministry technical different centers (Saputra, 2024). The third problem and at the same time the most acute is deficit accountability in management budget and logistics disaster, where the study library find Lots documentation about slowness ready fund distribution use For responsive emergency Because procedure complicated accountability, as well as findings about logistics expired assistance, no in accordance needs, or even No distributed The same very until the emergency period ended (Rachmawati et al., 2023). These three problems form circle systemic devil: disharmony regulations give birth to fragmentation institutional, fragmentation institutional make things worse deficit accountability, and deficit accountability in turn strengthen disharmony regulations Because No There is learning institutional from failures previously (Wibowo & Kurniawan, 2022).

Discussion to systemic problems This with use perspective structural constitutional law reveal that root deepest from governance failure disaster lies in the design institutions that are on purpose create ambiguity authority (designed ambiguity) for protect executive from demands accountability law. Research international by Ocampo and van der Heijden (2024) which compared governance system disasters in Indonesia, the Philippines, and Thailand found that Indonesia is the only country among the three of them who don't own Constitution single which is comprehensive arrange connection authority regional centers in countermeasures disaster, so that every disaster always followed by debate long about who should responsible answer (Ocampo & van der Heijden, 2024).

Study national by Rahayu (2024) shows that fragmentation institutional is not disabled design that is not intentional, but rather consequence logical from system autonomy areas that provide very broad authority to area without balanced with mechanism coordination vertical binding, so that every service area more loyal to ministry technical the center of each than to governor or regent / mayor as coordinator countermeasures disasters in the region (Rahayu, 2024).

A study by Prasetyo and Utami (2022) added that deficit accountability in management logistics disaster exacerbated by the system procurement designed goods and services For normal situation, not

For situation emergency, so that every purchase logistics post-disaster must through a time-consuming auction process time months while disaster victims need help in hours (Prasetyo & Utami, 2022). Research by Kurniawan and Sari (2023) strengthens findings This with show that absence special audit mechanism disaster management carried out in real-time (not post-factum) making findings deviation logistics and budget new announced by the Examination Body Finance One or two year after disaster passed, when the disaster victims Already No Possible Again accept change make a loss on the suffering they endure experience consequence negligence government area (Kurniawan & Sari, 2023). With Thus, the three systemic problems This in a way collective form obstacle structural that makes right constitutional public affected disaster No Once fulfilled in a way adequate, because of governance disaster No designed For protect the victim but For protect state apparatus from demands law.

3.4 Mechanism Legal Accountability and Efforts Recovery Right Constitutional Rights of Disaster Victims Through Constitutional Law Instruments

Results of the study to various mechanism available laws for public For demand fulfillment his rights post-disaster reveal a very wide gap between design normative instrument constitutional law and its effectiveness in the field when used by real disaster victims. The mechanism supervision preventive like Ombudsman recommendations found own very limited effectiveness Because its nature is not tie in a way law and relies heavily on good faith Good government area For follow up, while studies library show that part big Ombudsman's recommendations regarding maladministration in handling disaster No Once implemented Because No There is sanctions firm for head areas that ignore it (Hartono, 2023).

Mechanism supervision repressive in the form of lawsuit actions oppose law by the government (onrechtmatige overheidsdaad) submitted by disaster victims to the court also showed level very low success rate, because obstacle main in the form of the difficulties of disaster victims prove connection causality between negligence or action government area with loss concrete that they experience remember disaster natural always own possible elements of force majeure made into argument justification by the government (Purnama & Sari, 2024). Potential use the right to judicial review regulation problem areas found as mechanisms that are theoretical promising but in a way practical almost No Once used, because time very long settlement and because judicial review only cancel regulations to front (pro futuro) without give change make a loss or recovery right in a way direct to victims of disasters that have occurred more Formerly harmed (Susanto et al., 2022).

Evaluation end from review library This conclude that corridor current constitutional law This Not yet adequate For restore fundamental rights of citizens post-disaster in a way effective and fair, with gap main located on not arranged in a way explicit right For sue government area on failure fulfillment right base in situation disaster as A offense specifically the procedure simplified (Kusumawardhani, 2025).

Discussion to findings the with use perspective critical and comparative constitutional law law reveal that failure mechanism accountability the law in Indonesia is not solely problem implementation, but rather problem fundamental design of system law That own. Research international by Chen and Singh (2024) who compared effectiveness lawsuit citizens towards government in case disasters in India, Australia and Indonesia found that Indonesia is the only country that does not own Constitution special about not quite enough state responsibility in disaster, so that disaster victims must use lawsuit actions oppose law the same general with lawsuit dispute land or dispute contract ordinary (Chen & Singh, 2024).

Study national by Wijayanto and Putri (2023) shows that decision rare courts winning over disaster victims No because the victim did not own argument strong law, but because judges tend to use doctrine state sovereignty to protect government area from demands change big loss, with reason that handling disaster is policy the public who do not can tried (Wijayanto & Putri, 2023). A study by Nugroho and Rahmawati (2022) added that the ineffectiveness of the Ombudsman in case maladministration disaster due to the absence of the Ombudsman's authority to drop sanctions

administrative to apparatus negligent area, so that Ombudsman's recommendation only functioning as warning without Power forced (Nugroho & Rahmawati, 2022).

Research by Suryani and Hidayat (2024) revealed that inability of disaster victims access the judicial review mechanism is also exacerbated by very strict legal standing requirements, where the Supreme Court requires that the applicant for judicial review must prove in a way direct and specific that himself disadvantaged by regulations the tested area, a standard almost proof No Possible filled with disaster victims individuals who are fight For restore his life post-disaster (Suryani & Hidayat, 2024). With all findings this, becomes very clear that corridor current Indonesian constitutional law This in a way structural No side with disaster victims, and efforts recovery right constitutional will still become dream for public affected disaster natural during No there is fundamental reform in design mechanism accountability law.

4. CONCLUSION

Behavior government area in implementation right constitutional public affected disaster nature is greatly influenced by three factor main mutual related in a way systemic. First, the foundation juridical matters that are piled up and not integrated in hierarchy regulation legislation has create uncertainty the law that actually hinder fulfillment right basis of disaster victims, because victims and officials area You're welcome difficulty determine which rule is most binding in situation emergency. Second, the pattern behavior government area is on a very wide spectrum between obligation progressive and discretionary problematic, where discretion problematic proven violate Principles General Good Governance and triggered by structure incentive wrong politics as well as capacity leadership local variations. Third, the roots failure the most fundamental implementation lies in three systemic problems that is disharmony regulation, fragmentation institutional and deficit accountability that forms circle demon without mechanism learning institutional from failure previously. Fourth, the corridor current constitutional law This Not yet adequate For restore fundamental rights of citizens post-disaster, because all available mechanisms Good supervision preventive and repressive own weakness structural factors that cause disaster victims almost No Possible get justice. With Thus, the conclusion end from study This is that behavior government problematic areas is not solely failure individual apparatus, but rather reflection from governance design disasters that are structural No side with protection right constitutional public affected disaster nature.

Based on conclusion said, implementation results research that can done is the need for fundamental reform in three realm at a time in a way integrated. In the realm of regulation, government center must quick compile standard binding national in a way technical about minimum fulfillment indicators right disaster victim base as well as obligatory mechanism harmonization preventive for every regulation area before enforced. In the realm of institutional, required strengthening authority coordination of the Disaster Management Agency Regional Disaster Equipped with authority cross disaster audit sectors and mechanisms in real-time conducted by independent auditors with sanctions firm for apparatus negligent area. In the realm of mechanism accountability law, government together with the House of Representatives must quick formulate Constitution special about not quite enough state responsibility in disaster that governs offense special failure fulfillment right disaster victim base with procedure lawsuit simple, cost low, and burden proof upside down, at the same time give authority to the Ombudsman for drop sanctions administrative nature binding. Implementation results study this is the end aim For shift governance paradigm disaster from the past This reactive and protective state apparatus becomes proactive and protection - centered right constitutional public affected disaster nature.

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