

A Policy Study on Disability Inclusivity in National Disaster Management

Studi Kebijakan tentang Inklusivitas Disabilitas dalam Manajemen Bencana Nasional

Sri Lestari Wahyuningroem¹ & Irmia Fitriyah²

¹swahyuningroem@upnvj.ac.id (corresponding author)

Universitas Pembangunan Nasional Veteran Jakarta

Jl. Fatmawati Raya No. 1 Pondok Labu Jakarta Selatan, Indonesia

²irmia.fitriyah@hotmail.com

Center for Citizenship and Human Rights Studies

Jl. Fatmawati Raya No. 1 Pondok Labu Jakarta Selatan, Indonesia

Received: September 30, 2023 | Revised: February 27, 2024 | Published: March 10, 2024

Abstract: Global studies indicate that individuals with disabilities face significant challenges during disasters, particularly amid the COVID-19 pandemic. This paper evaluates the government's policy response to the needs of this group in disaster management in Indonesia. It focuses on four relevant national policies: Law Number 24 of 2007 on Disaster Management, Law Number 8 of 2016 on Persons with Disabilities, Government Regulation Number 42 of 2020 on Accessibility for Settlements, Public Services, and Disaster Protection for Persons with Disabilities, and Head of the National Disaster Management Agency Regulation Number 14 of 2014 on the Treatment, Protection, and Participation of Persons with Disabilities in Disaster Management. Through an inclusive perspective, this analysis highlights how these policies support inclusive efforts for the protection, fulfillment of rights, and participation of individuals with disabilities. Data collection involves substantive and implementation policy analysis, focus group discussions, and semi-structured stakeholder interviews. The results indicate that the current regulations are not optimal in accommodating the necessary inclusivity elements, affecting their implementation. The main recommendations include a policy review, alignment of related policies, and comprehensive budget allocation to support inclusive disaster management, especially for individuals with disabilities.

Keywords: disaster management; inclusivity; people with disability

Abstrak: Studi global menunjukkan bahwa penyandang disabilitas menghadapi tantangan besar dalam menghadapi bencana, terutama selama pandemi COVID-19. Tulisan ini mengevaluasi respons kebijakan pemerintah terhadap kebutuhan kelompok ini dalam penanggulangan bencana di Indonesia. Fokusnya adalah empat kebijakan nasional terkait: Undang-Undang Nomor 24 Tahun 2007 tentang Penanggulangan Bencana, Undang-Undang Nomor 8 Tahun 2016 tentang



Penyandang Disabilitas, Peraturan Pemerintah Nomor 42 Tahun 2020 tentang Aksesibilitas pada Permukiman, Pelayanan Publik, dan Pelindungan dari Bencana bagi Penyandang Disabilitas, serta Peraturan Kepala BNPB Nomor 14 Tahun 2014 tentang Penanganan, Perlindungan, dan Partisipasi Penyandang Disabilitas dalam Penanggulangan Bencana. Melalui perspektif inklusivitas, analisis ini menyoroti sejauh mana kebijakan mendukung upaya perlindungan, pemenuhan hak, dan partisipasi penyandang disabilitas. Pengumpulan data dilakukan melalui analisis substansi dan implementasi kebijakan, serta diskusi kelompok terpusat dan wawancara semi-terstruktur dengan para pemangku kepentingan. Hasilnya menunjukkan bahwa regulasi saat ini belum optimal dalam mengakomodasi unsur inklusivitas yang diperlukan, sehingga memengaruhi implementasinya. Rekomendasi utama mencakup tinjauan ulang kebijakan, penyelarasan kebijakan terkait, dan alokasi anggaran yang komprehensif untuk mendukung penanggulangan bencana inklusif, khususnya bagi penyandang disabilitas.

Kata Kunci: inklusivitas; penanggulangan bencana; penyandang disabilitas

Introduction

Globally, individuals with disabilities face heightened challenges during disasters, particularly evident amid the COVID-19 pandemic. In Indonesia, the scarcity of data on persons with disabilities exacerbates their marginalization in disaster management (Azis, 2020; KSI, 2021; PJS, 2022; Widyadhari, 2023). Effective solutions lie in inclusive policies that establish a foundation for the state and society to safeguard the rights of persons with disabilities during crises.

The commitment to inclusiveness must extend beyond policy formulation to the actual execution of measures. Inclusion is a mandated principle embedded in various national and international policies. Examples include the Convention on the Rights of Persons with Disabilities (CRPD) of 2006, ratified in Law Number 19 of 2011, recognizing the dignity, equal rights, and value of persons with disabilities (CRPD Ratification Law). Additionally, Law Number 8 of 2016 on Persons with Disabilities (Persons with Disabilities Law) ratifies and regulates the CRPD, while Law Number 24 of 2007 on Disaster Management (Disaster Management Law) mandates the systems and entities responsible for handling disasters in Indonesia.

Beyond these national policies, Indonesia is committed to international values outlined in the Incheon Strategy 2013–2022 and the Sendai Framework for Disaster Risk Reduction 2015–2030. The Incheon Strategy aims to accelerate disability inclusivity in the Asia-Pacific region within a specified time frame. The Sendai Framework collaborates with other 2030 Agenda agreements, including the Paris Agreement on Climate Change, the Addis Ababa Action Agenda on Financing for Development, the New Urban Agenda, and the Sustainable Development Goals. It advocates for the reduction of disaster risk and losses, mandating the state to collaborate with various stakeholders, including local government, the private sector, and other entities.

In certain regions of Indonesia, local governments have already taken steps to implement inclusive policies and programs. For instance, the Technical Assistance and Training Teams (TATT), a joint consortium of BNPB and USAID, has documented disability integration into disaster risk reduction (DRR) in Central Java, West Sumatra, and West Papua. These provinces have initiated disability-inclusive DRR mainstreaming programs, particularly in Central Java (Pusat Kajian Kepemudaan Universitas Indonesia, 2019). Another example is the Special Province of Yogyakarta, where a policy on disability-inclusive DRR has been in place since 2012, outlined in Regional Regula-

tion Number 4 of 2012 on the Protection and Fulfillment of the Rights of Persons with Disabilities. This regulation is supported by corresponding policies and budgets for effective implementation, and it served as the foundation for establishing Difabel Siaga Bencana (Difagana) DIY in 2017 (Sakina et al., 2021).

This positive trend signifies substantial progress toward achieving national goals. Consequently, there is a need to align this trend with various national policies and tools, establishing it as a benchmark, especially in regions where inclusive DRR has not been fully integrated. Prioritizing creating a comprehensive national policy that can be effectively implemented across diverse regional policies will eventually be crucial. It becomes imperative for the House of Representatives of the Republic of Indonesia (DPR RI) to proactively engage with and give due consideration to the issue of disability in disaster management. The DPR RI's active involvement is essential to ensure that the positive strides made in certain regions catalyze broader, nationwide policies that adhere to national and international standards, fostering a more inclusive and resilient approach to disaster management.

The study scrutinizes four key policies: Disaster Management Law, Persons with Disabilities Law, Government Regulation (Peraturan Pemerintah/PP) Number 42 of 2020 on Accessibility (PP 42/2020), and Head of the National Disaster Management Agency (Badan Nasional Penanggulangan Bencana/BNPB) Regulation Number 14 of 2014 on Handling, Protection, and Participation of Persons with Disabilities in Disaster Management (Perka BNPB 14/2014). Assessing their impact on society aligns with Dunn et al.'s (2004) concept of policy studies, which explores how policies influence society and specific situations. The policy studies focus on understanding the effectiveness of these policies, examining their goals, addressing issues, national and global context, achieving results, and implementing tools (Nawawi, 2009).

The research initially focussed solely on Perka BNPB 14/2014 on the handling, protection, and participation of persons with disabilities in disaster management and was conducted from January to March 2022. From this initial research, researchers extended the analysis to three other policies throughout 2022.

The study begins with the research question: To what extent do the four national policies include diverse, inclusive elements to ensure the protection, fulfillment, and participation of persons with disabilities, especially during disasters? The data utilized in this study comprises both primary and secondary sources. Primary data consists of the four policies under examination, and we supplemented this with semi-structured interviews and focused group discussions (FGDs) involving various stakeholders and beneficiaries, including civil society groups, as shown in Table 1.

Table 1. Informants

No.	Informants	Affiliation
1.	Nb	Komunitas Borderline Personality Disorder Indonesia (KBPDI)
2.	Sh	Sasana Inklusi dan Gerakan Advokasi Difabel Indonesia (SIGAB)
3.	El	Himpunan Wanita Disabilitas Indonesia (HWDI) Cianjur
4.	Ag and Yh	Komunitas Peduli Skizofrenia Indonesia (KPSI)
5.	DI	Yayasan Perempuan Kepala Keluarga (PEKKA)
6.	Rn	Solidaritas Perempuan
7.	Gt	Bureau of Planning, BNPB, Rfk from ASB Indonesia and the Philippines
8.	Wen	Siap Siaga – Australia-Indonesia Partnership for Disaster Management
9.	SWi	a researcher from Universitas Pembangunan Nasional Veteran Jakarta
10.	RM	Yayasan Kebaya Yogyakarta (Transpuan Crisis Center)
11.	HK	Tim Relawan Kemanusiaan (TRK) Inklusi
12.	SR	Gerakan untuk Kesejahteraan Tunarungu Indonesia (Gerkatin)
13.	Fb	Persatuan Waria Kota Surabaya (Perwakos)

No.	Informants	Affiliation
14.	BF	Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan)
15.	Rh	Department of Social Rehabilitation of Disabilities Ministry of Social Affairs
16.	D	Ministry of Women and Protection of Children (KPPPA).
17.	NI	Badan Nasional Penanggulangan Bencana (BNPB)

Structured interviews were chosen to extract detailed information from the institutional perspective of the country. Each interviewee, with their unique role, provided different information, and as such, question points were determined before the interviews. FGDs were conducted to gather insights from individuals with similar backgrounds, particularly from civil society, including people with disabilities. Therefore, the analysis will encompass five key aspects of inclusiveness: detailed data utilization, accessibility, community involvement, skill-building, and prioritizing protection. There is a lack of specific studies addressing the protective measures for persons with disabilities and the inclusiveness elements within the existing regulations.

The secondary data utilized in this research encompass various sources, including regulatory documents such as (1) PP Number 70 of 2019 on Planning, Implementation, and Evaluation for the Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities (PP 70/2019) and (2) PP Number 42 of 2020 on Accessibility to Settlements, Public Services, and Protection from Disasters for Persons with Disabilities (PP 42/2020). Additionally, documents like Perka BNPB Number 1 of 2012 on the General Guidelines for Disaster-Resilient Villages/Communities (Perka BNPB 1/2012), Catahu (Annual Notes) 2022 by Forum Masyarakat Pemantau untuk Indonesia Inklusi Disabilitas (Formasi Disabilitas) from 2016–2021, and various reports on the situation of persons with disabilities in disaster situations in Indonesia provide valuable insights. Furthermore, case studies, such as those on earthquake, liquefaction, and tsunami disasters in Central Sulawesi and efforts to prioritize inclusive disaster risk reduction in the Regional Disaster Management Agency, contribute to the research. Practical guides, such as “Panduan Praktis: Penerapan Mandat Inklusi dalam Penanganan Bencana” (2019) and studies on disability empowerment and legal protection, are integral to the secondary data. Additionally, the TATT’s annual reports (2017, 2018) on programs and activities for disabilities in West Java, West Sumatra, and West Papua further enrich the secondary data sources.

Persons with Disabilities and Disaster Management in Indonesia

In 2006, Indonesia signed the CRPD and promoted various policies in favor of persons with disabilities. The CRPD is an international and national human rights instrument that seeks to respect, fulfill, and protect the rights of persons with disabilities (development tool and human rights instrument) as an integral part. The ratification of the CRPD, with the CRPD Ratification Law, is an essential milestone in the government’s moral obligation to make changes in favor of groups of persons with disabilities. It also underscores the need for a disability-inclusive approach to disaster management. At the global level, the protection and empowerment of persons with disabilities in disaster risk management is also included in the Sendai Framework. Including persons with disabilities is one of the principles of the Framework. Specifically, the Framework states that “persons with disabilities and persons with special needs, and their organizations, are an integral part of disaster risk assessment, in the design and implementation of plans that address specific needs, taking into account, inter alia, the principles of universal design” (United Nations, 2015).

According to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, 2006, p. 4), persons with disabilities are defined as those with long-term physical, mental, intellectual or sensory impairments that interact to create various barriers that may prevent their full and effective participation in society. Approximately 15 percent of the world's population has a disability, or almost one in seven people. This includes approximately 93 million children and 720 million adults with significant functional limitations (Larasati, 2022, pp. 1–2). They are the largest minority group in the world. Approximately 82 percent of persons with disabilities live in developing countries, below the poverty line and often with limited access to health, education, politics, adequate training, and employment (Ndaumanu, 2020, p. 132).

In Indonesia, according to the National Planning and Development Agency (Bappenas), the number of people with disabilities in 2018 was 21.84 million, or about 8.56 percent of the total population across Indonesia (Yulaswati et al., 2021). These data may not represent the entire population, as the Ministry of Social Affairs does not yet have national data on people with disabilities as a whole population, categorized according to the characteristics or types of each disability (Larasati, 2022). The lack of accurate data on the number of persons with disabilities in Indonesia is a serious problem in various disaster management efforts. Research conducted by Widyadhari (2023) in the Special Capital Region (DKI) Jakarta Province shows that the lack of data has implications for social assistance recipients, which are misdirected or vulnerable to corruption. In addition, the provincial government is not optimal in reaching out to persons with disabilities to provide information or to involve disability groups in disaster management.

Implementing Development with Inclusion

Inclusion is a key requirement in all aspects of development. Inclusion is a process that ensures that everyone can be a full participant. The process of inclusion is about improving access to services and supporting people—including those who are discriminated against and marginalized—to participate in broader processes. This is to ensure that their rights and needs are recognized, for example, in the planning and management of service delivery, in decision-making, and in holding duty bearers to account through citizen action.

The United Nations (UN) World Social Situation Report (2016, p. 20) defines inclusion as “the process of improving the terms of participation in society for people who are disadvantaged on the basis of age, sex, disability, race, ethnicity, origin, religion, or economic or other status, through enhanced opportunities, access to resources, voice and respect for rights.” In disaster management, the inclusion mandate consists of at least five key points: disaggregated data, accessibility, participation, capacity building, and protection prioritization (Patongloan et al., 2019). Disaggregated data includes at least three key pieces of information: gender, age, and disability (Sphere Association, 2018). In disaster management, sex, age, and disability disaggregated data (SADDD) is used to help identify groups of people in terms of their exposure and risk to disasters, as well as appropriate and specific needs, participation, capacity building, and protection priorities. SADD data can be complemented with data on location, capacity, and needs to assess the disaster risks faced by the community.

The second element of inclusion, accessibility, refers to the ease with which the environment, transport, information, communication, facilities, services, products, and policies/regulations are universally accessible. Everyone, regardless of age,

gender, disability, or location, can access them. Access should be safe and dignified, protect users from harm, and be culturally appropriate. Accessibility also ensures that non-physical barriers such as attitudes, behaviors, and systems are identified and addressed. Accessibility should open up opportunities, enabling independent living and full participation in all aspects of life.

The third element of inclusion, meaningful participation, is about empowering all groups of people by giving them equal opportunities to make their own choices and decisions about their lives. Meaningful participation supports people who are often excluded from activities, discussions, and decision-making to participate and have a say actively. Everyone can be involved in the planning, implementation, monitoring and evaluation, institutionalization, and decision-making of initiatives and services.

Meanwhile, another key element of inclusion is capacity building. This is an effort to increase knowledge and influence actions to be more inclusive of different groups, including gender, older people, and people with disabilities. This includes organizations and actors in disaster management, as well as other stakeholders. The aim is for information on inclusion to be disseminated and applied and for people to participate meaningfully in all aspects of their lives. Capacity building supports empowerment and can support the participation of the most vulnerable groups who may not have the same opportunities as others. This requires specific capacity-building efforts and support for the most vulnerable groups compared to other community members. Capacity building can increase the sensitivity and inclusiveness of disaster management actors, governments, and communities, including persons with disabilities, older persons, and their carers.

The final element of inclusion is the protection priority, which relates to the safety, dignity, and rights of the most vulnerable groups in disaster situations. The protection priority ensures that the most vulnerable groups receive services, justice, equality, safety, opportunities, and access to DRR. It recognizes and respects diverse groups, including gender, children, the elderly, and persons with disabilities, as rights holders who are empowered to contribute and make their own decisions and choices actively.

Evidence: Persons with Disabilities Are Always Left Behind

Data from the disability community and field workers and activists who have been working on the issue of disability rights indicate the lack of concern toward persons with disabilities. HK from TRK mentioned,

“In practice, people with disabilities are always left behind, both pre-disaster, disaster, and post-disaster [...] communication and data collection of disabilities affected by disasters is not going well. In Palu, for example, 155 people were shackled and left alone during the disaster. Meanwhile, their data does not exist at all in the population data.” (HK, FGD March 24, 2022 via Zoom).

The above statement shows that people with disabilities are affected not only by a lack of data but also by limited information and inappropriate communication. An online survey conducted by COVID-19 Response, a network of disability organizations, found that only 60.55 percent of respondents had received sufficient information about COVID-19 and its prevention protocols. Meanwhile, only about 30 percent understood and practiced the prevention protocols. As many as 11.6 percent of those surveyed have co-morbidities that make them vulnerable to COVID-19 (KSI, 2021). People with disabilities are generally only cared for at home or in institutions and

are at risk of infection from other people with disabilities. Hospitals and health facilities generally refuse to accept persons with disabilities because they need additional support such as aids, services, etc. (Widhyadari, 2023).

Data difficulties and limited information have affected not only the treatment of exposed persons with disabilities but also other socio-economic aspects. The rapid assessment of the COVID-19 response by the Organization of Persons with Disabilities also found serious economic and social impacts on this group, including their lack of access to social safety net income. The rapid assessment also found a disconnection of people with disabilities from various public services, such as therapy services, shopping, and social activities, and even in the education sector, where special schools that do not have sufficient facilities for online or distance learning negate the learning process (Aziz, 2020). As informants in the group discussion mentioned the Government's unpreparedness when disasters occur, including the unavailability of adequate systems and the lack of psychosocial support and medicines (Ag, KSPI, FGD, March 24, 2022). A report by Batagol et al. (2021) on the impact of COVID-19, which took a detailed look at the daily lives of people with disabilities in the province of South Sulawesi, found that COVID-19 had a significant impact on social interactions, as well as on the ability of people with disabilities to continue their education or earn an income. COVID-19 has had an impact on the way people with disabilities see themselves, and it has also highlighted that more needs to be done to involve people with disabilities in policy-making. The report is based on a 2020 survey conducted by the COVID Response Network of Disabled People's Organizations (DPOs) and Inclusive Indonesia. The survey found that up to 80 percent of people with disabilities experienced loss of income, while 60 to 90 percent experienced learning difficulties, particularly in using mobile phone applications and other online methods. Disabled communities are also excluded from the planning, implementation, monitoring, and evaluation of COVID-19 mitigation and reconstruction. This highlights the vulnerability of disability groups to disasters in general.

Specific to mental disabilities, Damayanti and Basrianto (2022) found five important things from the liquefaction in Central Sulawesi. Firstly, many people with mental disabilities were shackled before the disaster. Second, there was no specialized disaster mitigation to prepare people with mental disabilities. In this case, those who were shackled were very unlikely to be able to save themselves. Thirdly, those who are shackled are abandoned by their families. Fourth, when the government evacuated, most people with disabilities who were shackled were not evacuated. Fifth, during the post-disaster recovery process, there was no improvement in conditions for people with mental disabilities. People with mental disabilities who had been released during the disaster were again shackled during the disaster recovery period.

Meanwhile, in the intellectual disability group, the head of the Advocacy Section of the Centre for Social Rehabilitation of Persons with Intellectual Disabilities (BBRSP-DI) in Temanggung Regency, Central Java, said that in a disaster simulation organized by BBRSPDI for 150 persons with intellectual disabilities, they were unable to follow instructions to save themselves independently. This situation illustrates how people with intellectual disabilities will face difficulties in the event of a disaster, especially if there is no one to accompany them. This illustrates the vulnerability of people with disabilities to disasters in general.

Inclusiveness in Disaster Management Policies

In this section, an analysis and comparison of the elements of inclusiveness in disaster management for people with disabilities will be conducted. The five elements encompass disaggregated data, accessibility, participation, capacity building, and protection prioritization. This examination will involve the analysis of four regulations. Subsequently, these regulations will be discussed at the implementation levels, drawing insights from interviews and group discussions. The summary of the five elements across the four policies is presented in Table 2.

Table 2. Inclusivity in Regulations on Disaster Management and Persons with Disabilities

Elements	Disaster Management Law	Persons With Disabilities Law	PP 42/2020	Perka BNPB 14/2014
Disaggregated data	Nothing on segregated data, but mentions on preparation of accurate data and information.	Not specifically mentioned segregated data, but there are obligations for the government and service units to have complete data.	Available, but not specific to disaster management.	Data on persons with disabilities disaggregated by gender, age group, type of disability, degree of disability, and region.
Accessibility	Not available.	Access for persons with disability as part of their rights, but not specific on disaster management.	Available, but not specific to disaster management.	Available.
Participation	Not specific to persons with disabilities.	Participation as part of rights and aspects of life, but not specific in relation to disaster management.	Available, but not specific to disaster management.	Available.
Capacity building	Not available.	Capacity building as part of rights and aspects of life. Not specific on disaster	Available, but not specific to disaster management.	Available.
Protection prioritization	Not available.	Protection as part of rights and not specific to disaster.	Available, but not specific to disaster management.	Available.

Disaster Management Law

Before delving into the five elements examined in this Law, a crucial point warrants attention regarding the use of the term “cacat” (impaired) to reference persons with disabilities, as stipulated in Article 26 and Article 55. While Article 26 mentions disaster-prone communities, the explanatory section defines these communities as those requiring assistance due to various circumstances, including the elderly, penyandang cacat, children, and pregnant and lactating women. The term “persons with disabilities” is employed in three other directives, acknowledging its importance due to the pejorative nature historically associated with “disabled.” A movement in the 1990s, led by people with disabilities, advocated for a shift from “people with disabilities” to “persons with disabilities” or “difabel” (Maftuhin, 2016). However, Disaster Management Law remains less responsive to these dynamics, persisting with terms aban-

done by many countries globally. Despite mentioning persons with disabilities, the Law fails to address their protection in disaster management, omitting specific references to their rights. Furthermore, the law lacks provisions on segregated data, particularly for persons with disabilities, with the only mention of the need for data in general terms under Article 45(f). Participation, referring broadly to various elements of civil society and stakeholders, is mandated in the context of post-disaster reconstruction and funding. However, this participation does not specifically mention persons with disabilities. Notably, capacity building and protection prioritization are entirely absent from this law, reflecting a perspective primarily centered on disaster management, with less attention given to prevention and empowerment elements, especially for people with disabilities.

Persons with Disabilities Law

Following its specific mandate for persons with disabilities, this law clearly regulates various matters related to the protection and fulfillment of the rights of persons with disabilities in Indonesia. The rights of persons with disabilities are mentioned quite comprehensively and are placed within the framework of the protection of groups of persons with disabilities. In this law, provisions related to disaster management are specifically mentioned in articles 5, 20, and 109. Article 5 mentions the rights of persons with disabilities and protection from disasters. Article 20 specifically mentions the right of persons with disabilities to be protected from disasters. There are five rights mentioned in the article: (a) to receive easily accessible information on disasters; (b) to receive knowledge on disaster risk reduction; (c) to receive priority in the rescue and evacuation process in a disaster situation; (d) to receive easily accessible rescue and evacuation facilities and equipment; and (e) to receive priority, facilities, and equipment that are easily accessible at the place of evacuation. Article 109 on disaster protection for persons with disabilities states that (a) the Government and subnational governments are obliged to take necessary measures to ensure the protection of persons with disabilities in the pre-disaster, emergency, and post-disaster phases; (b) the treatment of persons with disabilities referred to in paragraph (1) shall take into account reasonable accommodation and accessibility for persons with disabilities; (c) persons with disabilities may participate in disaster management.

In relation to data on persons with disabilities, the law emphasizes the obligation of various parties, especially the government and service units, to have complete data. However, because this policy regulates persons with disabilities in general terms, this law does not specifically contain provisions on segregated data, which is necessary in the context of disaster management. In terms of participation, this law also emphasizes the importance of participation of persons with disabilities in all aspects of life as citizens. This can be interpreted to include the active participation of persons with disabilities in disaster management, although, in the section on disasters, this is not specifically mentioned. The same is true for the other inclusive elements of access, capacity building, and protection prioritization. The main subjects in this law are persons with disabilities in general; it does not specifically regulate disaster management.

PP 42/2020 on Accessibility

This regulation does not specifically mention the rights of persons with disabilities in disaster management but discusses them generally within the human rights frame-

work. Chapter IV of this PP specifically addresses issues related to disaster risk reduction for persons with disabilities. Compared to the two previous laws, aspects of inclusiveness are explicitly mentioned in Article 21 (3): disaggregated data, accessibility, reasonable accommodation, participation, capacity building, and protection priorities. Each of these aspects is specifically explained and regulated in Articles 21 and 25 to disaggregated data, including disaggregation of disabilities by sex, age, and condition; Article 24 about access and reasonable accommodation; Article 20 on participation as part of protection; Article 21 on capacity building. All these aspects are included as part of the protection priorities for persons with disabilities and disaster management. Thus, the main framework and approach of the policy is protection, leaving little room for empowerment and meaningful participation of persons with disabilities in pre-disaster, disaster, and post-disaster situations.

Perka BNPB 14/2014 on Handling, Protection, and Participation of Persons with Disabilities in Disaster Management

This regulation is an important breakthrough in disaster management, which mandates explicitly the need to consider persons with disabilities in various stages of disaster management. This regulation was drafted prior to the issuance of the Persons with Disabilities Law and was developed with reference to the CRPD, which was ratified by the CRPD Ratification Law. In general, this regulation is intended to serve as a guideline for the treatment, protection, and participation of persons with disabilities in non-disaster situations, during disaster response, and after disasters (Article 2). The regulation is based on and recognizes principles such as respect for human dignity and individual freedom, non-discrimination, active participation in society, respect for differences, equal opportunities and inclusion, accessibility, gender equality, and respect for the developmental capacities of children with disabilities and the right to protection of identity.

Furthermore, the provisions on persons with disabilities in Perka BNPB 14/2014 are divided into (1) handling and protection and (2) fulfillment of the rights and needs of persons with disabilities. Regarding handling and protection, the regulation requires the BNPB and the Regional Disaster Management Agency (BPBD) to establish a service unit for persons with disabilities, which may consist of one person or a team in the relevant work unit. The duties of this unit are quite broad, ranging from planning, budgeting, coordination, facilitation, monitoring, and evaluation to reporting on disaster management programs related to groups with disabilities. This team also recommends policies related to persons with disabilities in disaster management, promotes fulfilling the rights and needs of persons with disabilities, and even facilitates cooperation to fulfill the rights and needs of persons with disabilities in disaster management. This unit is also mandated explicitly in Article 5 to identify, collect, analyze, document, update, and disseminate data on persons with disabilities disaggregated by gender, age group, type of disability, degree of disability, and region. The treatment and protection of persons with disabilities should be included in the strategic plan and work plan of the BNPB and the BPBD, which will impact budgeting to meet these needs (Articles 6 and 7).

To address the rights and needs of persons with disabilities comprehensively, the regulation places significant emphasis on providing access to both physical and non-physical facilities and infrastructure. This extends to regulations governing ministries, agencies, and sectors. Persons with disabilities are entitled to essential services

and information, with a particular focus on those with multiple disabilities, including infants, toddlers, children, pregnant/nursing mothers, and the elderly. The regulation mandates the active involvement of persons with disabilities in all stages of disaster management, including their participation in the Disaster Risk Reduction Forum. Furthermore, Article 10 underscores the importance of fostering the independence and capacity of persons with disabilities through a combination of formal and informal education and disaster training or simulation.

Moreover, the regulation systematically addresses technical aspects related to disaster management across its various phases, encompassing pre-disaster, emergency response, and post-disaster scenarios. During the pre-disaster phase, Article 11 underscores the necessity of establishing an early warning system that reaches groups of persons with disabilities, coupled with disaster preparedness plans in households with disabled members. In the disaster response phase (Articles 12 to 19), the regulation delves into the imperative to meet the basic needs of persons with disabilities, including food, clothing, shelter, clean water, sanitation, psychosocial support, education, assistive devices, and security. Post-disaster, Article 20 highlights the critical need for rehabilitation and reconstruction that is disaster-resilient and responsive to the unique needs of persons with disabilities.

In terms of procedural clarity and responsibilities, Perka BNPB 14/2014 stands out among other policies, providing lucidity in planning, budgeting, and technical matters across the entire spectrum of disaster management – from pre-disaster to emergency response and post-disaster phases. Despite its strengths, areas for optimization exist, such as the absence of specific provisions ensuring data disaggregation by gender, age, or disability. This gap poses challenges at the implementation level, particularly in making specific commitments and allocating funds for persons with disabilities in disaster management. Additionally, the regulation does not explicitly address gender-based violence, contributing to another notable weakness. Furthermore, the restricted jurisdiction of Perka BNPB 14/2014, extending only to the BNPB, stands out as a significant institutional constraint. This is underscored by the revocation of Presidential Regulation of the Republic of Indonesia Number 8 of 2008, replaced by Presidential Regulation of the Republic of Indonesia Number 1 of 2019 on the National Disaster Management Agency (Badan Nasional Penanggulangan Bencana/BNPB). The BNPB, a non-ministerial, ministerial institution under the President, has direct responsibility to the President, while Regional Disaster Management Agencies (BPBDs) fall under the authority of the Ministry of Home Affairs.

Consideration of institutionalization and governance is paramount for ensuring disability-inclusive disaster management policies. The BPBD, reporting to the head of each region, plays a crucial role in championing the fulfillment and protection of persons with disabilities in disaster management. While certain regions like Yogyakarta, East Java, and specific districts in Central Java have demonstrated commendable progress with specific and measurable policies, many subnational governments lack such directives.

The overlapping nomenclature among the BNPB and other ministries/institutions poses a significant barrier to inclusive disaster management. The terminology used by the BNPB intertwines with that of other entities, such as the Ministry of Social Affairs, KPPPA, and the Coordinating Ministry for Human Development and Culture. This lack of clarity results in uncoordinated disaster relief efforts and programs related to disaster management, emphasizing the urgency of establishing a more streamlined and collaborative approach.

Examining Challenges in Policy Execution

In various policy making, implementation is the most difficult part to carry out, especially to ensure its benefits for beneficiaries or groups targeted in the policy. In interviews and FGDs, this was also highlighted. Groups of people with disabilities are generally aware of the Persons with Disabilities Law and the Disaster Management Law. Still, only a few are informed and aware of PP 42/2020 and Perka BNPB 14/2014. Of those few, they generally stated that in practice in the field, disaster management never refers to these regulations (K, LIDI Central Java, FGD March 24, 2020). On the other hand, the Government has taken the initiative to form a Disaster Risk Mainstreaming (DRM) forum that involves several organizations of persons with disabilities. However, as NI from BNPB acknowledged, more meetings, socialization, and simulations are needed involving more groups of persons with disabilities (interview via Zoom, April 2020). The TATT program was designed to serve this purpose, that is to assist BNPB as the leading sector in disaster management and BPBD at the subnational levels as well as other stakeholders to collaborate and have better coordination (TaTTs, 2018).

The lack of implementation and information in the field is also largely affected by budgetary limitations and the lack of technical regulations. Bt from BNPB's Education and Training Center (Pusdiklat) acknowledged that the government's budget is limited and that gender and disability have not been prioritized. Although curricula and modules have been developed for capacity building within the agency, the level of internal implementation and socialization has not been sufficient (Interview via Zoom, April 2020). At the technical level, as acknowledged by Gt from BNPB, the implementation of the regulation has not been maximized due to the lack of technical regulations derived from the regulation (FGD, March 24 2024). In addition to the panic factor, communication and coordination with relevant parties in the regions are also an obstacle, so existing policies often cannot be maximally implemented.

Other than institutional challenges, it is also acknowledge that the implementation of these policies needs to work in more technical ways. As mentioned in Person with Disabilities Law, what needs to be considered from a disaster management perspective for persons with disabilities are (a) accessible information; (b) knowledge about disaster risk reduction; (c) priority in the rescue and evacuation process in a disaster situation; (d) obtaining accessible rescue and evacuation facilities and equipment; and (e) obtaining accessible priorities, facilities, and equipment at the evacuation site. These five points must be further explained, for example, in an implementation guide. The existence of an implementation guide will facilitate implementation and avoid biased interpretations of existing regulations.

For example, accessible information may have been provided by sign language interpreters for people who are deaf. However, has information provided in Braille for people with blind disabilities? Then, consider the experience of the Centre for Social Rehabilitation of Persons with Intellectual Disabilities, Temanggung Regency, Central Java, in organizing disaster simulation training for people with intellectual disabilities and how accessible information is for people with intellectual disabilities.

Conclusion

Our study reveals a positive trend towards inclusivity, tracking the evolution of disaster management policies concerning persons with disabilities. The initial policy, the Disaster Management Law, falls short of adopting inclusive terms or approach-

es for persons with disabilities. The Persons with Disabilities Law represents progress but only partially regulates the protection and fulfillment of their rights during disasters. Subsequently, detailed rules are mandated in government regulations, implemented in PP 42/2020, addressing accessibility to settlements, public services, and disaster protection for persons with disabilities. Although comprehensive, this policy lacks specificity regarding the responsible mechanisms and institutions for implementation.

Perka BNPB 14/2014 builds upon various regulations, such as the CPRD Ratification Law, Law Number 39 of 1999 on Human Rights, Law Number 11 of 2009 on Social Welfare, Government Regulation Number 72 of 1991 on Special Education, and others related to BNPB and disaster management. While significant, this regulation requires improvements in planning, budgeting, and technical aspects of disaggregated data collection. Additionally, regarding governance, BNPB lacks authority over other ministries/institutions, being a non-ministerial institution under the President.

Despite areas for enhancement, the BNPB initiative serves as a valuable reference for amending both the Disaster Management Law and the Persons with Disabilities Law, which lack clear regulations for disability-inclusive disaster management. A specific revision is needed to the Disaster Management Law, substituting the term “disabled” with “persons with disabilities.”

The study underscores the necessity for substantial legislative actions, particularly by the DPR RI, to effectively revise existing laws. Key recommendations include integrating comprehensive data collection procedures into related laws and referencing guidelines like the State Minister for Women’s Empowerment Number 5 of 2014. This entails specifically targeting functional limitation categories outlined by the Central Bureau of Statistics, utilizing the Washington Group Question, and incorporating age-based data categories from BPS. Additionally, it is crucial for DPR RI to ensure policies encompass handling and protection against gender-based violence, drawing guidance from the Minister of Women’s Empowerment and Child Protection Regulation Number 13 of 2020. These measures aim to bolster data inclusivity and address gender-based violence within legislative frameworks.

Second, DPR RI needs to evaluate and review the governance of institutions responsible for disaster management to align them at the national and subnational levels. BNPB and BPBD need to be on the same line of authority, or at least BNPB should share responsibility at the subnational level with subnational governments so that policies at the national level can be implemented more optimally. Conversely, rapid response at the subnational levels can also be supported by the national government. Third, DPR RI also needs to ensure adequate budgeting in the state budget, including the government’s obligation to pay serious attention to persons with disabilities in disaster management.

References

- Aziz, A. (2020, Juni 9). Dampak negatif yang dialami difabel selama pandemi COVID-19. *Tirto.id*. <https://tirto.id/dampak-negatif-yang-dialami-difabel-selama-pandemi-covid-19-fGi1>
- Batagol, B., Junaid, M., Nasir, S., Spivakovsky, C., Cresciani, R., Ramli, R., Natasya, B., Putri, A. P., Ahsan, M. U., Sebastian, E., Brown, H., Downes, M., & Chabibah, U. (2021). *Sebuah komunitas tangguh: menangani dampak COVID-19 pada penyandang disabilitas*. The Australia-Indonesia Centre. <https://pair.australiaindonesiacentre.org/wp-content/uploads/2021/10/Menangani-dampak-COVID-19-pada-penyandang-disabilitas-1.pdf>

- Dunn, W. N., Lang, A. F., Pierce, A. C., & Rosenthal, J. H. (2004). *Public policy analysis: An introduction* (3rd Ed.). Pearson.
- Damayanti, Y. R., & Basrianto, F. (2022). *Orang-orang yang dilupakan: Situasi penyandang disabilitas mental di Indonesia*. Perhimpunan Jiwa Sehat. <https://pjs-imha.or.id/index.php/17-kegiatan-pjs/241-buku-orang-orang-yang-dilupakan-situasi-penyandang-disabilitas-mental-di-indonesia>
- Forum Masyarakat Pemantau untuk Indonesia Inklusi Disabilitas. (2022). *Laporan catatan tahunan 2016–2021: Lima tahun pemenuhan hak-hak penyandang disabilitas di Indonesia [Catatan kritis: Menuju Indonesia inklusi]*. Forum Masyarakat Pemantau untuk Indonesia Inklusi Disabilitas. <https://drive.google.com/file/d/1En7wBICp3QMLGx4AuNWxeYWIMQ45vpIr/view>
- Larasati, D. (2022). *Kewargaan dan partisipasi politik penyandang disabilitas [Skripsi]*. Universitas Pembangunan Nasional Veteran Jakarta.
- Maftuhin, A. (2016). Mengikat makna diskriminasi: Penyandang cacat, difabel, dan penyandang disabilitas. *INKLUSI: Journal of Disability Studies*, 3(2), 130–162. <http://dx.doi.org/10.14421/ijds.030201>
- Nawawi, I. (2009). *Public policy (analisis, strategi advokasi teori dan praktek)*. Putra Media Nusantara ITS.
- Ndaumanu, F. (2020). Hak penyandang disabilitas: Antara tanggung jawab dan pelaksanaan oleh pemerintah daerah. *Jurnal HAM*, 11(1), 131–150. <http://dx.doi.org/10.30641/ham.2020.11.131-150>
- Patongloan, A., Ananta, A., Murdaningsih, D. S., Kadir, F., Prastiwisari, I., & Prasetyono, W. (2019). *Panduan praktis: Penerapan mandat inklusi dalam penanganan bencana*. Arbeiter-Samariter-Bund (ASB) Indonesia and the Philippines. <https://www.asbindonesia.org/resources/panduan-praktis-penerapan-mandat-inklusi-dalam-penanggulangan-bencana/#:~:text=Panduan%20Praktis%3A%20Penerapan%20Mandat%20Inklusi%20dalam%20Penanggulangan%20Bencana,berisiko%2C%20khususnya%20penyandang%20disabilitas%20>
- Peraturan Kepala BNPB Nomor 14 tahun 2016 tentang Penanganan, Perlindungan, dan Partisipasi Penyandang Disabilitas dalam Penanggulangan Bencana. (2016).
- Peraturan Kepala BNPB Nomor 1 Tahun 2012 tentang Pedoman Umum Desa/Kelurahan Tangguh Bencana. (2012).
- Peraturan Pemerintah Nomor 42 Tahun 2020 tentang Aksesibilitas terhadap Pemukiman, Pelayanan Publik, dan Perlindungan dari Bencana Bagi Penyandang Disabilitas. (2020).
- Peraturan Pemerintah Nomor 70 Tahun 2019 tentang Perencanaan, Penyelenggaraan, dan Evaluasi Terhadap Penghormatan, Perlindungan, dan Pemenuhan Hak Penyandang Disabilitas. (2019).
- Pusat Kajian Kepemudaan Universitas Indonesia. (2019). *Studi kasus mengarusutamakan pengurangan risiko bencana inklusif disabilitas ke dalam Badan Penanggulangan Bencana Daerah*. Arbeiter-Samariter-Bund (ASB). <https://www.asbindonesia.org/resources/studi-kasus-mengarusutamakan-pengurangan-risiko-bencana-inklusi-disabilitas-ke-dalam-badan-penanggulangan-bencana-daerah/>
- Rukmorini, R. (2019, April 26). Penyandang disabilitas intelektual belum mampu menyelamatkan diri secara mandiri. *Kompas.id*. <https://www.kompas.id/baca/utama/2019/04/26/penyandang-disabilitas-intelektual-belum-mampu-selamatkan-diri-secara-mandiri>
- Sakina, A. W., Rahmadi, R. Y. G., & Widati. (2021). *Mainstreaming disabilitas dalam sistem manajemen bencana inklusif di Daerah Istimewa Yogyakarta: Analisis fungsi agil di Kelompok Difabel Siaga Bencana (DIFAGANA)*. *Academia Praja*, 4(1), 1–21. <http://dx.doi.org/10.36859/jap.v4i1.291>
- Sphere Association. (2018). *The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response* (4th ed.). Sphere Association. www.spherestandards.org/handbook

- Undang-Undang Nomor 24 Tahun 2007 tentang Penanggulangan Bencana. (2007).
- Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas. (2016).
- United Nations. (2006, December 13). *Convention on the Rights of Persons with Disabilities*. United Nations Department of Economic and Social Affairs Disability. <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>
- United Nations. (2015). *Sendai Framework for Disaster Risk Reduction 2015–2030*. United Nations Office for Disaster Risk Reduction. <https://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030>
- United Nations. (2016). *Leaving no one behind: The imperative of inclusion development* [Report on the World Social Situation 2016]. United Nations. <https://www.un.org/en/desa/report-world-social-situation-2016>
- Widyadhari, S. (2023). *Partisipasi Organisasi Himpunan Wanita Disabilitas Indonesia (HWDI) dalam pemenuhan perlindungan hak disabilitas dari bencana COVID-19 di DKI Jakarta* [Skripsi]. Universitas Pembangunan Nasional Veteran Jakarta.
- Yulaswati, V., Nursyamsi, F., Ramadhan, M. N., Palani, H., & Yazid, E. K. (2021). *Kajian disabilitas: Tinjauan peningkatan akses dan taraf hidup penyandang disabilitas Indonesia: Aspek sosio-ekonomi dan yuridis* (V. Yulaswati, Ed.) [Laporan Rekomendasi Kebijakan]. Staf Ahli Menteri Bidang Sosial dan Penanggulangan Kemiskinan, Kementerian PPN/Bappenas.