

JURIDICAL DESIGN OF REGIONAL ACCOUNTABILITY IN DISASTER MANAGEMENT BASED ON THE *WELFARE* STATE PERSPECTIVE

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Abstract

This study analyzes the juridical design of regional accountability in disaster management from a welfare state perspective. It examines the accountability system of regional governments based on existing regulations and evaluates its effectiveness. Using a normative juridical method with statute, conceptual, and comparative approaches, the study finds that although the legal framework is formally adequate, its implementation remains administrative and not fully effective. Based on Mark Bovens' theory, weaknesses are found in the lack of measurable indicators, unclear accountability mechanisms, limited public participation, and weak coordination. From a welfare state perspective, the system has not fully ensured the protection of citizens' rights and public welfare. Therefore, strengthening regulations, coordination, and performance-based accountability is necessary.

KEYWORDS

Accountability, Region, Disaster Management



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Introduction

Indonesia as a unitary state has the responsibility to protect the entire nation and all of Indonesia's bloodshed, promote public welfare, educate the nation's life, and play a role in maintaining world order based on the principles of independence, lasting peace, and social justice as mandated by the fourth paragraph of the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia).¹ As an implementation of the mandate of the constitution, national development is directed to realize a just and prosperous life of the people and ensure the fulfillment of the right of every citizen to survival and a sense of security within the framework of the Unitary State of the Republic of Indonesia. These efforts are reflected, among other things, through the provision of state protection and guarantees for people affected by disasters.

Based on the 1945 Constitution of the Republic of Indonesia² Article 28H paragraph (1), it is explained that everyone has the right to live a prosperous life in birth and mind, to live and get a good and healthy living environment and the right to receive health services, In line with the previous article Article 34 paragraph (3) (1945 Constitution of the Republic of Indonesia), explaining that the state is responsible for the provision of health service facilities and proper public facilities. This description is in accordance with state accountability within the framework of *the Welfare State* which is the basis of state responsibility in mitigation in disaster management, including protection during disasters.

The history of disaster management arrangements in Indonesia has gradually developed from a reactive approach to a more comprehensive system, at the beginning of independence disaster management did not have a special legal basis and was carried out on an ad hoc basis, which was

¹ Republik Indonesia, "Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *Jdih.Bapeten.Go.Id*, 1945, 1–21, <https://jdih.bapeten.go.id/en/dokumen/peraturan/undang-undang-dasar-negara-republik-indonesia-tahun-1945>.

² Republik Indonesia.

formed with the Role Victims Family Assistance Agency (BPKKP) in 1945 which focused on war victims. Furthermore, the government established the Central Natural Disaster Management Advisory Board (BP2BAP) through Presidential Decree Number 256 of 1966 which was under the coordination of the Minister of Social Affairs, and was perfected into the National Coordinating Board for Natural Disaster Management (Bakornas PBA) through Presidential Decree Number 28 of 1979. Along with the complexity of disasters, this institution continued to undergo changes until it became the National Coordinating Board for Disaster Management (Bakornas PB) through Presidential Decree Number 3 of 2001 and updated with Presidential Regulation Number 83 of 2005. Based on the above description, these rules cannot be used as a strong and comprehensive legal basis and are not in accordance with the development of the state of society and the needs of the Indonesian nation so as to hinder planned disaster management efforts, the birth of Law Number 24 of 2007 concerning Disaster Management, which is the main legal basis with a comprehensive approach covering pre-disaster, emergency response, and post-disaster, and affirmed the establishment of the National Disaster Management Agency (BNPB).

Laws and regulations regarding disaster management include several indicators, one of which is authority and responsibility, In accordance with Law Number 24 of 2007 on Disaster Management, Article 8 explains that local governments have responsibilities in the implementation of disaster management. Article 9 explains that the authority of local governments in disaster management includes several things such as, the determination of disaster management policies in their areas in line with regional development policies, the formulation of policies to prevent the control and depletion of natural resources that exceed the natural capabilities in their areas. The authority to manage disasters given to local governments must be accompanied by the principle of accountability, which has been explained in Law Number 28 of 1999 concerning State Administrators that

are Clean and Free from Corruption, Collusion and Nepotism³ in Article 3 number 7, explaining that the general principles of state administration also include the principle of accountability. Regional accountability in disaster management is important to ensure that every policy and action of local governments is in line with the goals of the welfare state and is implemented in a transparent, effective, and fair manner in accordance with the context of regional autonomy. Jimly Asshiddiqie emphasized that in the concept of a welfare state, the state no longer plays the role of a *passive nachtwakerstaat*, but also carries out the function of service and social protection.⁴

The law emphasizes that disaster management is based on principles that refer to Pancasila and (1945 Constitution of the Republic of Indonesia).⁵ Furthermore, Law Number 23 of 2014 concerning Regional Government Article 13 paragraph (1),⁶ emphasizes that the division of concurrent government affairs between the Central and Regional Governments of provinces and districts/cities is based on the principles of accountability, efficiency and externality, as well as national strategic interests. The regulation shows the existence of a legal construction that places accountability as a fundamental principle in the implementation of disaster management authority by local governments. Therefore, within the framework of a unitary state with a system of regional autonomy, any implementation of disaster management authority by local governments must have a clear legal basis and a measurable accountability mechanism to ensure legal certainty, the effectiveness of government administration, and the protection of the public interest.

³ Republik Indonesia, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 28 TAHUN 1999 TENTANG PENYELENGGARA NEGARA YANG BERSIH DAN BEBAS DARI KORUPSI, KOLUSI DAN NEPOTISME," no. 1 (1999).

⁴ Jimly Asshiddiqie, *Konstitusi Dan Konstitusionalisme Indonesia*, edisi revisi (Jakarta: Sinar Grafika (Bumi Aksara), 2005).

⁵ Republik Indonesia, "Undang-Undang Dasar Negara Republik Indonesia Tahun 1945."

⁶ Republik Indonesia, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 23 TAHUN 2014 TENTANG PEMERINTAHAN DAERAH DENGAN," *Developing Employability for Business*, 2014.

The Unitary State of the Republic of Indonesia has geographical, geological, hydrological and demographic conditions that allow disasters to occur, both caused by natural factors, non-natural factors and human factors, natural factors can be seen in the last few months that natural disasters have just occurred, including natural disasters in Aceh and West Sumatra the occurrence of flash floods in 2025 which there is a problem of uncertainty and overlap of constitutional authority between district/city, provincial, and central governments.

Table 1. Natural Disaster Matrix in Indonesia

Years	Disaster Events	Sociological Facts	Handling Problems	Ambiguity of Authority	Implications for accountability
1.	Aceh Flood (2025) ⁷	The community is widely affected by repeated floods, influenced by environmental and spatial factors	Delays in response, uneven distribution of aid, and logistical limitations in some areas	Overlap between district/city and provincial governments in the determination of emergency status and coordination of aid	Showing weak horizontal and vertical accountability between levels of government
2.	West Sumatra Flood (2025) ⁸	High vulnerability of the community due to	Mitigation is not optimal, post-disaster handling is slow, and	Policy insynchronization between local and central governments in	Hindering the effectiveness of community

⁷ Rofi Muntahar, "Floods in 16 Regencies/Cities of Aceh Province as of November 27, 20,759 People Displaced, One Person Lost Dragged by Flood Currents," Aceh Disaster Management Agency, 2025, accessed on March 15, 2026, can be accessed at: <https://bpba.acehprov.go.id/berita/kategori/bencana/banjir-di-16-kabupaten-kota-provinsi-aceh-per-27-november-20759-jiwa-mengungsi-satu-orang-hilang-terseret-arus-banjir>.

⁸ Ni Nyoman Wira Widyanti, "Kuranji Watershed in West Sumatra Widens to 150 Meters After Flood, This is the Explanation of the Ministry of Finance," Kompas.Com, 2025, accessed on March 15, 2026, can be accessed at: <https://lestari.kompas.com/read/2025/12/11/140216986/das-kuranji-di-sumatera-barat-melebar-hingga-150-meter-usai-banjir-ini>.

		geographical factors and land conversion	infrastructure readiness is lacking	disaster management	y protection as part of the welfare state
3.	Eruption of Mount Merapi (latest) ⁹	People still live in vulnerable zones due to economic and cultural factors	Evacuations are not fully effective, relocation constraints and protection of vulnerable groups	Ambiguity of authority between central government (BNPB/PVMBG) and local governments in determining zones and relocation policies	State accountability has not been optimal in ensuring the safety and welfare of citizens

Source: Author 2026

Based on the description of the table, there are indications of delayed response and uneven distribution of aid, which is not only influenced by technical factors, but also weak coordination across levels of government in establishing emergency status, resource mobilization, and strategic decision-making. In addition, several cases of aid distribution and coordination between institutions are still considered uneven and not fast enough to reach all affected victims. In addition, there are still obstacles in the implementation of evacuation and handling of refugees, which still shows the insynchronization of policies between the local and central governments, especially in terms of determining vulnerable zones, relocation, and fulfilling the rights of affected communities. This condition reflects that sociologically, the juridical design of disaster management has not been fully able to integrate the principle of accountability within the framework *of the welfare state*.

⁹ Eris Eka Jaya, "Mount Marapi Erupts Today, Volcanic Ash Landa Agam Regency," Kompas.Com, 2025, accessed on March 15, 2026, can be accessed at: <https://regional.kompas.com/read/2025/12/02/171131878/gunung-marapi-erupsi-hari-ini-abu-vulkanik-landa-kabupaten-agam>.

Indonesia and Japan are countries that both have a high level of disaster vulnerability, but both have different approaches in regulating the responsibilities of local governments in disaster management. In Indonesia, there is still a lack of clarity on the division of administrative responsibilities and chain of command, which has an impact on slow responses, uneven distribution of aid, and the blurring of public accountability, even though it has been normatively regulated in law. Meanwhile, Japan implements a more integrated and hierarchical disaster management system through the *Disaster Countermeasures Basic Act*, where the division of authority between the central government, prefectures, and local governments is strictly regulated and operational, including emergency command mechanisms, mitigation planning, and recovery responsibilities, so that coordination runs more effectively and accountability is clearer.¹⁰

In addition, Japan emphasizes an administrative approach based on preparedness and institutional discipline, supported by a periodic training system, detailed operational standards, and systematic community involvement, which is inversely proportional to Indonesia, which still faces challenges in policy synchronization and implementation on the ground. Thus, this comparison shows that Indonesia's main weakness lies in the aspect of juridical-administrative design that has not been able to completely eliminate the overlap of authority, thus implicating the lack of optimal fulfillment of state responsibilities.

Based on the overall description above, the juridical design issue of regional accountability in disaster management cannot be understood simply as a division of authority between the central and regional governments, but must be placed within the framework of the state of law with the principle of *the Welfare State* which requires the state to ensure the protection of citizens in a real and equitable manner. Although

¹⁰ Nidaan Khafian, "The Role Of Collaborative Governance In Indonesian Disaster Management," *Journal of Governance and Administrative Reform* 4, no. 2 (2023): 158–75, <https://doi.org/10.20473/jgar.v4i2.53367>.

normative arrangements are available, differences in regional capacity and character indicate the need for a more critical review of the effectiveness of existing accountability systems. Therefore, this article is focused on answering: (i) how the accountability system of local governments in disaster management is based on laws and regulations; and (ii) how to design juridical accountability from the perspective *of the welfare state*, in order to obtain conceptual and normative clarity in ensuring the protection of the community in a fair and constitutional manner.

Methods

This study uses normative *legal doctrinal research* that examines legal principles, principles, and legal doctrines to assess the construction of the juridical design of regional accountability in disaster management based on the perspective of *the Welfare State* with its relevance to the principles *of Good Environmental Governance & Environmental Ethics*. This research uses a statute *approach*, a *conceptual approach*, and a *comparative approach* that are prescriptive and evaluative, with primary materials (local government regulations, disaster management regulations, laws, *welfare state* theory) secondary materials (books, articles, journals, academic studies) as well as limited non-legal materials that are still relevant. The collection of legal materials is carried out by literature studies and legal documentation studies. The research analysis was carried out in a descriptive-qualitative manner related to the disaster management system of provincial areas, including special and special regions in Indonesia.¹¹

¹¹ Peter Mahmud Marzuki, *Hukum Penelitian*, Cet.4 (Jakarta: Kencana, 2008). Pages 10-15

Result and Discussion

This research examines the juridical design or accountability system of local governments in disaster management has become a problem that continues to be studied in the legal literature. This debate basically centers on how the government's accountability system in dealing with disasters is in accordance with the laws and regulations between administrative and mitigation. According to research by Arif Maulana et al. in 2024,¹² the paradigm shift in disaster management in Indonesia after the enactment of Law Number 24 of 2007, places disaster mitigation as a risk management-based preventive effort and emphasizes the role of local governments in the implementation of disaster management through a local wisdom approach and community participation.

Similar to the previous research, the study conducted by Syafa'atul Islamiyah, Yudhia Ismail et al. 2025,¹³ discusses the principles and forms of legal accountability of local governments in dealing with flood disasters based on the law and focuses on the legal obligations of local governments in all stages of disaster management, ranging from pre-disaster, emergency response, to post-disaster, as well as identifying various implementable obstacles such as limitations budget, weak coordination between agencies, and low community participation. In contrast to this research, the research conducted by the author does not only examine the legal accountability of local governments normatively.

In line with previous research, the research conducted by Daisah Beny and Zainal Arifin. 2023,¹⁴ examines the form of responsibility of local

¹² Nur Afti Aulia. Arif Maulana, Ali Rahman, "LOCAL GOVERNMENT AND LOCAL WISDOM-BASED MITIGATION" 7, no. 2 (2024): 667–77, <https://doi.org/https://doi.org/10.56301/csj.v7i2.1495>.

¹³ atul Islamiyah and Yudhia Ismail, "Pertanggungjawaban Hukum Pemerintah Daerah Terhadap Penanggulangan Bencana Banjir," *N Journal of Islamic Jurisprudence, Economic and Legal Theory*, 2025, 2409–12, <https://doi.org/https://doi.org/10.62976/ijijel.v3i3.1286>.

¹⁴ Daisahbeny, "The Construction of the Welfare State in Human Rights in Law Number 36 of 2009 Concerning Health," *Law Research Review Quarterly* 9, no. 4 (2023) (2023), <https://doi.org/https://doi.org/10.15294/lrrq.v9i4.76266>.

governments in implementing disaster management based on the provisions of the law, and highlights that local governments have obligations in policy formulation, mitigation implementation, and community protection from disaster risks, but in practice there are still various obstacles such as weak coordination inter-agency, limited resources, and the implementation of regional policies has not been optimal.

Another view from this study, the research conducted by Natalia Yeti Puspita et al. 2024,¹⁵ discusses the position and scope of BPBD's authority as a regional apparatus in the implementation of disaster management, especially floods in DKI Jakarta. The study highlights that BPBD has an important role in coordinating disaster management starting from the prevention stage, emergency response, to rehabilitation and post-disaster reconstruction based on Law Number 24 of 2007 and its derivative regulations.

In addition, there is also research studied by Nidaan Khafian. 2023,¹⁶ explains the importance of collaborative governance in the implementation of disaster management in Indonesia. This study explains that the success of disaster management is greatly influenced by cooperation between the government, the private sector, and the community in every stage of disaster management, from pre-disaster to post-disaster. The results of the study show that cross-sector collaboration can strengthen community resilience to disasters, but in practice there are still obstacles in the form of weak coordination between institutions, unclear division of roles, and leadership factors that are not optimal.

¹⁵ Natalia Yeti Puspita, "BPBD'S LEGAL AUTHORITY IN DISASTER MANAGEMENT IN JAKARTA" 9, no. 2 (2024): 232–56, <https://doi.org/https://doi.org/10.25170/paradigma.v9i2.5841>.

¹⁶ Nidaan Khafian, University of Indonesia, and West Java, "The Role Of Collaborative Governance In Indonesian Disaster Management," no. 2 (2023): 158–75, <https://doi.org/https://doi.org/10.20473/jgar.v4i2.53367>.

Based on a number of secondary sources as mentioned above, it shows that the government's responsibility in disaster management has been regulated in laws and regulations, which tend to be administrative. There are several points of uncertainty in the existing arrangements, related to the government's authority and obligations that have not included clarity of accountability parameters, measurable work standards, preparedness or disaster response and appropriate sanctions for governments that are negligent in their responsibility to mitigate their authority.

On the basis of this mapping, it can be concluded that previous studies generally focused on aspects of local government responsibility in a normative framework, a shift in the mitigation paradigm, the authority of BPBD, and the importance of collaboration between institutions in disaster management. The analysis developed tends to stop at the identification of administrative obligations and implementation constraints, such as budget limitations, coordination, and community participation. However, there has not been a study that explicitly places the juridical design of accountability as the main focus by examining the systemic structure of regional accountability, including performance parameters, evaluation standards, and legal consequences for negligence in the perspective of the welfare state. Thus, this study differs substantively because it not only examines the normative obligations of local governments, but also reconstructs the framework of disaster accountability as part of the state's constitutional responsibility in ensuring citizen protection. Therefore, the problem of accountability of local governments, especially provinces in disaster management, is not enough to be analyzed through an administrative approach alone, but needs to be placed within the framework of constitutional legitimacy and the principle of the welfare state that demands substantive and measurable accountability.

1. Local Government Accountability System in Disaster Management Based on Laws and Regulations

The accountability system for disaster management according to law in Indonesia is the obligation of a person or an institution to explain, bear and accept all consequences for every decision taken, basically the accountability for disaster management is rooted in Law Number 24 of 2007 in Article 8 and Article 9,¹⁷ which emphasizes that local governments are the authorities and responsible for all stages of disaster management, the implementation of which must be transparent and accountable. In this framework, accountability is not only interpreted as an administrative obligation to report performance, but also as a form of substantive accountability for the protection of the rights of affected communities. If associated with Mark Bovens' theory, responsibility in disaster management does not stop at normative compliance, but also includes the moral, social, and ethical responsibility of the state in ensuring the safety and welfare of the community as a manifestation of *the welfare state*. Thus, the accountability system can be analyzed through five main aspects: (i) legality aspects; (ii) administrative aspects; (iii) risk *governance* aspects; (iv) public & *political accountability* aspects; (v) *performance & fiscal* aspects; These five aspects show that accountability in disaster management is not just an administrative obligation, but a manifestation of the state's overall responsibility from a legal and social perspective.

a. LEGALITY ASPECT

The disaster management system is all government actions that must have a clear legal basis and be implemented in accordance with applicable laws and regulations. Law Number 24 of 2007 concerning Disaster Management,¹⁸ in Articles 8 and 9 has clearly regulated the division of authority of local governments as well as the principles of coordination and cooperation. This means that normatively there is no legal vacuum and there are no articles that do not regulate, so that from the aspect of formal

¹⁷ Republik Indonesia, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 24 TAHUN 2007 TENTANG PENANGGULANGAN BENCANA" 2007, no. 235 (2007): 245.

¹⁸ Indonesia.

legality, the state has fulfilled its obligations. However, from the perspective of *public accountability* theory, the fulfillment of legal aspects does not only stop at the existence of norms, the law has not fully met *public accountability standards* according to Mark Bovenss because there are no clear performance indicators so that the implementation of regional authority cannot be measured.¹⁹ There is no regulation of a forum for strict accountability to the public or certain institutions, there are no sanctions or legal consequences for the negligence of local governments, the coordination mechanism between governments is not regulated operationally so that it has the potential to cause overlapping authorities.

Law Number 23 of 2014 concerning Regional Government, especially in Article 12 paragraph (1) letter e,²⁰ disaster management is categorized as a mandatory government affair related to basic services. In this case, the norm is not followed by detailed regulations related to performance accountability standards, evaluation mechanisms, and sanctions for regional failures in implementing disaster management. This shows that in the theory of *public accountability*, there is no clarity about the legal consequences for the failure to exercise this authority according to Mark Bovens' theory.²¹ Government Regulation Number 21 of 2008 concerning the Implementation of Disaster Management in Articles 5 and 6,²² regulates the stages of disaster management which include pre-disaster, emergency response, and post-disaster. These regulations are still general and do not explicitly regulate success indicators, performance benchmarks, and measurable public accountability mechanisms. In the theory of *public*

¹⁹ Mark Bovens, "Two Concepts of Accountability: Accountability as a Virtue and as a Mechanism," *West European Politics* 33, no. 5 (2010): 946–67, <https://doi.org/10.1080/01402382.2010.486119>.

²⁰ Indonesia, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 23 TAHUN 2014 TENTANG PEMERINTAHAN DAERAH DENGAN."

²¹ Dedeng Yusuf Maolani et al., "Penerapan Sistem Akuntabilitas Publik Dalam Mewujudkan Good Governance Di Indonesia," *Jurnal Ilmu Sosial* 21, no. 2 (2023): 1–7, <https://doi.org/https://doi.org/10.63309/dialektika.v21i2.137>.

²² Republik Indonesia, "PERATURAN PEMERINTAH REPUBLIK INDONESIA NOMOR 21 TAHUN 2008 TENTANG PENYELENGGARAAN PENANGGULANGAN BENCANA," 2008, 276.

accountability, according to Mark Bovens, this condition reflects the unfulfilled element of *answerability*, namely the government's obligation to provide measurable and publicly testable explanations.

b. ADMINISTRATIVE ASPECT

This aspect in disaster management emphasizes the orderliness of the institutional system, coordination, reporting, and supervision between government organs in each stage of the disaster, a systematic work mechanism, and an effective supervision system, so that every government action in disaster management can be accounted for administratively and in line with the principle of accountability.²³ In the disaster management law (Law No. 24 of 2007) Article 8 and Article 9,²⁴ it has explained and fulfilled the administrative aspect. However, in practice, there are still several administrative obstacles, in Article 9 letter a, it is explained that coordination between regions has not been optimal and the planning and reporting system has not been integrated, which shows that even though normatively it has been appropriate, implementation in the field still needs to be strengthened so that the implementation of disaster management can run more effectively and coordinated.

Law Number 23 of 2014 concerning Regional Government Article 373 and Article 374,²⁵ explains the guidance and supervision by the central government, but does not specifically regulate a sustainable and performance-based administrative supervision mechanism in the field of disasters. This shows that in the theory of *public accountability* there is still weakness in the dimension of *oversight* in Mark Bovens' theory.²⁶ Government Regulation Number 21 of 2008 concerning the

²³ Rizki Afri Mulia and Doni Hendrik, "Evaluating the Effectiveness of Disaster Management Service Policy: Evidence from West Sumatra, Indonesia," *Jurnal Ilmiah Ekotrans & Erudisi* 5, no. 2 (2025): 120–38, <https://doi.org/10.69989/h7794t84>.

²⁴ Indonesia, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 24 TAHUN 2007 TENTANG PENANGGULANGAN BENCANA."

²⁵ Indonesia.

²⁶ Mark, "Two Concepts of Accountability: Accountability as a Virtue and as a Mechanism."

Implementation of Disaster Management in Article 45,²⁷ which explains the reporting of the implementation of disaster management, is still general in its regulation and does not stipulate standard reporting standards, evaluation indicators, and an integrated monitoring system. Based on the theory of *public accountability*, this right results in administrative disorder between regions, so that it does not meet a clear and uniform reporting system in accordance with Mark Bovens' theory.²⁸

c. ASPECTS OF RISK GOVERNANCE

In this aspect, *public accountability* emphasizes that the state is not only obliged to have a legal basis, but must also be able to manage disaster risks in a preventive, integrated, and data-based manner in all stages of implementation. In the disaster management law (Law No. 24 of 2007) Article 8 and Article 9,²⁹ this aspect has been accommodated, especially through Article 8 letter b which explains the protection of the community from the impact of disasters. However, these provisions do not fully meet *risk governance* standards in Mark Bovens' perspective, because Article 9 does not regulate in detail the technical mechanisms of risk management such as risk assessment obligations, early warning systems, and cross-sector data integration, so they are general. There are still weaknesses in implementation, especially in Article 9 letter b which has not fully integrated *the theory of public accountability* risk analysis in regional development documents consistently, and letter c related to cooperation between regions that have not supported an integrated risk management system in accordance with Mark Bovens' theory.³⁰ In Government Regulation Number 21 of 2008 concerning the Implementation of Disaster

²⁷ Republik Indonesia, "PERATURAN PEMERINTAH REPUBLIK INDONESIA NOMOR 21 TAHUN 2008 TENTANG PENYELENGGARAAN PENANGGULANGAN BENCANA."

²⁸ Mark, "Two Concepts of Accountability: Accountability as a Virtue and as a Mechanism."

²⁹ Indonesia, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 24 TAHUN 2007 TENTANG PENANGGULANGAN BENCANA."

³⁰ Maolani et al., "Penerapan Sistem Akuntabilitas Publik Dalam Mewujudkan Good Governance Di Indonesia."

Management in Article 8, explaining disaster management planning, there is no firm regulation regarding the obligation to integrate disaster risk assessment documents into RPJMD and RTRW consistently and bindingly. Therefore, risk management is sectoral and not fully integrated, thus weakening the *answerability* in risk-based planning and does not meet the theory of *public accountability* according to Mark Bovens.³¹

d. ASPECTS OF PUBLIC & POLITICAL ACCOUNTABILITY

This aspect of disaster management emphasizes that the government is not only administratively responsible, but must also be open to public oversight and political control mechanisms as a form of legitimacy of power. So that every policy can be accounted for to the community as a sovereign holder. This aspect is legally regulated explicitly and in detail in the disaster management law (Law No. 24 of 2007) in Article 8, focusing more on the ³² administrative responsibilities of local governments while Article 9 only provides general authority without containing specific provisions on transparency, public participation, or political oversight mechanisms.³³ Therefore, it is not possible to designate specific letters or numbers in Article 9 that govern this aspect, because indeed the arrangement is general. This weakness shows that the aspect of public & political accountability is not in accordance with the theory of *public accountability*, especially in terms of information disclosure, public involvement in policy-making, and strengthening the control mechanism by the DPRD according to Mark Bovens' perspective.³⁴ Based on the local government law (Law No. 23 of 2014) Article 149 paragraph (1) letters b and c,³⁵ it is explained that the

³¹ Maolani et al.

³² Indonesia, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 24 TAHUN 2007 TENTANG PENANGGULANGAN BENCANA."

³³ Muhtar Muhtar, "The Impact of Financial Accountability, Public Monitoring and Local Head Tenure on Local Government Performance: Empirical Investigation in Indonesia," *Sebelas Maret Business Review* 7, no. 1 (2022): 1, <https://doi.org/10.20961/smbbr.v7i1.62382>.

³⁴ Mark, "Two Concepts of Accountability: Accountability as a Virtue and as a Mechanism."

³⁵ Indonesia, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 23 TAHUN 2014 TENTANG PEMERINTAHAN DAERAH DENGAN."

DPRD has a supervisory and budgetary function, but does not specifically regulate the supervision of the DPRD in the disaster management sector in an active and performance-based manner. As a result, political control has become public and unfocused, so it has not met *the effective theory of public accountability* according to Mark Bovens.³⁶

e. PERFORMANCE & FISCAL ASPECTS

This aspect emphasizes that the government is obliged to show effective performance while accounting for the transparent and targeted use of the disaster management budget in accordance with the applicable legal framework. In accordance with their obligations, the government and local governments are in charge of implementing disaster management to ensure community protection and optimal post-disaster recovery, as well as the principles of transparency and accountability in its implementation. Based on the disaster management law (Law No. 24 of 2007) in Articles 8 and 9, it³⁷ has not been regulated specifically and in detail in this aspect, Article 8 only contains general responsibilities of local governments, such as planning and cooperation without emphasizing performance indicators or fiscal accountability mechanisms, while Article 9 which regulates authority also does not contain technical provisions related to performance measurement or budget management.³⁸

Therefore, there are no specific letters or numbers in Article 9 that explicitly regulate this aspect, so it can be said that there is still a regulatory gap at the level of operational norms. In practice, the fiscal aspect is more regulated in derivative regulations such as Government Regulation No. 22

³⁶ Maolani et al., "Penerapan Sistem Akuntabilitas Publik Dalam Mewujudkan Good Governance Di Indonesia."

³⁷ Indonesia, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 24 TAHUN 2007 TENTANG PENANGGULANGAN BENCANA."

³⁸ Muhtar, "The Impact of Financial Accountability, Public Monitoring and Local Head Tenure on Local Government Performance: Empirical Investigation in Indonesia."

of 2008 concerning Disaster Assistance Funding and Management,³⁹ which requires the management of funds effectively, efficiently, and accountably so that this is not in accordance with the theory of *public accountability*.

The author concludes from the perspective of public accountability Mark Bovens that the disaster management system of the Regional Government Accountability System in Disaster Management Based on Laws and Regulations can be seen from the five aspects above. Formally, the legality aspect has not met Mark Bovens' standard that the disaster management system in Indonesia basically has a fairly comprehensive legal basis and has formally met the legality aspect through internal regulations (Law No. 24 of 2007), (Law No. 23 of 2014), as well as various implementing regulations.

From the perspective of *public accountability*, according to Mark Bovens, the overall arrangement still shows structural and operational weaknesses, namely the absence of measurable performance indicators, the weak standardized reporting and administrative supervision mechanism, the lack of integration of data-based risk management in development planning, limited information disclosure and political participation and control by the public and the DPRD, and There is no firm regulation related to performance accountability and budget management in a transparent and results-based manner. Thus, it can be affirmed that although normatively the disaster management system has been fulfilled, it still does not fully reflect the principle of full public accountability because it does not guarantee clarity of accountability, measurability of performance, system integration, and the existence of effective monitoring mechanisms and legal consequences.

2. The juridical design of regional accountability in disaster management based on the perspective of the Welfare State.

³⁹ Republik Indonesia, "PERATURAN PEMERINTAH REPUBLIK INDONESIA NOMOR 22 TAHUN 2008 TENTANG PENDANAAN DAN PENGELOLAAN BANTUAN BENCANA," 2008, 276.

The juridical design of regional accountability in disaster management in Indonesia will be studied based on the *perspective of the welfare state*, which is the concept of the state that places the welfare and protection of the community as the main responsibility of the state through public policies, social protection systems, and the provision of adequate public services. In this framework, the state not only functions as a guardian of law and order, but also has an active obligation to protect the public from various risks that can threaten the safety and welfare of life, including disaster risks. Based on this, the roots of *welfare state* theory can be seen from several experts, including Paul Spicker, T.H. Marshall and Jimly Asshidiqie.

According to Paul Spicker, *the Welfare State* is a state concept that places the welfare of the community as the main responsibility through social policies, protection against social risks, and the provision of public services. In this concept, the state not only functions to maintain peace, but also plays a role in protecting citizens from various conditions that can threaten their well-being, such as poverty, social inequality, and other social risks.⁴⁰ Therefore, the state through public policy is obliged to provide social protection, basic services, and welfare distribution mechanisms so that people can live properly and safely. Thus, the juridical design analysis of accountability in disaster management based on the *perspective of the Welfare State* serves to answer whether the design of accountability in disaster management is in line with the principles of *the Welfare State*.⁴¹

According to T.H. Masrhall, the concept of *the Welfare State* is closely related to the development of citizenship rights which are divided into three dimensions, namely civil rights (scicil rights), political rights (poitical rights) and social rights (social rights). Masrhall explained that the development of the welfare state occurs when the state guarantees civil and political rights, but also begins to guarantee the social rights that allow every

⁴⁰ Paul Spicker, *SOCIAL POLICY Theory and Practice*, 3rd Editio (Policy Press, 2014).

⁴¹ Paul Spicker, *The Welfare State: A General Theory*, *The Welfare State: A General Theory*, 2012, <https://doi.org/10.4135/9781446219959>.

citizen to prosper occurs when the state not only guarantees social rights that allow individuals to participate fully in the life of society. *The welfare state* is understood as a form of state responsibility to provide social policies and institutions of minimum welfare for all citizens, the state not only functions as a guardian of law and order, but also as a provider of social protection that ensures every citizen has an equal opportunity to achieve prosperity.⁴²

According to Jimly Asshiddiqie, the concept *of the Welfare State* or welfare state is a development of the concept of a modern legal state that places the state not only as a guardian of law and order (*nachtwakerstaat*), but also as a party actively responsible for realizing community welfare. This country has an obligation to implement various public policies aimed at protecting and improving the welfare of citizens, including through the provision of public services, social protection, and natural resource management for the greatest possible prosperity of the people. He also emphasized that this concept has a strong constitutional basis affirmed in the preamble to the 1945 Constitution of the Republic of Indonesia, especially on the country's goal of protecting the entire Indonesian nation and advancing public welfare.⁴³

Based on some of the theories above, the definition of the *welfare state*, according to the author, is a construction of the state of law that places the welfare of the community as the main orientation of the administration of power, which is realized through the active role of the state in ensuring the fulfillment of the basic rights of citizens in a fair, equitable, and sustainable manner. Based on the description above, the author concludes 3 main indicators, namely; (i) public policy fulfillment of civil, political and social

⁴² Tom Bottomore T.H. Marshall, *Citizenship and Social Class* (Cambridge: Pluto Press, 1992), <https://doi.org/https://doi.org/10.2307/j.ctt18mvns1>.

⁴³ Jimly Asshiddiqie, "Ilmu Hukum Tata Negara," *Ilmu Hukum Tata Negara* 1 (2006): 200, www.jimly.com/pemikiran/getbuku/4.

rights; (ii) social risk protection; and (iii) basic public services. These three indicators will be used to discuss the second subchapter.

Analysis of the relationship between the concept *of the welfare state* and public accountability in disaster management requires mapping the main indicators of the welfare state into the aspects of accountability that have been discussed. This mapping aims to identify the extent to which existing legal arrangements have accommodated the fulfillment of basic community rights, protection against social risks, and the provision of public services optimally. Therefore, through the classification of public policy indicators, social risk protection, and basic public services into aspects of legality, administration, *risk governance*, *public & political accountability*, and *performance & fiscal*, it can be seen more systematically where normative strengths and weaknesses are implemented in the framework *of public accountability* according to Mark Bovens. The following table presents the mapping along with the legal basis and analysis of the shortcomings that need to be improved.

Table 2. Mapping Welfare State Indicators into Mark Bovens Aspects

Yes	Welfare State Indicators	Mark Bovens Aspect	Legal Basis	Deficiency Analysis (Needs Improvement)
1.	Public Policy (Civil, Political, Social Rights)	Legality; Public and Political Accountability	- Law 24/2007 Article 8 and Article 9 - Law 23/2014 Article 12 paragraph (1) letter e - Law 14/2008 Article 7 paragraph (3) - Law 23/2014 Article 149	- Public participation is not yet operational (there is no mandatory mechanism) - Transparency is not real-time and measurable - DPRD supervision is still general, not specific to disasters - Weak in <i>forum & answerability</i> (Bovens)

2.	Social Risk Protection	Risk Governance and Administrative	- Law 24/2007 Article 35 letters b and c - PP 21/2008 Articles 5 - 8, 45	- Risk assessment is not yet mandatory to be integrated into the RPJMD/RTRW - There is no national risk data standard - Monitoring & evaluation is not structured - No sanctions for mitigation negligence - Weak on <i>risk-based accountability & enforcement</i>
3.	Basic Public Services	Performance and Fiscal; Administrative	- Law 23/2014 Article 12 paragraph (1) - GR 22/2008	- Disaster SPM is not yet specific and measurable - No performance indicators (output/outcome) - Budget transparency is still weak - No performance-based public audit → Weak on <i>performance & fiscal accountability</i>

Source: Author 2026

Based on the mapping table, the author concludes that the three *welfare state* indicators have basically been accommodated within the legal framework of disaster management in Indonesia, but are still partial and have not been optimally integrated. In terms of public policy, the fulfillment of people's rights is still weak in implementation because public participation, transparency, and political control have not been operational and structured. In the aspect of social risk protection, risk management is

not fully data-based and integrated in development planning, and there is still minimal supervision and sanctions for government negligence.

The aspects of basic public services, performance and budget management have not been supported by measurable indicators, adequate transparency, and results-based evaluation mechanisms. Therefore, the necessary improvements include strengthening more operational and measurable regulations, increasing the capacity and coordination of government institutions, and implementing a transparent, participatory, and performance-based accountability system. Thus, even though it has normatively reflected the principle of *the welfare state*, it still needs to be substantively strengthened to be in line with *public accountability standards* according to Mark Bovens.

Conclusion

Based on the description of the discussion, the author concludes that: *first*, the accountability system of local governments in disaster management, that the fulfillment of legality aspects has been formally achieved, but has not been followed by operational clarity and implementation effectiveness. The administrative aspect shows the gap between norms and practices, especially in terms of coordination and integration of systems. In terms of *risk governance*, the regulation is still general and has not accommodated a comprehensive technical mechanism for risk management. Furthermore, *the aspects of public and political accountability* have not been explicitly regulated, so that public participation and political supervision mechanisms have not run optimally. As for *the performance and fiscal* aspects, there is still a gap in operational norms related to performance indicators and budget accountability, which in practice depends on derivative regulations. Thus, accountability in disaster management in Indonesia still tends to be administrative-formal and does not fully reflect the overall responsibility of the state as required

in the framework of the *welfare state*, which emphasizes the protection of people's rights and welfare in an effective, integrated, and sustainable manner.

Second, the juridical design of regional accountability in disaster management in Indonesia basically has a conceptual basis that is in line with the principle of *the welfare state*. However, the existing provisions are still general, not yet operational, and not yet able to close, transparency and public participation, as well as performance measurement and fiscal accountability. As a result, even though authority has been distributed to local governments, implementation on the ground still has the potential to cause overlapping authority, policy fragmentation, and inefficiencies. Thus, the existing accountability design still tends to be formal-administrative and does not fully reflect the principles *of the welfare state*

Based on the above conclusions, the author recommends: (i) to the House of Representatives and the president it is necessary to harmonize the division of authority and coordination between the central and regional governments (ii) to the National Disaster Management Agency to improve measurable evaluation standards in disaster management (iii) to the public to be able to actively participate in disaster management mitigation and supervision, including participating in disaster education, playing a role in environmental preparedness, and supervise policies and aid distribution so that they run transparently and on target.

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