Governance of emergency powers and accountability in Indonesian disaster management

Qurrata Ayuni[1*], *Satrio* Alif Febriyanto[1], and *Nur* Widyastanti[1]

[1]Faculty of Law, Universitas Indonesia, 16424 Depok, Indonesia

Abstract. This paper argues that disaster management governance in Indonesia must align with emergency principles. In emergencies, special laws apply to prevent budget misuse and abuse of power. This study analyzes emergency authority in Indonesia's checks and balances system, focusing on legislative oversight. Using a legal-normative approach, it reviews Law No. 24/2007 on Disaster Management and the principles of necessity, proportionality, and temporality. The main findings are: (1) national and regional legislatures have little role in extending or ending emergency status, which allows unchecked use of emergency powers; (2) oversight of emergency actions is weak; and (3) there are no clear time limits for emergencies, enabling excessive extensions. The study recommends reforming laws to: (a) increase the legislature's role in emergency status decisions; (b) clarify oversight and budgeting authority; and (c) set deadlines and rules for extending emergencies to improve accountability.

1 Introduction

Due to its geographical location, Indonesia is one of the country's most vulnerable to disasters. Data from the National Disaster Management Agency (BNPB) shows an average of more than 5,400 disaster events per year in 2023, with significant impacts on lives, infrastructure, and socio-economic stability [1]. The 2004 Aceh earthquake and the 2009 Padang earthquake highlight the urgency of effective disaster management for mitigation and rapid response. To this end, Law No. 24/2007 grants the executive branch, through the BNPB, emergency powers, including the declaration and fundings (Articles 7 and 48-53).

These emergency powers allow for rapid response but is prone to abuse without adequate oversight. In a democratic country, the principle of checks and balances, as outlined in the 1945 Constitution (Articles 20, 22, and 24), requires the involvement of parliament (DPR/DPRD), the courts, and the public to ensure accountability. However, practices during the COVID-19 pandemic, where the emergency status was extended through Presidential Decrees No. 11/2020 and 12/2020, revealed governance gaps, such as the refocusing of trillions of rupiah in budget allocations without strict legislative oversight.

The lack of legislative oversight in Law No. 24/2007 is a major concern. Unlike practices in Japan (Disaster Countermeasures Act 1961) or the Philippines (Philippine Disaster Risk Reduction Act 2010), this law does not require the approval of representative bodies such as the House of Representatives (DPR) at the national level or the Regional Representative Council (DPRD) for the extension of emergency status beyond 30 days. A study by Rizqya and Ausath (2024) reveals that emergency policies in Indonesia lack adequate legislative oversight, thereby increasing the potential for executive overreach [2]. In addition, the weak application of international emergency principles (necessity, proportionality, temporality) in Article 4 of the ICCPR exacerbates the risk of unnecessary emergency extensions. The role of the courts in overseeing emergency policies is also limited, particularly in enforcing criminal sanctions (Articles 66-75 of Law No. 24/2007).

Most research on disaster management in Indonesia focuses on technical aspects, such as mitigation and response (UNDRR, 2022), but rarely discusses the constitutional law dimension [3]. A study by Hosen (2020) on emergency powers in Southeast Asia, including Indonesia, only focuses on emergencies involving warfare or armed conflict, without anticipating other urgent situations [4]. Previous research by the author (Ayuni et al., 2022) highlights the challenges of checks and balances in disaster management, but does not specifically address the principles of emergency or the role of the courts [5]. However, the application of the principles of necessity, proportionality, and temporality is crucial to prevent temporary authoritarianism in emergency situations (Dyzenhaus, 2006) [6].

This research is relevant to strengthening accountable governance of megathrust disasters through legal reform. By comparing governance models in other countries in the ring of fire, such as Japan and the Philippines, this study proposes strengthening the role of the legislature and implementing e-audits for greater transparency. Using doctrinal studies, comparisons, and case studies, this study aims to answer the primary question: How does the state's institutional oversight governance function in the

* Corresponding author: qurrataayuni@ui.ac.id

context of disaster emergencies in Indonesia? The objectives of the study are: (1) to analyze accountability gaps in Law No. 24/2007; (2) to assess the risks of abuse of emergency powers; (3) to recommend legal reforms to strengthen checks and balances.

2 Method

This study employs a doctrinal methodology which focusing on the analysis of laws and policies related to emergency powers as outlined in Law No. 24/2007. This approach was chosen because the research problem relates to the interpretation of legal norms, the principle of checks and balances, and policy evaluation.

The data sources used are divided into primary and secondary data. Primary data was obtained from Law No. 24/2007, government regulations, presidential regulations, and various other derivative regulations. In addition, this paper will also discuss several decisions related to disasters issued by the executive, including those made by the President and regional heads. Meanwhile, secondary data is used through the examination of literature, particularly related to the state of emergency, as outlined in Clinton Rossiter's theory and that of several other scholars. Content analysis techniques are employed to assess the provisions of Law 24/2007 in accordance with the principles of emergency, including necessity, proportionality, and temporality. To complement this paper, a comparative method is employed by examining disaster management regulations in Japan, Philippines, Taiwan, New Zealand, and Chile.

3 Result and discussion

3.1 The accountability of disaster management governance in the disaster management law

Checks and balances are the mechanisms designed to prevent the abuse of power in disaster management. The potential for abuse of power in disaster management is extremely high, given that such circumstances provide justification for the government, as the executive branch of power, to take necessary actions to address natural disasters. The significant authority of the executive branch of power, which arises naturally, must be limited through provisions regulating the oversight mechanisms for the implementation of disaster management.

The provisions in Law No. 24/2007 are often associated solely with disaster management implementation procedures, even though several articles in this law regulate the division of authority between branches of government as a form of checks and balances to ensure that governance remains democratic. This system of checks and balances is manifested, at least, through the authority of the DPR and DPRD, which are representative bodies of the people, to determine the direction of disaster management from the community, both at the national level through the National Disaster Management Agency (BNPB) and at the regional level through the Regional Disaster Management Agency (BPBD). In addition to the appointment process, the DPR and DPRD can implicitly be involved in disaster management governance through their budgetary functions, as Law No. 24/2007 mandates the allocation of adequate disaster management budgets and their inclusion in the ready-to-use budget scheme, including the National/Regional Revenue and Expenditure Budget (APBN/D).

This budget mechanism serves as the foundation for the DPR and DPRD to carry out their oversight functions, ensuring that budget allocations, particularly standby budgets, are distributed appropriately. Additionally, the involvement of the DPR and DPRD in the budget formulation process can serve as a means of oversight to ensure that the draft APBN/D submitted by the government or regional government regarding disaster management includes adequate funding for disaster management. Both approaches can be a way to circumvent the oversight authority that is explicitly stated in Law No. 24/2007 as being the sole domain of the government and local governments.

The oversight aspect in Law No. 24/2007 has a very broad scope, ranging from disaster sources and development policies to exploitation activities and financial management. This demonstrates that the drafters of the law recognized the importance of oversight in disaster management. However, the issue is that oversight authority is granted to the government and local governments as stated in Article 71 of Law No. 24/2007, even though both naturally have the characteristics of being implementers of disaster management activities.

The granting of oversight authority to the government in disaster management stems from the phenomenon of widespread civil society involvement, where the state, as the primary actor, often finds its role greatly assisted and even tends to be replaced by collective civil society initiatives. This situation makes oversight more effective when carried out by the government and local governments as an effort to synchronize government disaster management policies with civil society initiatives. However, this situation has the potential to lead to abuse of power in the name of disaster management through the accumulation of power in the government and local governments, as discussed at the beginning of this section.

The relatively minimal political oversight mechanisms of the DPR and DPRD are exacerbated by the relatively minimal performance oversight regulations based on audits. The provisions on audits in Law No. 24/2007 are only regulated in Article 72, which regulates audits for the oversight of contributions made by civil society. This provision does not provide further information on which institutions are authorized to conduct audits, leading to confusion regarding the audit implementation mechanism. This is because government activity audits can, in principle, be conducted by the State Audit Agency (BPK), a state institution with investigative authority, or by public accounting firms, which are private entities with expertise in conducting audits [7].

Various provisions in Law No. 24/2007 indicate that oversight of disaster management remains highly limited due to the concentration of authority held by the

government and local governments. This situation is inconsistent with the characteristics of natural disasters as a type of emergency that should have limitations to prevent potential human rights violations. With the limitations on authority, the misuse is minimized due to the limited authority held by each institution in disaster management.

3.2 The paradigm of emergency constitutional law in assessing the accountability of disaster management

Provisions regarding emergency constitutional law in Indonesia are explicitly regulated at the level of the 1945 Constitution of the Republic of Indonesia (UUD NRI) through Article 12, which states: "The President declares a state of emergency. The conditions and consequences of the state of emergency are determined by law." The provisions in this article allow people's representative institutions to participate in determining emergency conditions by formulating laws that serve as procedures for the President to follow when declaring a state of emergency. Up until now, the only law that can be said to implement Article 12 of the 1945 Constitution of the Republic of Indonesia is Law No. 23/Prp/1959 on Emergency Situations (Law 23/Prp/1959).

Law No. 23/Prp/1959 contains procedures for declaring a state of emergency and types of events, such as natural disasters. Article 1, paragraph (1) of Law 23/Prp/1959 states that natural disasters can be included in the context of emergencies if they disrupt public order and security. This regulation indicates that natural disasters were already recognized as a cause of emergency conditions before the enactment of Law No. 24/2007.

Although Law No. 24/2007 does not cite Article 12 of the Constitution of the Republic of Indonesia as a basis for its formation, the regulations contained in the law are characterized by an emergency paradigm. This is reflected in the various exceptions to the general provisions of this law for disaster management. An example is the ease of access in certain sectors during disaster emergencies, as mentioned in Article 50(1) of Law No. 24/2007. The ease of access granted under this provision relates to exceptions to normal regulations in economic aspects such as licensing, procurement of goods and services, financial management, and logistics deployment. Such exceptions are necessary to respond to emergency disaster conditions that require immediate action, as the implementation process under normal legal procedures can be cumbersome.

In fact, disruptions to this ease of access can result in criminal penalties, highlighting its critical role in disaster response. This ease of access validates the emergency paradigm used in Law No. 24/2007 in regulating disaster response issues. The use of the emergency paradigm should not only provide exceptions but also require compliance with emergency constitutional law. This law pertains to the mechanism of checks and balances, thereby preventing abuse of power due to the accumulation of power in disaster management.

Concrete examples of abuse of power can be seen in the rampant corruption occurring in disaster management, both at the national and regional levels. A case of corruption at the national level is evident in the involvement of Juliari Batubara, Minister of Social Affairs, in the distribution of social assistance in response to the COVID-19 pandemic. Juliari was implicated in a corruption case involving the distribution of funds to him through the deduction of budget allocations for each social assistance package distributed to the public, resulting in state losses of Rp32 billion [8]. The corruption case during the COVID-19 pandemic at the national level has spread to the regional level, such as the case of Aa Umbara Sutisna, the Regent of West Bandung District, who received corruption amounting to approximately Rp1 billion in a case involving the procurement of emergency goods by directly appointing his former campaign team and his own son and demanding a 6% profit from the procurement [9].

The two corruption cases above demonstrate that the instrument of checks and balances in disaster management is crucial to implement. At least three principles of emergency are related to checks and balances to oversee the executive branch as the implementer of disaster management: necessity, proportionality, and temporality. These three principles indeed have different meanings and scopes. However, these three principles are related to the principle of checks and balances, which involves other institutions in their implementation.

The principle of necessity in emergency constitutional law pertains to the limitations on the circumstances that justify declaring a state of emergency. This principle aims to establish norms for emergency conditions as a reference for those in power to decide whether an event constitutes an emergency.

These norms not only contain substantive requirements that must be met but also address issues related to restrictions on declaring a state of emergency, which involve other branches of government. The involvement of other branches of government provides a system of checks and balances. The determination of whether an event constitutes an emergency is made collectively by the branches, enriching perspectives and strengthening the legitimacy.

The necessity principle is recognized in Law No. 24/2007 through the establishment of indicators for determining the status and level of disasters at both national and regional levels. However, the determination of the status and level of a disaster is only carried out by the President at the national level and the Governor/Regent/Mayor at the regional level, based on input from the agency tasked with disaster management, which is part of the executive branch, thereby undermining the process of checks and balances. Although the executive branch is also elected by the people, determining disaster status and level without the involvement of the DPR and DPRD, as representative bodies of the people, has the potential to lead to abuse of power. Decisions are made unilaterally without oversight from other branches of government.

The consideration of whether an event is classified as a natural disaster under the principle of necessity also reviews the extent of the response given to it. This understanding means that each event has a different response depending on which category it falls into, known as proportionality. This principle is oriented toward the appropriateness of the response given to the event that occurred. It serves as a limitation on the potential for abuse of authority, as the actions taken are not proportional to the threat that occurred. Such abuse of authority can be overcome through a system of checks and balances that provides oversight of the actions taken by the authorities in emergency conditions.

Unfortunately, the application of the principle of proportionality in the disaster management sector has not been optimally implemented. The classification of disasters is limited to a division between regional and national disasters, along with indicators for determining the status and level of the disaster. Law No. 24/2007 does not elaborate on the implications of classification differences, such as restrictions on government disaster management actions for each specific type of disaster. This approach creates a uniform government response to every disaster, ignoring the unique characteristics of each location. Standardizing actions does simplify the technical oversight process, but the oversight is not substantive because it treats all natural disasters as the same, despite their differing characteristics and locations.

In addition to the principles of necessity and proportionality, which are closely intertwined, there is another principle related to oversight within the framework of checks and balances: the principle of temporality. The principle of temporality emphasizes the need to set time limits on the application of emergency conditions to prevent abuse of power. Emergency powers allow deviations from normal laws under the guise of necessity and proportionality to address issues. Time limits offer an opportunity to assess the extent to which problems have been resolved through the declaration of a state of emergency, while also legitimizing the extension of the state of emergency if the problems remain unresolved [10].

The details of the temporal timeframe are not discussed at all in Law No. 24/2007. In the law, the timeframe is repeatedly referred to as a “certain period” without specifying its duration. This situation creates legal uncertainty about the duration of emergency conditions and undermines the principle of temporality due to unclear timeframe norms, leading different regions to adopt various models for regulating the timeframe. Differences in policy models adopted between regions are inevitable given Indonesia's geographical diversity, which results in varying levels of difficulty in disaster mitigation across regions. However, such differences should be based on similar indicators to ensure consistency in depth across all policy models.

3.3 The accountability of disaster management governance in the disaster management law

The existence of norms regarding indicators for determining the status and level of disaster emergency is unfortunately not accompanied by norms in other aspects that could support accountability in disaster management in Indonesia. The absence of norms regarding the role of the DPR and DPRD complicates the supervision of the disaster management process due to their varying patterns of involvement. Furthermore, budget allocation based solely on feasibility does not provide consistent standards because no specific percentage of the budget is allocated. This lack of specification prevents the accountability process from functioning optimally, as policies are formulated based solely on the discretion of the central and local governments. The ambiguity of the role of representative institutions and budget allocation mechanisms is exacerbated by the lack of clarity regarding the duration of emergency conditions, which is not regulated at all, except for a specified time frame. This situation has led to differences in the practice of determining disaster management status in Indonesia, as seen in the phenomenon over the past year in terms of the duration and mechanism for extending emergency conditions, as follows Fig. 1.

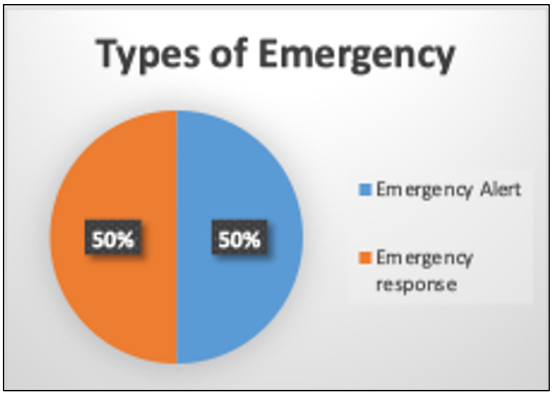

Fig. 1. Classification of emergency status types

The graph above illustrates that the data used to measure emergency response status is the same as that used to measure emergency alert status in terms of the type of emergency status. The division of these types has an impact on the duration of the emergency status, the details of which can be seen in Fig. 2.

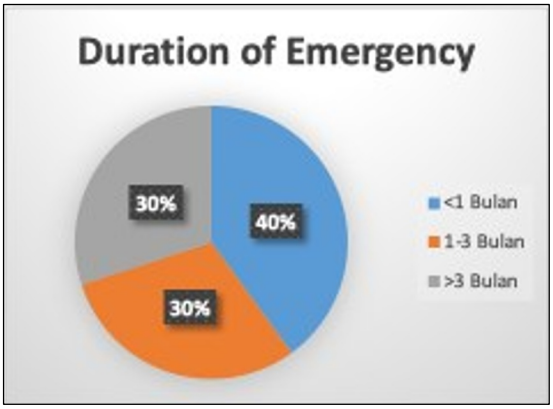

Fig. 2. Duration of emergency

The graph above shows that the duration of emergency status varies between 1 week and 9.5 months. This striking difference is due to the different types of disasters that occur. In response to floods, the duration of

emergency response is only around 1–2 weeks, as in the cases of Malinau Regency, Parigi Moutong Regency, and Bogor Regency. Meanwhile, the duration of the emergency response status in response to volcanic disasters can reach 6 months, as seen in East Flores Regency.

A different situation exists with the declaration of disaster alert status, which typically lasts about a month. In fact, some areas have declared a disaster alert status for nearly a year, or 9.5 months, such as Dumai Regency, in response to the potential for natural disasters, including forest and land fires. However, there are anomalies in the duration of the emergency alert status, which can be brief, as seen in the case of hydrometeorological disasters, where Pekanbaru City received an emergency alert status for only two weeks.

The difference in duration between the emergency alert status and the emergency response status is due to the events that occur between these two statuses. The emergency alert status is established as a form of preparedness and mitigation against natural disasters. Meanwhile, the emergency response status is established to address natural disasters. The difference in phases between the two statuses naturally affects the duration difference between the disaster statuses. Mitigation stages inherently take longer because they serve as tools for regional preparedness against the increasing potential of a disaster within a specific timeframe.

The issue of time span is exacerbated by the fact that not all regions regulate the option of extending emergency conditions when declaring emergency disaster status. This is reflected in the fact that only 4 out of 10 regions in the table above regulate this issue. Regulations on the mechanism for extending the emergency disaster status also pose other problems because they are based solely on the considerations of the local government, either directly by the regional head or the BPBD, which is a local government work unit. This creates the potential for misuse because the declaration is made unilaterally by the executive branch without involving other branches of government, such as the Regional People's Representative Council (DPRD), which represents the people and whose aspirations should be considered.

In addition to the long-standing issues of time and the mechanism for extending the disaster emergency status, accountability in disaster management can be assessed through the role of the DPRD. This role can be concretely carried out through the budgetary functions of the DPRD. The use of these two indicators can serve as a benchmark for how far accountability through a check-and-balances approach can be implemented by the DPRD as the people's representative body at the local level. The fulfillment of both indicators in emergency situations can be seen below:

Table 1. The practice of determining the role of regional representative councils and budgeting mechanisms in disaster emergency situations in Indonesia

No.	Region	Parliament's Role	Budgeting Mechanism
1	East Flores	-	Funding is provided by the state budget, regional budget, and other non-binding sources.
2	East Kalimantan	Involved in the formulation of strategic measures in accordance with duties and functions together with other regional apparatus	Funding is charged to the regional budget
3	North Kalimantan	Involved in the formulation of strategic measures in accordance with duties and functions together with other regional apparatus	Funding is provided by the state budget, regional budget, and other non-binding sources.
4	Pekanbaru City	-	Funding is charged to the regional budget and other non-binding sources.
5	Bogor Regency	Emergency response measures must be in accordance with the mechanisms stipulated in applicable laws and regulations and must not cause losses to the state.	State Budget, West Java Provincial Budget, Bogor Regency Budget, and other non-binding sources
6	West Sulawesti	-	-
7	Gorontalo	-	-
8	Parigi Moutong	-	Funding is provided by the state budget, the Parigi Moutong district budget, and other non-binding sources.
9	Dumai Regency	-	-
10	Malinau Regency	Involvement of Regional Apparatus in implementing integrated emergency response measures	Funding is provided by the state budget, the Malinau district budget, and other non-binding sources.

Table 1 illustrates that the DPRD's absence as a representative body is evident not only in the process of declaring and extending disaster emergency status but also in the subsequent management of the disaster. This is also evident in the fact that none of the decisions declaring disaster emergency status explicitly mention the role of the DPRD. The involvement of the DPRD in the disaster response process is present in only 4 out of 10 regions,

which reflects the involvement of each local government agency in accordance with its primary duties and functions. This provision allows the DPRD to carry out its supervisory function over policies taken by the government during a state of emergency. However, the absence of any regional decision that explicitly mentions the role of the DPRD or the Regional Audit Board (BPK Daerah) illustrates that the basic paradigm in the disaster emergency management process does not provide adequate space for checks and balances.

In addition to its oversight function, the DPRD's role in disaster emergency status is evident in its budgetary function, which involves allocating costs for all activities during the disaster emergency status to the regional budget (APBD). Although funding is generally allocated to the APBD, the emergency status decision also links the funding scheme to the state budget (APBN), as seen in Malinau Regency, Parigi Moutong Regency, East Flores Regency, and North Kalimantan Province. There are even regions that allocate funding for disaster emergency status to the provincial APBD, such as Bogor Regency.

The diversity of these funding models is a consequence of Article 60(1) of Law No. 24 of 2007, which stipulates that disaster mitigation funds are a shared responsibility between the central government and local governments. This provision does not specify the budget allocation for determining the circumstances under which disaster emergency status funding can be addressed. It does not specify whether this funding can be addressed using the local government's independent budget or requires assistance from the nationals. This leaves the determination of funding use to the discretion of the local government, without any provisions to guide the Regional People's Representative Council (DPRD) in overseeing such policy choices.

3.4 Comparison of disaster management accountability mechanisms in various countries around the world

Every region in Indonesia, without exception, has the potential for various types of natural disasters due to Indonesia's unique geographical location. The uniqueness of Indonesia's geographical location is evident from its position between two continents and two oceans, placing it at the intersection of various active tectonic plates that have the potential to cause earthquakes. Indonesia's geographical location makes it increasingly vulnerable to natural disasters, as it lies within the Ring of Fire, an area characterized by hundreds of active volcanoes that stretch from the western to the eastern ends of the country.

Based on its vulnerability to natural disasters, Indonesia should learn from other countries, particularly those also located within the Ring of Fire, about accountable natural disaster management. The practices of these other countries are shown in the Table 2:

Table 2. Oversight mechanisms for disaster management in various countries around the world

No.	Country	Oversight Mechanism
1	Japan	The declaration is issued by the Prime Minister after consulting with the National Disaster Management Agency. After the declaration is made, the Prime Minister must seek parliamentary approval (Diet) no later than 20 days after the declaration. If the parliament does not approve, it must revoke as soon as possible. Furthermore, parliamentary control in overseeing government actions in disaster management is exercised through the approval of government actions taken when parliament is not in session. This allows parliament to overturn government policies as a form of oversight [11].
2	Philippines	The declaration is issued made by the President after consulting with a national council consisting of government officials in the field of disaster management. Parliamentary oversight of the implementation of this law is carried out through the formation of a special committee consisting of representatives from the House of Representatives and the Senate, with an equal number of six (6) members [12].
3	Taiwan	Declaration of a disaster emergency status by the Executive Yuan (Prime Minister) on the recommendation of the National Disaster Management Agency. Supervision of disaster emergency conditions is carried out by the State Audit Agency because it relates to special policies such as debt payment subsidies and compensation for damage to property due to natural disasters. However, the supervisory role is not held by parliament and is assigned to the executive branch through the National Disaster Management Agency [13].
4	New Zealand	The declaration is issued by the Minister of Emergency Management. The declaration of a state of emergency is valid for a period of 7 days and requires parliamentary approval after the announcement, including when extending the state of emergency [14].
5	Chile	The declaration of a state of emergency is issued by the President for a period of 180 days. After that, Congress may revoke the declaration of a state of emergency if the reasons no longer exist. However, a declaration of emergency requires congressional approval if it is to last for more than one year [15].

Based on data from five countries in the Ring of Fire (Table 2), accountability is strictly regulated in disaster management legislation, ranging from the constitutional to the legislative level. Each country has mechanisms in place to ensure institutional accountability for disaster management through parliament and state institutions, with audit authority serving as the spearhead of government performance oversight in emergency conditions.

This is evident in the existence of parliamentary approval mechanisms, which serve as representative institutions of the people and are a prerequisite for declaring a state of emergency. Parliamentary approval is not always conducted before an emergency condition is declared; there are also schemes that allow for it after such a declaration. In Chile, parliamentary approval is required before a declaration of emergency condition can be made for declarations with a duration exceeding 180 days.

Approval is required at the outset because the emergency condition lasts for such a prolonged duration.

This differs from most countries, which require parliamentary approval within a certain timeframe and allow parliament to revoke the declaration if the cause of the emergency has subsided or is deemed inappropriate for an emergency approach. This dynamic is evident in the cases of Japan, with a 20-day timeframe, and New Zealand, with a 7-day timeframe.

However, there are also countries that do not grant the people's representative institutions the authority to be involved in the process of declaring a state of emergency, such as the Philippines and Taiwan. Although these two countries do not have an accountability mechanism in the form of parliamentary approval, the state of emergency in both countries is strictly monitored. This is evident in the existence of a joint parliamentary commission specifically tasked with disaster management in its congress, as well as a similar level of seriousness in Taiwan, where the State Audit Agency oversees subsidies provided as social assistance.

The various regulations in place in these countries demonstrate that accountability plays a fundamental role in disaster management. The regulations adopted by these countries can serve as a reference for Indonesia in revising its disaster management laws. This revision should ensure the functioning of check-and-balance mechanisms through oversight by other government institutions, thereby guaranteeing the accountability of disaster management.

3.5 Proposing an ideal accountability enforcement model in disaster management in Indonesia

The power centralization in disaster management, as described in the previous section by local governments both conceptually and in practice, illustrates that the provisions of Law No. 24/2007 have not effectively achieved accountability in disaster management in Indonesia. The provisions in the law grant those in power considerable leeway without any oversight mechanisms from other institutions. The absence of oversight has had a concrete impact, leading to cases of corruption related to disaster management funds and the establishment of different levels of emergency status in each region.

The poor accountability dynamics in disaster management in Indonesia are in stark contrast to those of other countries also located in the Ring of Fire. Other countries have strict checks and balances mechanisms in their laws, granting oversight authority to institutions outside the executive branch. The existence of oversight mechanisms can serve as a method to ensure measurable accountability in disaster management. Supervision does not always have to be carried out solely through the involvement of representative institutions; alternative methods can also be used, such as filing lawsuits against government decisions, which gives the court room to take corrective action, or ensuring the clarity of audit mechanisms such as using the e-audit system to check the use of large budgets in the context of disaster management.

Clarity in audit mechanisms is not the sole aspect of financial management that needs to be clearly regulated in Law No. 24/2007; rather, the mechanism for budget allocation itself requires comprehensive improvement. This is because the current law stipulates that the central and local governments must provide adequate disaster management budgets, but does not specify the percentage or nominal amount that constitutes an adequate budget. Furthermore, the issue of budget allocation is exacerbated by the unclear division of authority, as Article 60 of Law No. 24/2007 states that disaster management is carried out jointly by the national and local governments.

In addition to the unclear issues of oversight and budget, the law fails to address the determination of deadlines for implementing emergency conditions. This has resulted in differences in the length of deadlines and even the mechanisms for extension in the practice of declaring a disaster emergency status in regions. These differences undermine the public's right to safety, as each local government may take different actions that could potentially lead to social unrest. This situation underscores the need to establish clear regulations governing the duration of emergency status, based on the type of disaster and the mechanisms for extension.

The current practice is that declarations, including extensions, are made solely by the central and local governments and are also made unilaterally. This has significant potential for abuse of power because decisions are made by a single party without involving others in the policy-making or oversight process. Based on this gap, regulating time limits and extensions has become urgent and relevant to address in the revision of Law No. 24/2007.

4 Conclusion

Disaster management governance, as outlined in Law No. 24 of 2007, is closely related to the emergency paradigm. This is reflected in various exceptions, such as the allocation of special funds that can be disbursed at any time and the suspension of provisions that typically apply in normal economic situations. Unfortunately, the application of the emergency paradigm, also known as a state of emergency, does not align with the principles of checks and balances as outlined in Law No. 24 of 2007.

The absence of provisions regarding the involvement of representative institutions in determining and extending the emergency status reflects this imbalance. Not to mention, the law stipulates that disaster management is supervised by the central and regional governments, as the parties responsible for making emergency decisions. This enormous authority has led to cases of corruption of social assistance funds during the COVID-19 pandemic, by the ministry or the regional head.

The lack of oversight is exacerbated by the absence of time limits for emergency conditions in Law No. 24 of 2007. The absence of limits has resulted in the practice of declaring emergency conditions for varying lengths of

time in different regions, ranging from one week to nearly a year. Practices in various regions also reveal a lack of regulation regarding the role of representative institutions in governing during emergencies. The unclear restrictions on authority and time frames in disaster management in Indonesia are not experienced in other countries across the Ring of Fire. The regulation of disaster emergency conditions in these countries has clear limits on authority and time frames. Given the current situation, amendments to Law No. 24/2007 are needed to clarify the time limits for emergency conditions and the involvement of representative institutions as an effort to build accountability in disaster management in Indonesia.

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