

Resettlement Policy Design for Communities Affected by Natural Disaster in South Lampung

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Abstract:- Resettlement in the context of disaster management is a policy that has a broad impact on the affected community on legal, social and economic aspects. This article focuses on problems in implementing the resettlement policy for victims of the tsunami in South Lampung which occurred in December 2018. By using the socio-legal approach, the results of the study indicate that the resettlement policy for communities affected by the tsunami in South Lampung was carried out based on the Regent Decree No. B/613.1/VI.02/HK/2019. This policy was carried out as an effort to recover from the tsunami that occurred. In its implementation, this policy has an impact on at least three aspects of the life of the community concerned, namely the legal impact, social impact and economic impact both before, during the process, and after the construction of new housing. With regard to the legal impact, this resettlement causes legal relationships and issues regarding the rights and obligations of the victim to the building and land where he lives in the resettlement area as well as the rights and obligations of the victim to the land and building in his former place. On the social and economic impacts, problems arise with regard to access to education, employment, and the adjustment of conditions to the new environment in which they live. Therefore, resettlement cannot only be seen as a policy of rebuilding housing in a new place, but resettlement must also be seen as a holistic policy that focuses on rebuilding the livelihoods of the people involved in it, which in this context is a solution to the consequences, which occurs in both the legal, social, and economic aspects of resettlement.

Keywords:- Resettlement Policy, Natural Disaster, South Lampung.

I. INTRODUCTION

The Sunda Strait Tsunami disaster that occurred at the end of 2018 has left enormous grief and loss for the Indonesian people. According to Eduardo Rodriguez-Oreggia, natural disasters have an impact on two things, namely physical impacts and social impacts.[1] He further said that there is a positive correlation between natural disasters and increased socio-economic vulnerability in a family or community, where this vulnerability ultimately makes the recovery process for the disaster even more difficult. In the tsunami disaster in South Lampung, it was recorded that at least 426 people died, 7,202 were injured, and 23 people were declared missing.[2] From an economic

perspective, the tsunami disaster caused losses of more than 200 billion rupiah.[3] Responding to this problem, the government as a stakeholder should take action in order to minimize potential losses due to this natural disaster.

With regard to disaster management, the Indonesian state actually has a legal instrument in the form of Law Number 24 of 2007 concerning Disaster Management. Where it is stated in the law that disaster management is the responsibility of the government and local governments. In addition, it is also stated in the regulation that disaster management is carried out on the basis of humanity, justice, equality in law and government, balance, harmony and harmony, legal order and certainty, togetherness, environmental preservation, and science and technology, which means that its implementation presupposes holistic disaster management.

Returning to the tsunami issue as previously described, there were 6,999 people who were forced to flee due to the natural disaster of the tsunami.[4] Responding to this problem, the local government of South Lampung Regency has implemented a resettlement or resettlement policy. During the resettlement process, people affected by the disaster were temporarily asked to live in shelters (temporary housing). By cooperating with several parties such as mass organizations and the TNI, the South Lampung Regional Government has prepared 537 shelters.[5]

With regard to this resettlement policy, Jamie Draper and Catriona Mckinnon[6] stated that in carrying out the resettlement policy, there are at least two stages that must be considered, namely the decision-making stage and the implementation stage. At the decision-making stage, the participation of the parties who will be affected by the policy is a core element that ethically must be realized. Meanwhile, at the implementation stage, it is important to pay attention to the provision of needs, resources and services that need to be provided to affected parties. In essence, this resettlement policy is a momentum for the welfare of parties affected by natural disasters, aka not just restoring what once existed, but making people live in a much better condition.

Based on this background, this paper is intended to examine the resettlement policy held for parties affected by natural disasters in South Lampung. This study seeks to examine the implementation of the resettlement policy for those affected by the tsunami disaster in South Lampung by analyzing whether the resettlement policy was implemented by considering the legal, economic, social, cultural, and

human rights aspects of the parties affected by the tsunami disaster. This research is a legal research that uses an approach in which a policy is studied not only in terms of text, but also a deepening of the context that includes all processes, from the formation of laws to the operation of laws.[7]

II. LITERATURE REVIEW

A. Natural Disaster's Effect on People's Life

Generally, natural disasters occur due to natural activities, ranging from volcanic activity to shifting of the earth's plate. However, along with the increase in human activities that are destructive to nature, of course this has become a catalyst for the occurrence of other natural disasters, for example natural disasters in the form of landslides that occur due to mining activities.

Indonesia itself, based on the results of disaster risk reduction research conducted by the United Nations, ranks first as the country most prone to natural disasters from tsunamis and landslides in the world. According to data from the National Disaster Management Agency (BNPB), from 1 January 2019 to 31 December 2019, there have been 3814 disasters in Indonesia which impacted the survival of around 6.1 million people. Therefore, the prevention and prevention of natural disasters is very crucial in dealing with disaster problems.

Muzakar Isa, in his research on the impact of natural disasters, concludes that the number of natural disasters has an effect on economic growth, either directly or indirectly. So to overcome this, an effort is needed to increase community resilience to natural disasters through adaptation and mitigation of natural disasters. The same thing which states that natural disasters affect the economy of the community is also emphasized by Subhani and Richard who reveal that the effects of natural disasters affect the economy of the poor very disproportionately. The psychological effects caused by natural disasters. As stated by Endah Nawangsih, feelings of grief to victims who have experienced a disaster cause trauma in which the victims experience a maladaptive reaction which may last months to years after experiencing the traumatic experience. This has a much worse impact on children where the results of the study show that natural disasters adversely affect children's development in terms of their physical and mental health.

B. Types of Resettlement

➤ Rural Resettlement

Displacement of people in rural areas typically results from a project's acquisition of farm land, pasture, or grazing land or the obstruction of access to natural resources on which affected populations rely for livelihoods (for example, forest products, wildlife, and fisheries). Major challenges associated with rural resettlement include: requirements for restoring income based on land or resources; and the need to avoid compromising the social and cultural continuity of affected communities, including those host communities to which displaced populations may be resettled.[8]

➤ Urban Resettlement

Resettlement in urban or periurban settings typically results in both physical and economic displacement affecting housing, employment, and enterprises. A major challenge associated with urban resettlement involves restoration of wage-based or enterprise-based livelihoods that are often tied to location (such as proximity to jobs, customers, and markets). Resettlement sites should be selected to maintain the proximity of affected people to established sources of employment and income and to maintain neighborhood networks. In some cases, the mobility of urban populations and the consequent weakening of social safety nets that are characteristic of rural communities require that resettlement planners be especially attentive to the needs of vulnerable groups.[8]

➤ Linear Resettlement

Linear resettlement describes projects having linear patterns of land acquisition (highways, railways, canals, and power transmission lines). In sparsely populated rural areas, a linear project such as an electric transmission line may have minimal impact on any single landholder. Compensation is characterized by a large number of small payments for the temporary loss of assets such as standing crops. If well designed, linear projects can easily avoid or minimize the demolition of permanent structures. Conversely, in a densely populated urban area, a linear project such as a road upgrading may require the demolition of structures along the project right-of-way, thereby significantly affecting large numbers of people. Linear resettlement contrasts with sitespecific resettlement because of the problems that frequently arise when resettlement actions have to be coordinated across multiple administrative jurisdictions and/or different cultural and linguistic areas.[8]

➤ Site-Specific Resettlement

Site-specific resettlement is associated with discrete, nonlinear projects such as factories, ports, highway interchanges, hotels, commercial plantations, etc., where land acquisition encompasses a fixed area. However, site-specific resettlement associated with mining and other extractive industries such as oil and gas may require progressive land acquisition over long periods. As a result, displacement of communities may occur in phases over a number of years, even decades. Communities threatened with displacement at some future date often prefer to remain in place until resettlement is absolutely necessary. The major challenge in such incremental resettlement is maintaining a consistent approach to compensation and income restoration over the life of the project. Similarly, the creation of reservoirs for hydropower and irrigation projects can result in significant economic and physical displacement of rural communities. In the event that it considered investment in a project with such potentially large and controversial effects, IFC would require that project to support development initiatives to reestablish the affected people in significantly improved social and economic conditions.[8]

C. *Resettlement as a Disaster Management Policy*

According to the Collins Dictionary, the definition of resettlement is the process of moving a group of people to another place due to conditions that make it impossible for these people to remain in the area where they once lived. In the case of the Sunda Strait tsunami, it was not possible for the community to stay in the area where they had lived before, because the community's dwelling was destroyed due to the impact of the tsunami waves.

Resettlement as a way to cope with natural disasters in its implementation must be carried out carefully for the good of the displaced people. This is because in general resettlement activities tend to increase the risk of impoverishment for disaster-affected communities. In the case of the Sunda Strait tsunami above, the resettlement policy by the South Lampung Regency Government was planned to be carried out at nine location points. Before occupying permanent housing, in the transition process the affected communities are provided with shelters to occupy. However, it is unclear how long the resettlement process will take, of course, raises concerns.

If viewed from a regulatory perspective, according to Article 26 of Law Number 24 of 2007 it determines that the community has the right to social protection and a sense of security, especially for disaster-prone community groups, to receive education, training and skills in disaster management, to obtain information on policies disaster management, participates in service assistance provision programs, participates in disaster management activities, and supervises disaster management implementation. However, differences between theory and practice regarding the implementation of resettlement in the field as described in the background section are inevitable.

III. RESEARCH METHODS

This research is a legal research using a socio-legal approach where in principle this study is a legal study using a social science methodological approach in a broad sense. The data used in this study consisted of two types of data, namely primary data and secondary data.

Data were collected through inventory procedures and identification of laws and regulations, observation, and classification and systematization of legal materials according to research problems. Legal materials and data collected were reviewed for completeness (editing), then classified and systematized thematically (according to the subject matter), for further analysis where the analysis was carried out qualitatively, and then described descriptively.

IV. RESULTS

The natural disaster of the Sunda Strait tsunami that occurred at the end of 2018 made the Regional Government of South Lampung Regency as the organizer of the government in the area to take disaster management measures. According to Law Number 24 of 2007 concerning Disaster Management, it is stated that the implementation of

disaster management includes three parts, namely pre-disaster, emergency response, and post-disaster. Where there is a paradigm shift in disaster management with the existing laws, which only emphasized issues of emergency response.[9]

In the pre-disaster section, disaster management is carried out before the occurrence or occurrence of a disaster, while in the emergency response section and the post-disaster section, it is the implementation of disaster management carried out after a disaster occurs. In its implementation, the implementation of disaster management consists of a series of policy aimed at disaster management, where in the context of tsunami disaster management in South Lampung, actions or steps that have been taken by the South Lampung Regional Government are one of them by establishing a resettlement policy for victims who were affected or affected by the tsunami.[10] The resettlement policy referred to here is a policy of building permanent or permanent housing in a new place for all communities affected by the tsunami in South Lampung due to the destruction or damage to their previous dwellings.

According to the Collins Dictionary, the definition of resettlement is the process of moving a group of people to another place due to conditions that make it impossible for these people to remain in the area where they once lived.[11] If examined further, it can be seen that this resettlement policy is an embodiment of one of the specific strategies in the 2015-2019 National Disaster Management Plan with a vision to build back better and safer or built back better and safer. Where this particular strategy emphasizes on better and safer community living conditions after the post-disaster recovery process. Even though, this policy is in a post-disaster framework or stage, in its implementation it is related to the emergency response stage or phase.

With regard to the implementation of disaster management at the emergency response level, the implementation includes: quick and precise assessment of location, damage and resources; determining the status of a disaster emergency, rescuing and evacuating the affected community; fulfillment of basic needs; protection for vulnerable groups; and the immediate restoration of vital infrastructure and facilities. On the other hand, at the post-disaster level, the implementation of disaster management includes: rehabilitation and reconstruction. Where rehabilitation consists of a series of activities which include: improving the environment in the disaster area; repair of public infrastructure and facilities; providing assistance for community housing repairs; psychological social recovery; health services; reconciliation and conflict resolution; social, economic and cultural recovery; restoration of security and order; restoration of government functions; and restoration of public service functions. Meanwhile, reconstruction consists of a series of activities covering: reconstruction of infrastructure and facilities; rebuilding of community social facilities; revival of community socio-cultural life; application of appropriate design and use of better and disaster-resistant equipment; participation and participation of social institutions and organizations, the business world

and the community; improvement of social, economic and cultural conditions; increasing the function of public services; or improvement of primary services in society.

In practice in the field, implementation of the resettlement policy takes a long time, and in that long span of time the government and related parties assume responsibility for meeting the necessary needs of victims of natural disasters. Jamie Draper and Catriona Mckinnon[6] stated that in implementing the resettlement policy, there are two important stages that need to be considered, namely the decision-making stage and the implementation stage. At this stage of decision making regarding resettlement policies, things that need to be considered are community participation, social aspects, economic aspects, legal aspects, and cultural aspects. On the other hand, at the implementation or implementation stage, things that must be considered for policy administrators are the fulfillment of basic needs for affected parties as long as the occupancy remains unoccupied.

At the decision making stage, community participation is a crucial matter that must be considered by the government. This is because this policy is essentially intended for the people affected by the disaster, so that the government as the organizer of the policy should invite these people to participate in implementing this policy. Community participation is carried out based on five principles, namely: *Participants are representatives of the population; emphasis is placed on understanding the issue at hand and the entirety of their significances; a range of values and points are taken into consideration; consensus and common ground are sought; and policy and decision-making are influenced from the ground up.*[12] Public participation in this resettlement policy can be pursued through a series of activities, namely: providing information to disaster-affected communities regarding this policy, listening to responses and opinions of disaster-affected communities on resettlement policies, the government and the community looking for solutions to problems related to resettlement policies, and conical on the agreements between the government and the people affected by this policy.[13] In addition, in a community participation, another important factor that determines the success of a policy is its relation to the public policy communication process. Good communication will undoubtedly produce good responses from the public who are the targets of the policy.

With regard to social, economic and cultural aspects at the stage of decision making in the resettlement policy, this is closely related to the need to conduct a social impact assessment by the policy administrator which is generally called a social impact assessment (SIA). Social Impact Assessment according to Frank Vanclay is an analysis process (which predicts, evaluates, and reflects) and overcomes the consequences that arise, whether desired or undesirable in the community environment which is the object of planning (both in a policy and projects) or other social changes that arise in the process in order to create a sustainable and just community environment.[14] Broadly speaking, SIA consists of four stages, namely scoping,

forecasting impact, mitigation, and evaluation and monitoring.

At the scoping stage, there are three aspects that need to be considered, namely the identification of the main issues that form the basis for determining the affected components. The second aspect is determining the area to be studied, and the third aspect is an estimate of how long the impact will last.[15] At the impact prediction stage, there are also three aspects that need to be studied, namely, who is affected, what kind of impact will it take, and how long it will last.[15] Furthermore, at the mitigation stage, the impacts that have been assessed in the previous stage are examined whether mitigation measures can be taken for these impacts. In the last stage, an evaluation or assessment of the existing impacts of all alternative locations that will be used for resettlement development is carried out and assesses whether the specified mitigation design is appropriate and monitors whether its implementation is effective and efficient.[15] In the study of the social impact or SIA, this consideration of the social, economic and cultural aspects of the affected community will be analyzed in depth, so that in the process a better quality of life is created for the people affected by the disaster when they inhabit their new settlements.

Finally, with regard to legal aspects, generally this relates to what legal instruments are used, and the scope of authority. In the context of resettlement policy, although this policy is based on a series of disaster management measures. However, the implementation of this policy has links to other legal regimes, such as the spatial planning legal regime and the regional government legal regime. At the implementation stage, things that need to be considered besides the implementation of resettlement are the fulfillment of basic needs for people affected by natural disasters as well as temporary housing for them to occupy while the resettlement has not been completed.

In South Lampung resettlement context, the Regional Government of South Lampung Regency has carried out a series of disaster management measures in an emergency response, starting from the evacuation of tsunami victims to the construction of temporary shelters. For tsunami victims whose houses were badly damaged, the South Lampung Regency Government implemented a resettlement policy and prohibited the victims from rebuilding their houses in their original places.[16]

While the resettlement process for new housing for tsunami victims has not been completed, the Regional Government of South Lampung Regency has been asked to stay temporarily in temporary housing. The problem is, regarding the information on how long they will stay in shelters, and when they can occupy the shelter, it remains unclear. Especially because permanent housing will be built in the area that is used as a shelter, the victims are confused about where they will stay during the construction of permanent housing.[17] This indicates that there is inadequate planning and that victims are not involved in participating in the policy.

Further problems later, in implementing this policy, there are new problems such as the absence of land assets,[18] and others.[19] Not to mention, because the resettlement process was carried out in stages for local people who were still waiting for their turn to build huntap, they had to live in shelters that were in poor condition. Such as inadequate public bathrooms, and temporary shelters that do not have gutters so that water floods in when it rains which results in flooding in the shelter area. Some tsunami victims even admit that they did not receive any assistance at all, because coincidentally they were not recorded. [20]

V. CONCLUSION

Based on the results above, we can conclude that the implementation of resettlement policy for communities affected by natural disaster in South Lampung Regency still lacks implementation when viewed from the various problems that exist. Therefore, the researcher here proposes that the government at the central and regional levels make changes to the existing Disaster Management Law by clarifying the rules regarding the implementation of resettlement in the context of natural disaster management.

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