

## Understanding 'citizenship' to protect human rights of liquefaction survivors in South Palu

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### Abstract

Disaster management is a critical component of national development, particularly in the aftermath of natural disasters. The relocation process of liquefaction disaster survivors in Petobo, located in South Palu, Central Sulawesi, indicates the government's commitment to upholding Indonesian citizens' rights, including providing adequate housing within a healthy and secure environment. This research was conducted in the wake of the disaster with the primary objective of evaluating the legal protection and human rights afforded to survivors residing in Petobo Village, which has been designated as a red zone due to the severity of the disaster. The study uncovered significant damage to infrastructure, loss of life, and ecosystem degradation as direct consequences of the disaster. These findings underscore the government's obligation to provide permanent housing (hence HUNTAP) to fulfill the basic needs of survivors. Providing decent housing is fundamental to ensuring the well-being and dignity of every citizen affected by the disaster. Moreover, it aligns with the core principles of citizenship and human rights, which are essential for fostering sustainable and harmonious communities, particularly in regions grappling with the aftermath of natural calamities. Shortly, the relocation of liquefaction disaster survivors in Petobo, South Palu, Central Sulawesi, highlights the state's critical role in safeguarding its citizens' rights, especially in times of crisis. By prioritizing permanent housing and ensuring a healthy and secure environment for survivors, the government demonstrates its commitment to upholding human rights and fostering resilient communities in disaster-affected areas.

**Keywords:** citizen; human rights; legal protection; survivors

### Introduction

Indonesia is geographically diverse and is located on the Pacific Ring of Fire, which increases the potential for various types of natural disasters, such as earthquakes, tsunamis, volcanic eruptions, floods, landslides, and liquefaction. Based on ISDR (2007), when disasters result in losses in terms of social and economic impacts for the community, effective mitigation, management, and recovery efforts are needed to reduce the risk and overcome the effects of disasters that occur sustainably. Natural disasters often trigger or exacerbate mental health problems in Indonesia (Gunawan et al., 2022).

There is a relationship between democracy and national development (Idike, 2020). In the global context, various significant changes have affected the national development process (Moghaddam et al., 2023). The relationship between access to education is often a critical factor



in enabling or constraining opportunities for national development (Mitlin et al., 2018). Scholars of democratic citizenship and civic education debate civic development as essential to citizens defending and upholding democracy and human rights (Hahn-Laudenberg, 2024). Meanwhile, a part of national development is disaster management, a series of activities before, during, and after a disaster. Natural disasters can damage the social infrastructure, environment, and economic activities of the community.

Over the past few decades, several specific international legal rights have been impeded, causing adverse practical consequences regarding human rights protection (Schimmel, 2022). In the context of learning Civic Education, the 7.4 magnitude earthquake that struck Central Sulawesi on September 28, 2018, provides a concrete picture of the challenges of protecting and fulfilling human rights, especially related to the provision of housing for liquefaction survivors in Petobo Village, South Palu District, Palu City. Regarding liquefaction survivor protection, Coningham et al. (2024) state that to provide rapid reconstruction for liquefaction survivors, land is often destroyed with modern materials without consideration for community stability. This creates various problems for survivors, ranging from loss of documents and voluntary and safe relocation to land compensation issues that must be dealt with thoroughly.

Through human rights-based civic education, individuals can internalize essential values such as justice, equality, and human rights (Kusnadi, 2023). This awareness of human rights is key in addressing violations of these rights (Mapp & Smith Rotabi-Casares, 2023). The relationship between disaster management and civic education becomes even more relevant when looking at the problems liquefaction survivors face in Petobo Village, South Palu Sub-district, Palu City, Central Sulawesi Province, especially concerning their relocation. Natural disasters, such as the liquefaction that occurred in September 2018, have damaging direct and indirect impacts on communities' social, environmental, and economic infrastructure. This disrupts social activities, increases poverty rates, and threatens the human rights of survivors, including the right to adequate shelter. The implementation of disaster management has been regulated through the law and its implementing regulations. However, real challenges still exist in protecting and fulfilling human rights for survivors. Civic education can raise awareness of human rights, social responsibility, and engagement in sustainable and resilient development processes, empowering individuals to advocate for their rights.

This research problem covers some complex aspects related to the protection and fulfillment of human rights for liquefaction survivors in Petobo, South Palu, with a focus on the perspective of civic education. One of the main issues is the need for more adequate understanding and awareness of human rights among survivors and the local community. Peters (2010) argues that Traditional explanations of citizenship often begin with an affirmation of individuals' fundamental civil, political, and social rights and notes how the modern concept, which is inherently egalitarian, gained universal appeal along with the development of liberal traditions often identified with modernity. This may result in their inability to identify possible human rights violations or to fight for their rights effectively. In addition, structural barriers such as lack of access to legal services and remedies are serious problems that affect survivors' ability to obtain proper legal protection and meet their needs in accordance with human rights standards.

Another issue that emerged was the inequality in the relationship between local government and liquefaction survivors in Petobo, South Palu. Lack of equality and participation in decision-making processes related to post-disaster relocation and rehabilitation can lead to unfairness in the treatment and implementation of policies that affect survivors' rights. In addition, the need for an inclusive and holistic approach to civic education is also an issue, as there have not been sufficient efforts to raise awareness of human rights and community engagement in sustainable post-disaster development processes. Egan-Simon (2022) argues that The concept of modern citizenship - a recent concept in history - implies the existence of a civic or political community, a set of rights and obligations granted to citizens based on their membership in that community. An in-depth understanding of these various issues is essential

in formulating effective strategies for protecting and fulfilling human rights for liquefaction survivors in Petobo, South Palu. This stress on the need for an inclusive and holistic approach to civic education is crucial for the audience to feel engaged and committed to the cause.

From the above background, the author is interested in discussing the issue of how the role and responsibility of the government in providing protection and fulfillment of human rights to survivors of the Liquefaction natural disaster in Petobo Village, South Palu District, Palu City, Central Sulawesi Province, especially regarding relocation. Ferris and Weerasinghe (2020) state that science and evidence on hazards and disaster risk should begin to develop national and local frameworks for relocation planning. On another matter, fulfilling human rights related to community dignity has long been attempted (Øye & Jacobsen, 2018). The provisions for implementing disaster management have been regulated by law and its implementing regulations. However, in practice in the field, many problems still need to be studied. Even though the government intends to issue legislation products, both laws and government regulations or regional regulations, it is expected to solve all problems regarding the impacts of natural disasters. This emphasis on the government's role and responsibility in protecting and fulfilling human rights is crucial for the audience to feel informed and aware of the current situation.

Human rights violations often occur, reminding us of the importance of raising awareness of human rights in the global community (Schimmel, 2023). Understanding the impact on human rights concerning the basic principles of humanity, justice, and human dignity can identify problems and advocate for human rights protection (Acacio et al., 2022). From a civic education perspective, research on the protection and fulfillment of human rights for liquefaction survivors in Petobo, South Palu highlights the importance of understanding and responding holistically to the impact of natural tragedies. In this context, citizenship education aims to raise awareness of individual rights, social responsibility, and engagement in community recovery efforts. This research explores how citizenship education can effectively promote understanding of human rights, build community resilience, and helping liquefaction survivors gain better access to protection and fulfillment of their rights post-disaster.

## Method

This type of research is normative juridical, an approach based on primary legal materials by examining theories, concepts, and principles, both written and unwritten, as well as in-laws and regulations related to natural disaster management (mitigation) and land. This research method is qualitative and uses descriptive type. The research respondents consisted of the Palu local government, Petobo Village, community leaders, and survivors in Petobo Village, Central Sulawesi. Qualitative methods are dynamic, meaning they are always open to changes, additions, and replacements during analysis (Srivastava & Thomson, 2009). Data collection methods in qualitative research are visual analysis, observation, interviews, and literature study (Gill et al., 2008). Furthermore, the data was analyzed to understand and draw conclusions about the research.

Data was collected through visual analysis, observation, interviews, and a literature study involving related parties such as the local government, Petobo village, community leaders, and survivors in the area. The collected data was then processed with qualitative analysis techniques such as data reduction, display, and verification to understand and interpret the results in depth. The data analysis includes identifying patterns, themes, and relationships between relevant variables to understand civic education's perspective on protecting and fulfilling human rights for liquefaction survivors in Petobo, South Palu. Furthermore, the results of the analysis were interpreted to produce conclusions relevant to the research problem, which involved linking the findings with relevant theories and the research's practical and theoretical implications. The final stage is preparing a systematic and comprehensive research report following a predetermined structure, which covers all stages of the research, from problem formulation to conclusions and recommendations.

## Result and Discussion

The results showed that infrastructure damage was due to natural disasters, casualties, ecosystem damage, and loss of shelter. The state is responsible for organizing the provision of permanent housing (HUNTAP) for survivors, the implementation of which is carried out to meet the needs of shelter as one of the basic human needs. Guaranteeing the right of every citizen to occupy, enjoy, and/or own a decent house in a healthy, safe, harmonious, and orderly environment. Petobo Village in Palu was one of the areas severely affected by liquefaction. The National Disaster Management Agency (BNPB) said that the liquefied area reached 180 hectares of the total Petobo area of around 1,040 hectares, and 2,050 building units in Petobo were damaged.

Five years after the liquefaction disaster in Palu, Central Sulawesi Province, survivors still have yet to receive clarity related to permanent housing (Huntap), their primary living need. Responding to this, the government, based on Presidential Instruction No: 10/2018, the Ministry of Public Works and Public Housing is responsible for carrying out rehabilitation and reconstruction of educational facilities, health, economic support, and basic infrastructure; supervising the implementation of rehabilitation and reconstruction of facilities.

Regarding implementing post-disaster settlement development reconstruction, especially the construction of Huntap for Petobo survivors, the government considers the potential for natural disasters in the future. The early post-disaster government has designated Duyu, Tondo, and Talise locations for relocation settlements for disaster victims in Palu. The proposed locations were listed in the December 2018 Disaster Prone Zone Map. The government should pay attention to Posner's opinion in determining the location of permanent housing for victims of the Petobo Sulawesi liquefaction disaster, namely that the role of law must be seen in terms of value, utility, and efficiency.

In connection with the liquefaction natural disaster, Article 23 (5) of Law No. 26 of 2007 concerning Spatial Planning states explicitly that in certain strategic environmental conditions related to large-scale natural disasters stipulated by statutory regulations and/or changes in state territorial boundaries and/or provincial territories stipulated by law, the provincial spatial plan is reviewed more than once in five years. It is stated in the law that if a disaster occurs and an area where a disaster occurs is a danger zone, the land use can change function. This is as experienced by the survivors in Petobo Village that they can no longer reside on their former land that has been converted to a function that is not allowed for settlement and must move to a place that the local government has provided to avoid potential disasters in the future.

A long-term sustainable approach to post-disaster reconstruction is needed to deliver fundamental social and economic change for women (Larson et al., 2013). Successful development can be realized if participation comes from community members' awareness, responsibility, initiative, and creativity without coercion (Suryono, 2001). Related to post-disaster rehabilitation and reconstruction, Tiwari and Shukla (2022) suggest a framework based on an ability approach to understand the factors that determine the welfare that must be restored for disaster victims. In overcoming the disaster, the involvement, role, and participation of the community are needed in order to anticipate when a disaster will occur and know what actions must be taken pre-disaster, during the disaster, and post-disaster so that the community can minimize the impact of the disaster, the form of community participation in the form of participation of thoughts, energy, skills, goods, and property.

Based on the results of the Palu City Bappeda Team questionnaire for the sub-quality of City Residents' Sense of Security Against Disasters, with the highest percentage value of 42.08% who answered less and 32.39% who answered available, this explains that the lack of public knowledge of the contents of the Regional Spatial Plan of Palu City (IKLH Bappeda Palu, 2021) Infrastructure development as part of post liquefaction disaster mitigation should result in



resilient and disaster-safe public infrastructure and facilities. Therefore, compliance with building standards and disaster-prone area zoning is important.

The post-disaster recovery process should be seen as an opportunity for development, reviving local economies, and improving livelihoods and living conditions (Nakagawa & Shaw, 2004). The fulfillment of human rights in the post-disaster recovery process refers to significant trust (Husein, 2011). Protecting and fulfilling human rights for liquefaction survivors in Petobo, South Palu, is crucial in civic education, especially in relation to post-disaster spatial planning. Data shows that spatial planning principles must be applied and realized in every spatial planning process, as law mandates. The main objective is to harmonize the natural and artificial environment, which can create integrated use of natural and artificial resources, as well as provide protection for spatial functions and prevention of negative impacts on the environment due to spatial utilization. In relocating victims of natural disasters, especially related to zoning changes, regulating spatial management and supervision is very important to operationalize the general spatial plan and as a basis for determining zoning regulations. The zoning regulation itself aims to ensure that every regional spatial planning process takes place in a fair and participatory manner for disaster victims so that the objectives of protecting and fulfilling human rights for liquefaction survivors in Petobo, South Palu, can be achieved thoroughly with the perspective of civic education.

The legal protection of land rights for victims of natural disasters in Petobo, Sulawesi, can be linked to Fitzgerald's opinion explained by Phillips (2020) that the law aims to integrate and coordinate various interests in society because, in traffic of interests, protection of certain interests can be done by limiting various interests on the other hand. The interest of law is to take care of human rights and interests so that the law has the highest authority to determine human interests that need to be regulated and protected. Legal protection must see the stages, namely legal protection born from a legal provision and all legal regulations given by the community, which is an agreement of the community to regulate behavioral relationships between members of the community and between individuals and the government, which is considered to represent the interests of the community.

An understanding of politics supported by civic knowledge encourages the active participation of citizens in the government system (Lo & Kisa, 2021). Civic education ensures all individuals have equal access to the knowledge and skills to understand and participate in political and social life (Adams, 2022). In the context of Civic Education (Civics Education), legal protection of the land rights of victims of natural disasters, such as those experienced by liquefaction survivors in Petobo, Sulawesi, is an urgent issue. The urgency of this legal protection is related to several reasons that reflect the need for justice and legal certainty in the interaction between the government and society:

1. The importance of legal protection for survivors of natural disasters is related to the post-disaster recovery and relocation process, where government decisions directly impact their lives.
2. The unbalanced relationship between the government and survivors, where survivors are often in a weak position, shows the need for legal protection to avoid injustice in policies related to land rights.
3. The potential for disputes between survivors and the government over land rights highlights the importance of strong legal protection for survivors to be more balanced and obtain justice in conflict resolution.
4. Effective legal protection is thus crucial to ensuring justice and legal certainty for survivors in the face of government policies related to their land rights, and this is an important part of PKN's learning on human rights and good governance.

*Disaster management* is a multidimensional and multi-stage process that includes preparedness, rescue, rehabilitation, relief, and mitigation (Sharma, 2021). A holistic approach to reducing the impact of disasters can facilitate effective recovery for affected individuals and

communities (Cox & Hamlen, 2014). People's responses and views on disasters are influenced by social cognition and social capacity (Priyanti et al., 2019). Determination of the location of Huntap for liquefaction disaster survivors in Petobo Sulawesi was done after the disaster and should refer to spatial and regional plans. Disaster mitigation related to the selection of permanent housing locations pays attention to the aspirations of residents and the economic factors of disaster victims. At the time of reconstruction implementation, the community has the right to be consulted with the government, agreeing that power is shared between the community and the government. For this reason, an agreement was made to share responsibilities in planning, controlling decisions, formulating policies, and solving problems faced by the community.

## Conclusion

In carrying out its duties and obligations, the state must guarantee the enforcement of the human rights of every citizen, including proper protection and dignity for the community through legal products such as disaster management laws and human rights charters that are beneficial for the welfare of the people and the progress of Indonesia. As professionals in disaster management and human rights advocacy, your role in advocating for the implementation of these laws and charters is crucial. This is especially important in the context of accelerating rehabilitation and reconstruction after the earthquake and tsunami disasters in Central Sulawesi Province and other affected areas. The provision of accessibility provided to victims of natural disasters and communities in disaster-prone areas, both pre, during and post-disaster, is an important step taken by the government. These efforts, including the implementation of disaster management laws and human rights charters, can be better achieved through legal products that have a strong sociological foundation, guarantee legal protection, and benefit the welfare of the people.

Community participation in disaster mitigation, physical development, and increasing the ability to face disaster threats is crucial. The government must emphasize this to reduce the risks posed by disasters. Equally important is the post-disaster reconstruction, which is instrumental in restoring people's lives to the same or better condition than before the disaster. This involves rebuilding facilities, infrastructure, and institutions, and developing economic, social, and cultural activities. Throughout this process, the government's role in ensuring legal protection and the fulfillment of human rights, especially in the provision of permanent housing for liquefaction survivors in Petobo Village, South Palu Subdistrict, Palu City, Central Sulawesi Province, is of utmost importance. This is a responsibility that the government must fulfill to create an inclusive, just, and sustainable society.

Research recommendations include a focus on the impact and effectiveness of civic education programs on the understanding and participation of communities, particularly liquefaction survivors in Petobo, South Palu, regarding their rights in the post-natural disaster context. This study can explore how civic education can increase awareness of human rights and the state's obligation to protect and fulfill human rights for survivors of natural disasters. It is crucial to ensure legal protection and the fulfillment of human rights in the post-disaster context, as this is a key factor in ensuring the well-being of the affected communities.

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