

THE ESSENTIALS JUSTICE OF PANCASILA IN MANAGING NATURAL DISASTERS ON SMALL ISLANDS

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Abstract

This research aims to determine and analyze the nature of Pancasila justice in handling natural disasters that occur on small islands. This research is normative juridical research, namely research carried out on legal principles, in the sense of concrete legal values (norms) and legal systems. The approach used in research is a statutory approach and a conceptual and comparative approach. This research finds the answer that the Pancasila legal paradigm is indeed contained in legal principles and disaster management principles. The Pancasila legal paradigm prioritizes human values and mutual cooperation as well as local wisdom institutions and values as social capital. In its implementation it cannot be separated from aspects of legal regulations, institutions and community culture. However, it must be acknowledged that society often fails in handling disasters at every stage of disaster management. Therefore, strategic efforts and policies are needed to strengthen the application of the rule of law by empowering social capital to increase community resilience in facing disasters. The policy in question is not only at the central, provincial and district government levels, but also village governments as the spearhead.

Keywords: Pancasila, Justice and Disaster Managemet.

A. INTRODUCTION

The principle of justice is the goal of law in every legal state. This principle requires that in acting, every State administrative body or official always pay attention to aspects of justice and fairness, in addition to demanding that actions be proportional, appropriate, balanced and in harmony with the rights of every person. Implementing the value of "social justice for all Indonesian people" in society can be seen from several indicators regarding social justice, the first indicator is developing noble actions, which reflect the attitude and atmosphere of family and mutual cooperation. Mutual cooperation is a form of cooperation to achieve a desired goal. The results of this research show that through mutual cooperation activities carried out, it is known that it can foster a great sense of family and a high spirit of mutual cooperation. This is in line with the theoretical basis of Lasiyo and Mulyono, regarding indicators of the value of social justice for all Indonesian people, one of which is developing noble actions, which reflect the attitude and atmosphere of family and mutual cooperation. And this is all eastern culture that was born and grew in the lives of ancestors from the past to the present.

Pancasila must be used as the basis for every disaster management activity. Being aware of geographical areas, we must be aware of the emergence of disasters, be able to anticipate and mitigate/reduce the risk of disasters that arise. You can imagine if there were no countermeasures, how large the casualties and damage would accumulate. Disaster relief in various affected areas is a form of binding the Republic of Indonesia. The implementation of natural disaster management cannot be separated from Pancasila and the 1945 Constitution which underlies it. The values of

Pancasila are explored and found from the values that have grown and lived in society, namely the values of divinity, humanity, unity, democracy and justice. In society, these values remain valid and form a unified whole, inseparable and refer to one goal.

Pancasila and the 1945 Constitution are the main foundations for implementing disaster management. Before Indonesia became independent, the values of Pancasila were explored and discovered from the values that had grown and lived in society. These values are the values of divinity, humanity, unity, people and justice. In society, these values remain valid and form a unified whole, inseparable and refer to the same goal. Pancasila values have an important meaning in disaster management, both at the pre-disaster stage, during emergency response and post-disaster. Likewise, in strengthening community resilience when facing natural disasters, conceptual ideas about efforts to strengthen aspects of prevention and preparedness for disasters are needed.

B. METHOD

The type of research used is normative juridical research. Peter Mahnud Marzuki explains that legal research is a process of finding legal rules, legal principles, and legal doctrines in order to answer the legal issues at hand¹. Normative juridical research is a legal research method conducted by examining library materials or secondary materials. The research approach used is a statutory approach, conceptual approach and comparative approach to obtain legal arguments to solve research problems using the legal principles of Justice in disaster management, specifically on small islands.

C. DISCUSSION

1. Philosophy of Justice in Disaster Management based on local wisdom

There is a lot of local wisdom of indigenous peoples in Maluku which is still protected and maintained and is still used in managing natural resources which of course does not damage the environment. With their philosophy, they consider nature to be part of their life, so there must be a balance in managing it. Management of natural resources in the sea, for example. The sea or Lau for the people of North Maluku Province is a place to live. The sea is a gift from the Almighty with everything in it. The sea for local people is a place to live for various kinds of products that need to be protected, because it will prolong their lives. The people still adhere to the message of their ancestors that the sea must be protected. According to society, the sea is like a woman, so it must be treated kindly and gently, because if it is treated roughly and carelessly, the sea will rage and bring disaster. The sea is also seen as a good means of communication because it can connect island to island. The sea is also seen as a sacred place, so that in order to go out to sea to earn a living, they have to carry out starting to decrease, so a "lalohi" ceremony is held asking Allah to bring abundant results. Local people also think that there is a close relationship between them and the fish, for example, in their view, skipjack tuna comes from a woman, so when catching skipjack fish, it must be done well (that is, it must be seduced like courting a woman), because otherwise if they do this, according to their belief, the fish will run away from them. Indonesia describes the form of justice in Pancasila as the basis of the state, namely social justice for all Indonesian people. The fifth principle contains values which are the goal of living together. This justice is based on and inspired by the

essence of human justice, namely justice in the relationship between humans and themselves, humans and other humans, humans and society, nation and state, as well as the relationship between humans and their God.¹ The Pancasila Theory of Justice where Pancasila is the nation's way of life. Has two interests, namely being expected to serve as guidance and guidance and Pancasila as the basis of the state. Pancasila as a ground norm requires the formation of positive law to achieve the ideas in Pancasila, and can be used to test positive law. The establishment of Pancasila as the basis for the formation of laws, their application and implementation cannot be separated from the values of Pancasila. The Pancasila theory of justice is a legal theory that is based on the values of Pancasila as the basis for its ontology, epistemology and even axiology. Pancasila is able to provide the values of justice as legal reform in Indonesia². If the Pancasila theory of justice is pulled together at a point of convergence, it is a synthesis of development legal theory, progressive legal theory and integrative legal theory, all of which are based on the laws that exist in society and are based on the primordial values of the Indonesian nation, namely the values of Pancasila as typical of social life and at the same time as the *volksgeist* or soul of a nation, in accordance with the opinion of M. Agus Santoso in his book *Moral Law and Justice, A Philosophical Study*, says that justice must be determined based on the public order of the local community³. The principles of Pancasila law include, among others: ⁴

The principle of divinity mandates that there must be no legal products that conflict with, reject or are hostile to religion or belief in God Almighty. The principle of humanity mandates that the law must protect citizens and uphold human dignity. The principle of unity and unity, that Indonesian law must be a law that unites national life by respecting the diversity and richness of the nation's culture. The principle of democracy, based on the relationship between law and power, power must be subject to law, not vice versa. A democratic system must be based on the values of deliberation, wisdom and wisdom. The principle of social justice, that all citizens have the same rights and obligations before the law.

- a. The principle of democracy, namely the use of Pancasila, namely the fourth principle which reads: Democracy Led by Wisdom in Deliberation/Representation in point 6 which states in good faith and a sense of responsibility to accept and implement the results of deliberation decisions and the principle of social justice, which is found in the fifth principle which is states that social justice for all Indonesian people in point 4 which means that every human being must respect the rights of others and provide opportunities for other people to achieve their rights and point 10, namely requiring joint efforts between citizens in achieving a just and prosperous society, meaning that just and civilized humanity is the basis for protecting human rights, namely humanizing humans in a civilized manner without reducing their rights, while social justice is justice in law.
- b. It is in an independent Indonesian Union that they can realize their dreams of having freedom and equality. This also includes the right to life for every citizen to have a sense of security and comfort, free from various kinds of fear, to achieve prosperity so that they will lose property or objects in whatever circumstances they live, even though disasters must be part of the rights protected by the State. This means that disaster management must reflect proportional justice for every citizen without exception.

- c. In line with this, the form of Pancasila justice in small islands is conceptually related to thoughts and meanings that support the use of state power by the government or authorities who carry out the duties and functions of the state, efforts are needed to realize responsive Indonesian law enforcement. Therefore, law enforcement officials cannot only pay attention to and refer to the text of the Constitution (UUD). Officials must be able to see and pay more attention to the local wisdom values that live and develop in the wider community. In other words, the law must serve the community itself so that the interests of the community, especially communities on small islands, are protected and realized and not used arbitrarily and intended only for the interests of the authorities and groups.

2. Pancasila Justice to Protect the Entire Indonesian Nation

Fairness is an attitude that is free from discrimination and dishonesty, thus it can be explained that a person who is fair is a person who does not side with anyone except the truth. Implementing the value of "social justice for all Indonesian people" can be instilled through community service activities carried out by village officials who do not differentiate between statuses position/rank, which is known to foster a fair attitude towards others. Ideally, a law that is certain should also be fair, and a just law should also provide certainty. This is where the two values experience an antinomic situation, because according to a certain degree, the values of certainty and justice must be able to provide certainty regarding each person's rights fairly, so that justice itself can create prosperity for all Indonesian society. For this reason, when making and implementing laws, we must really consider that the laws being made are for happiness and prosperity, not just relying on the rationale of rational-formal human behavior. Welfare is used to improve the quality of life through managing legal and social problems to meet people's living needs so that people are encouraged and can achieve a better life. Welfare can be linked to the very basic needs inherent in disaster victims as mentioned in the previous discussion regarding fair treatment for a life free from fear due to disasters, namely a sense of security, affection, achievement and acceptance. Prosperity will only be fulfilled when these needs can be met. There are various functions of welfare that are inherent in society and are especially important for people on small islands before the disaster.

Welfare functions aim to eliminate or reduce pressures caused by socio-economic changes, avoid negative social consequences resulting from development and create conditions that are able to encourage increased social welfare. The functions of Social Welfare according to Fahrudin⁵ namely as follows:⁶

1. Preventive Function: Social welfare is aimed at strengthening individuals, families and communities to avoid new social problems. In transitional societies, prevention efforts are emphasized on activities to help create new patterns in social relationships and institutions. -new social institutions.
2. Healing (Curative) Function Social welfare is aimed at eliminating conditions of physical, emotional and social disability so that people who experience these problems can function normally again in society. This function also includes the function of recovery (rehabilitation).
3. Development Function (Development) Social welfare functions to provide direct or indirect contributions to the development process or development of social order and resources in society.

4. Supporting Function (Support) This function includes activities to help achieve the goals of the sector or other areas of social welfare services.

Justice can be achieved if, first, the state upholds the principles of justice by providing equal opportunities to every citizen to obtain basic freedoms. Second, the state regulates differences in social and economic classes so as to provide benefits to the disadvantaged. The concept of justice in a legal state is based on law, so the law must be seen functionally, so that in the end the law is understood or understood as a collection of values for state and social life. These good values are then used as input in the context of administering government administration, in this case related to making policies in the field of law. Indonesia has chosen the rule of law (welfarestaat) as the form of state. This has the consequence that every action and its consequences must be based on law. The concept of the Indonesian rule of law is stated in Article 1 paragraph (3) of the 1945 Constitution, which is the third amendment to the 1945 Constitution which states that Indonesia is a rule of law. The consequence of the statement that Indonesia is a state of law is that every form of governance and state life must be based on law. Therefore, in every form of implementation of state administration, the legal aspect, in this case Pancasila as the basis of the state and the roots of Indonesian law, should be used as a guideline for the nation and state in order to create justice.

3. True Justice for All Indonesian People in Disaster Management on Small Islands.

Social justice means justice that applies in society in all areas of life, both material and spiritual. This means that justice does not only apply to the rich, but also applies to the poor, not only to officials, but to ordinary people too, in other words all Indonesian people, both within the territory of the Republic of Indonesia and for citizens. Indonesia which is in another country. Fairness is an attitude that is free from discrimination and dishonesty, thus it can be explained that a person who is fair is a person who does not side with anyone except the truth. Implementing the value of "social justice for all Indonesian people" can be instilled through community service and mutual cooperation activities carried out by local government officials who do not differentiate between position/rank statuses, which is known to foster a fair attitude towards others.

Indonesia describes the form of justice in Pancasila as the basis of the state, namely social justice for all Indonesian people. These five principles contain values which are the goals of living together. This justice is based on and inspired by the essence of human justice, namely justice in the relationship between humans and themselves, humans and other humans, humans and society, nation and state, as well as the relationship between humans and their God. Implementing the value of "social justice for all Indonesian people" in small island communities can be seen from several indicators of social justice, the first indicator is developing noble actions, which reflect the attitude and atmosphere of family and mutual cooperation. Mutual cooperation is a form of cooperation to achieve a desired goal. This is in line with the theoretical basis of Lasiyo and Mulyono (1985), regarding indicators of the value of social justice for all Indonesian people, one of which is developing noble actions, which reflect the attitudes and atmosphere of family and mutual cooperation.

Academic studies on disaster management illustrate that coastal areas and small islands are vulnerable to disasters such as tsunamis and floods. Therefore, it needs to be managed properly and taking into account its carrying capacity, in accordance

with applicable regulations for its sustainability. The role of government and society together is very important in this matter. People who actively participate can influence government policies to pay attention to their interests and needs, especially those who need support from the State, such as people on small islands who need special attention when experiencing disasters. Community participation really helps speed up and expand public access to resources and assistance services provided by the government, this helps speed up the recovery period from disasters. However, community participation is not an easy thing to do. There are various challenges and obstacles that can hinder community participation before a disaster occurs, such as lack of public awareness of the importance of participation, limited access on small islands so that information is not spread evenly and quickly, including limited human resources and other infrastructure.

Communities also play an important role in mitigating social risks and natural disasters. Community participation is needed in planning, implementing and supervising social and natural disaster risk mitigation programs. Communities can help the government identify risks that may occur in their area and provide information about ways to reduce these risks. For example, when a natural disaster occurs such as a flood or earthquake, a tsunami, the community can help themselves and their families to be ready to face it when a disaster threat situation occurs in their area, including how to carry out the evacuation process and provide first aid to victims. Apart from that, the community can also help the government in building disaster-resistant infrastructure, such as embankments or strong buildings. Thus, community participation in mitigating social risks and natural disasters can help reduce the impacts caused by disasters and speed up the recovery process.

4. The Concept of Pancasila Justice in Disaster Management on Small Islands

a. Pancasila Values in Law Number 24 of 2007 concerning Disaster Management.

Pancasila as a value consists of five values, which form a complete, inseparable unity, namely the values of divinity, humanity, unity, people's rights, and justice. These values are the ideals, hopes and dreams of the Indonesian people which will be realized in life.⁷

1) Divine Values

Appreciating divine values aims to confirm the fundamental belief that God is something whose existence is recognized by all Indonesian people. Divine values or principles can be used as a binding force for all humans and Indonesian society. The occurrence of natural disasters cannot be interpreted as God's punishment for evil human behavior. 13 The divine value in this Law is implied in Article 3 paragraph (2) letter i, namely the principle of non-proletarianism in disaster management. Based on the principle of non-proletarianism, disaster management is prohibited from spreading religion or belief during a disaster emergency, especially through providing disaster relief and emergency services.

2) Human Values

Soekarno formulated a sense of humanity as the result of spiritual and cultural growth from a lower level of nature to a higher level. Humanity is the result of evolution in the human heart.⁸ Everyone must respect and appreciate other people as fellow human beings; therefore, a fair attitude is required in treating each other without looking at ethnicity, race or other differences. Humanitarian values are firmly regulated in Article

3 paragraph (1) letter that disaster management is based on humanity. Human values are also found in the principles of disaster management, namely the principle of fast and precise (Article 3 paragraph (2) letter a), the principle of priority (Article 3 paragraph (2) letter b). The first disaster management activity that must receive priority and prioritize is the activity of saving human lives. In Article 48 letters c, d and e, the priorities for humanitarian action are rescue and evacuation, meeting basic needs and protecting vulnerable groups. These provisions are further explained in Article 52 and Article 53. Priority actions for vulnerable groups as intended in Article 48 letter e are further regulated in Article 55 paragraph (2) consisting of infants, toddlers and children; mothers who are pregnant or breastfeeding; people with disabilities; and elderly people. Human values are also contained in Article 4 letter a, namely in the objectives of disaster management, including providing protection to the community from the threat of disaster, which is also contained in Article 6 letter b and Article 8 letters a, b. Fulfilling basic needs to obtain social protection and a sense of security is one of the manifestations of humanitarian values carried out by the Government. Likewise, everyone has the right to receive education, training and skills, and obtain information about disaster management implementation policies⁹.

Human values are closely related to environmental sustainability. Everyone is obliged to protect and care for environmental sustainability. Implementation of disaster management based on Article 31 letter b must pay attention to aspects of environmental sustainability.

3) Value of Unity

Regional unity is one aspect of the value of unity. Based on Article 31 letter d, disaster management is carried out based on regional-wide aspects. The occurrence of a disaster in one area is a common concern, therefore, in determining policies, one must pay attention to the material contained in disaster management provisions which must aim at environmental sustainability for the benefit of the nation and state. Article 14 regulates the formulation of national disaster management policy concepts, monitoring and evaluation of disaster management implementation by disaster management steering elements involving relevant government officials and members of the professional community selected through due diligence by the House of Representatives (DPR). The public can actively participate in public affairs. In relation to funding based on Article 60 paragraph (2), the role of the Government and Regional Government is to encourage community participation so that they can participate in the implementation of disaster management. Community participation as a form of independence and responsibility as an individual.

4) Community Values

The populist value in Article 74 paragraph (1) relates to dispute resolution in the first stage which is pursued using the principle of deliberation and consensus. Popular values also emphasize the meaning of mutual assistance (mutual cooperation), social responsibility and solidarity. Since Indonesia was not yet a country, mutual cooperation has become part of the inherited culture.

Disaster management is basically a joint duty and responsibility of the Government and the community which is carried out in mutual cooperation. Mutual cooperation can be interpreted as an action carried out in a spirit of togetherness. One of the principles of disaster management in Article 3 paragraph (1) letter f is the principle of togetherness. The principle of coordination, integration and partnership in Article 3

paragraph (2) letters c, f and g is that disaster management is based on good coordination and mutual support, carried out by various sectors in an integrated manner based on good cooperation and mutual support in the spirit of empowerment. Popular values are manifested in public and private participation and partnership, a spirit of mutual cooperation, solidarity and generosity as stated in Article 4 letters d, e. In accordance with Article 26 paragraph (1) letters d, e, f, the community has the right to participate in planning, operating and maintaining programs for providing health service assistance. The community also has the right to participate in decision making regarding disaster management activities, especially those relating to themselves and their communities, as well as to carry out supervision according to applicable mechanisms. The role of the community, business institutions and international institutions is regulated in Articles 27, 28 and 29.

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5) Value of Justice

The value of justice is contained in Law no. 24 of 2007, especially in Article 3 paragraph (1) letter b: disaster management is based on justice. Article 6 letter c relates to guaranteeing the fulfillment of the rights of communities and refugees affected by disasters. Article 21 letter a relates to BPBD's duties in establishing guidelines and direction for disaster management efforts in a fair and equitable manner. Article 3 paragraph (2) letters d, e, h also implies the value of justice, which is related to the principle of being efficient and effective in overcoming society's difficulties. With the principles of transparency and accountability, disaster management must be carried out openly and accountably. The principle of non-discrimination clearly shows the value of justice. The value of justice is also implied in Article 32 paragraph (2), that every person has the right to appropriate compensation if their ownership rights are revoked or reduced.

The implementation of Pancasila Values in Disaster Management in Maluku Province focuses more on the Pre-Disaster stage, where the realization of human values by the Regional Government is related to the right of every person to obtain education, training and skills through efforts to increase the preparedness of village officials and the community towards disasters. The Regional Government through BPBD makes villages disaster alert, which aims to let the community know what to do both when a disaster does not occur and when a disaster occurs. The training was held with the main target being coastal villages to become disaster resilient villages. These activities are still very limited. More training programs for residents, so that if a disaster occurs, they know what to do, and can help other residents.

b. Legal Certainty for Disaster Management on Small Islands

In Indonesia, the disaster management paradigm has shifted from the emergency relief paradigm to the mitigation/preventive paradigm as well as the development

paradigm. Because every effort from prevention and mitigation to rehabilitation and reconstruction has been integrated into development programs in various sectors. In the current paradigm, Disaster Risk Reduction is an integrated plan that is cross-sectoral and cross-regional and includes social, economic and environmental aspects.

In its implementation, national disaster risk reduction activities will be adjusted to disaster risk reduction plans at regional and international levels. Where the community is the subject, object and main target of disaster risk reduction efforts and seeks to adopt and pay attention to local wisdom and traditional knowledge that exists and is developing in society. As community subjects, they are expected to be able to actively access formal and non-formal information channels, so that disaster risk reduction efforts can directly involve the community. The government is tasked with preparing adequate facilities, infrastructure and resources for implementing disaster risk reduction activities.

Pancasila was formulated by perfectly uniting the five basic principles of the state. The five principles are divinity or theism, humanity or humanism, nationhood or nationalism, democracy or democracy, and justice or socialism. In its position as the basis of the state, Pancasila is also a spiritual principle, which includes legal ideals. Thus, Pancasila becomes a source of values, rules and norms, both moral and positive law in Indonesia. The terminology "source of law" itself is interpreted as the source of a law. This includes values, rules or legal norms. Meanwhile, Pancasila is a reflection of all the values that live, grow and develop in national and state life in Indonesia. As a source of law, Pancasila constitutionally regulates the administration of the Republic of Indonesia. This includes all elements of the Indonesian state, namely, the people, territory and government. Various problems of the Indonesian nation such as threats to democracy, diversity and many more.

Pancasila is the formula and guidelines for national and state life for all Indonesian people. The five main pillars that make up Pancasila are belief in the Almighty God, just and civilized humanity, Indonesian unity, democracy led by wisdom in deliberation/representation, and social justice for all Indonesian people, and are listed in the 4th paragraph of the Preamble to the Law. Foundation 1945.

Disaster Management is based on Pancasila to strengthen the unitary State of the Republic of Indonesia, this is an interesting concept so that Pancasila is not only a philosophy and view of life of the nation, but also a tool to unify the nation. Shared duties and responsibilities as the nation's successors who inherited the fruits of the struggle of heroes and predecessors to continue to build unity in diversity for the integrity of the Unitary State of the Republic of Indonesia (NKRI). Proud to be Indonesian and to have Indonesian roots, to promote social relations for the unity and integrity of the nation with *Bhinneka Tunggal Ika*.

Bhinneka Tunggal Ika can also be interpreted to mean that even though the Indonesian nation and state consist of various ethnic groups who have various cultures and customs as well as various islands in the territory of the Indonesian state, the whole is a unity, namely the Indonesian nation and state. This diversity is not contradictory differences, but rather diversity is united in one synthesis which in turn actually enriches the nature and meaning of the unity of the Indonesian nation and state.

For the Indonesian people, the motto *Bhinneka Tunggal Ika* is the basis for realizing the unity and integrity of Indonesia. The embodiment of the motto *Bhinneka Tunggal*

Ika in everyday life is carried out by living with mutual respect between one community and another regardless of ethnicity, religion, language, customs, skin color and so on. As is known, Indonesia is an archipelagic country consisting of thousands of islands where each region has customs, language, rules, customs and so on which are different from one another without awareness of the attitude to maintain Unity in Diversity will definitely happen. Various disorders in the life of the nation and state.

In disaster management we need cooperation with many parties with the motto Bhinneka Tunggal Ika, we must throw away attitudes of selfishness or one's own region without caring about the common interest. If this happens, our country will definitely be divided. Therefore, maintaining diversity is an effort to maintain the unity of the Indonesian nation and state and disaster management remains effective

c. Justice in Disaster Mitigation in Small Island Regions with Community Empowerment Based on Local Wisdom in Maluku

Empowerment is a situation that occurs or things that are done within the community with an effort to build development that relies on the community itself. Communities in villages/sub-districts are recipients of the direct impacts of disasters, and are also actors who will respond to disasters in their surroundings. In community empowerment, it can generally be interpreted as a process that develops humans or society through developing community capabilities, changing community behavior, and organizing community.

According to Kartasasmita, empowerment can be interpreted as strength that comes from within which can be strengthened by elements from outside. In line with this, Payne said that defining empowerment is essentially aimed at helping clients gain the power to make decisions and determine the actions they take that are related to themselves, including reducing the effects of personal and social barriers in taking action. This means that a model or plan for community empowerment based on local wisdom in disaster management means placing local values as part of disaster management, which needs to be encouraged by the government by preparing resources to prepare the community to determine a participatory attitude in carrying out disaster management.

The government through BNPB has carried out a program for the community in facing natural disasters, by implementing a disaster resilient village program in villages, states or sub-districts affected by disasters. Communities in villages, countries or families are direct recipients of the impact of disasters, and are also direct actors who will respond to disasters in their surroundings. Therefore, by utilizing all the potential resources they have, village communities, countries or families can become resilient to the impacts of disasters, so that the risk of loss of life, loss of property, etc. will be minimized or even avoided. Because the community has been prepared to be ready and resilient to face any threat of disaster in their area.

Disaster Resilient Villages are villages that have the independent ability to adapt and face the threat of disasters, as well as recover immediately from the detrimental impacts of disasters (BNPB Head Regulation Number 1 of 2012). Based on this definition, it is not easy for the government and village/state communities to achieve resilience to disasters because this resilience is multi-disciplinary and multi-sectoral, especially resilience that directly affects people's lives, and this requires a special approach and continues to be used as a culture. In society.

With the Disaster Resilient Village program, the community is quite helped by this program from the government, but in its implementation there are still obstacles that come from the community itself, namely lack of community knowledge in anticipating disasters or lack of human resources, dependence on related elements or the government, control low technology, lack of cooperation between the community and the government and lack of community participation in participating in training and materials regarding disaster resilient village management provided in the program.

The community's readiness to face the threat of disaster vulnerability in its territory is largely determined by the community itself, but is also greatly influenced by elements of the state or government in carrying out all forms of disaster study and analysis efforts regarding the geological vulnerability that exists in the archipelagic region and continues to strive to convince the community to understand and We want to work together with the government to make disaster management efforts by mobilizing all available resources.

In this case, disaster management policies need to place local wisdom as a main part of disaster management policies. This is important considering that Maluku Province has the characteristics of an archipelagic region, with geographical characteristics with an ocean area wider than the land in which there are islands that form a group of islands so that they become one geographical and socio-cultural unit. Maluku as an archipelagic province has geographical characteristics with an ocean area wider than the mainland, in which there are islands that form groups of islands so that they become one geographical and socio-cultural unit, and this makes coastal communities and small islands very vulnerable to natural disasters.

So far, the Maluku Provincial Government has carried out disaster management scenarios well, by designing programs/activities related to prevention and preparedness efforts, emergency response and rehabilitation and reconstruction, all of which have started by making Maluku Province Regional Regulation Number 2 of 2019 concerning Management of Maluku Disaster, as the basis for organizing disaster management in Maluku Province. In line with that, the Provincial Government also has Maluku Province Regional Regulation Number. 16 of 2013: Concerning the Maluku Province Regional Spatial Planning Plan (RTRW) 2013 - 2033, to be a spirit in implementing sustainable development. It needs to be acknowledged that the existing regulations to support the implementation of disaster management have not been implemented in accordance with their spirit in responding to the needs of disaster management in Maluku as an archipelagic region based on large, small islands, which incidentally requires integrated planning and large costs. Due to the existing limitations, both at the government level in terms of resources and funds, a community empowerment approach is the solution to the gap in question.

Community empowerment based on local wisdom is one of the effective efforts that can be used to overcome disaster problems in coastal areas and small islands as stated in Article 1, Number 31, 32 of Law Number. 1 of 2014, defines empowerment as an effort to provide facilities, encouragement or assistance to the community and traditional fishermen so that they are able to determine the best choices in utilizing coastal and small island resources sustainably. What is meant by community is a community consisting of Customary Law Communities, Local Communities and Traditional Communities who live in coastal areas and small islands. Furthermore, Articles 33, 34, 35 explain that customary law communities are a group of people who

have lived for generations in certain geographical areas in the Unitary State of the Republic of Indonesia because of their ties to ancestral origins, strong relationships with land, territory, natural resources, having customary government institutions, and customary legal arrangements in their customary areas in accordance with the provisions of statutory regulations. Meanwhile, Traditional Communities are traditional fishing communities whose traditional rights are still recognized in carrying out fishing activities or other legal activities in certain areas within archipelagic waters in accordance with the rules of international maritime law.

In this context, empowering indigenous communities and traditional communities as the main instrument in disaster management on small islands will really help the government in creating a sense of security for the people who inhabit them. Harmony between the built environment (an environment formed by human-made initiatives) and the natural environment in indigenous and traditional communities is a cultural treasure that can be studied, including studying mitigation culture. The culture of natural disaster mitigation is based on the experience of disasters that take place continuously and are faced together, where there is local wisdom that can be encouraged to become part of disaster mitigation instruments on small islands.

In fact, the target of community empowerment based on local wisdom is how people can be aware of the potential threat of disaster vulnerability in their area, have readiness to face disasters and the ability to reduce risks, and have the resilience and strength to rebuild their lives after being affected by disasters and be more ready to take control of themselves. Themselves, and their groups in efforts to overcome future disasters.

Related to the concept of justice in disaster mitigation, there are values that must be taken into account:

1) Noble Values of Maluku Culture

Law No. 1 of 2014 concerning Coasts and Small Islands, Article 1, Number 36 explains that local wisdom is noble values that still apply in community life. The noble values referred to by I Wayan Suantika in "Mediating the Noble Values of Past Maluku Culture" are that the noble values of Maluku culture can be gleaned from the existence of cultural remains (material/tangible culture) as well as cultural concepts/ideas (non-material/intangible culture). This is so that it can become material for mediation/reflection for a more advanced and united future in Maluku.

2) The concept of belief in Almighty God

The large number of cultural remains in the form of cult buildings (Menhirs, Dolmens/stone tables, terraced terraces and others) and many types of cult statues, Ancient Mosque Buildings, Ancient Tombs (Religious Figures); Ancient church. The existence of these cult buildings provides an undeniable meaning that from ancient times to the present the people of Maluku have been a society that has a religious-magical nature, so that in their daily lives they always prioritize harmonious relationships with the natural surroundings and primarily God, the Creator of the Universe. This kind of concept can be said to be local intelligence (local genius). Thus, the concept of belief and worship of the Almighty God and respect for ancestors are noble values that are very important for today's society to know and recognize.

This understanding is very relevant to the concept of disaster management, that it is important that all values that develop in Maluku society all require a deep appreciation

of divine values to confirm the fundamental belief, that God is something whose existence is recognized by all humans. So that the values that are born and grow in a life together can be used to bind all humans and society. So based on the concept of thinking that God Almighty is the creator God, a God who is just and full of love, every disaster cannot be interpreted as God's punishment for evil or deviant human behavior.

The divine value in this law is implied in Article 3 paragraph (2) letter i, namely the principle of non-proletarianism in disaster management. Based on the principle of non-proletarianism, disaster management is prohibited from spreading religion or belief during pre-disaster or mitigation situations, during disaster emergencies, especially through providing disaster relief and emergency services. This means that the Government's presence in carrying out the disaster management mission is simply an act of authority and true awareness that humans are God's noble creation whose safety must be protected and guaranteed.

3) The concept of humanity

Human life, which began with various wars, which was based on the law of the jungle, which means that the human spirit and sense of humanity were not yet known or neglected, finally began to receive attention. Birth, life and death began to receive various special treatments known as various forms of ceremonies from birth to death. The existence of belief, which was then followed by the introduction of religion, basically strengthened and increased the sense of humanity, along with the birth of various customary and religious rules and norms. Known concepts such as: Sapa wants let him pung garang malele, (No one will allow his relatives to be insulted). There is also the expression It besa wu-it ain mehe ni ngifun, manut ain mehe ni tilur. (We are fish eggs that come from a mother fish, or chicken eggs from a mother hen) This expression reflects a sense of equality among others. Humans and is an understanding of the most essential human values.

In Article 3 paragraph (1) letter a, disaster management is based on humanity, which is a fundamental concept after belief in Almighty God. This humanitarian value then demands that disaster management activities must be prioritized and given priority to activities to save human lives. Humanitarian actions include rescue and evacuation, meeting basic needs and protecting vulnerable groups, such as babies, toddlers and children; mothers who are pregnant or breastfeeding; people with disabilities; and elderly people.

Humane values are born from history, where the Maluku people really prioritize living together, living with one blood is a cultural force that needs to be nurtured and preserved so that everyone has the same perspective on the value of life that must be recognized and maintained in facing conditions. Threat of disaster. Who wants to let him be pung garang malele, (No one will allow his relatives to be insulted) is an expression of the reality of Maluku people who always feel that their neighbors are family who must be cherished and loved?

4) The concept of unity and oneness

Making or erecting buildings that were sacred or profane in the past, such as: Menhirs, Dolmens (stone tables), Punden terraces, village walls (dwala) and others (Prehistoric Period). Mosque buildings, ancient tombs, Baileo/traditional houses (Islamic period), provide evidence of the spirit of unity and unity; the sense of togetherness, the spirit

of mutual cooperation (known as the concepts of Masohi, Pela and Gandong) is proof of the high values of togetherness. Because we believe that a construction activity requires a lot of human labor, because it must begin with searching, collecting, transporting/moving and arranging the various building materials used, such as stone, wood, roofing materials and others, which come from faraway places and in large quantities. Pretty much. This means that this work can only be carried out with a sense of unity and oneness, togetherness and a high spirit of mutual cooperation.

In the concept of territorial unity, it is one aspect of the value of unity. Based on Article 31 letter d, disaster management is carried out based on regional-wide aspects. The occurrence of a disaster in one area is a common concern, therefore, in determining policies, one must pay attention to the material contained in disaster management provisions which must aim at environmental sustainability for the benefit of the nation and state. This concept of unity invites the government and society to be involved together in disaster management regardless of ethnicity, language, religion or any other background, because all communities are aware that unity and oneness in facing disasters is a great strength. Because the strong will help the weak, and conversely the weak will rise and become strong in building life together as a cultured society.

5) The concept of defending the country or patriotism

The establishment of defensive forts on almost every island in the Maluku region, erected by colonialists from the west, provides evidence that after the Maluku people realized that colonialism was under the guise of trade, they began to fight in almost every region to defend their human rights. This high spirit of patriotism was of course less effective, because the struggle was still partially regional in nature, because it occurred in certain areas and had not been coordinated into one comprehensive resistance action. However, as a set of values in a community, these values of patriotism need attention to be nurtured, maintained and improved today, so that similar colonialism does not happen again in the future. These are some of the concepts/values that we can learn from the historical journey of human culture that has existed and settled on the Maluku islands that we love. Apart from what we can learn from the study of cultural objects in physical (tangible) form, from the order of cultural values that have prevailed from the past to the present we can also learn things that are still relevant, such as the term Siwa-Lima; Pela; Carrying; Cut in the taste nails in the meat; Let's check things out; And there are many others that are very useful and helpful.

These values of patriotism need to receive attention to be nurtured, maintained and improved today, so that the concept and spirit of defending our region from the threat of colonialism becomes the capital of our unity as the current generation to build the strength of patriotism in facing the threat of disasters that threaten our lives as human beings. Who both live on the land of kings with a high vulnerability to disasters that at any time threaten collective safety?

Siwa-Lima cultural values; Pela; Carrying; Cut in the taste nails in the meat; Let's celebrate the things that are a legacy that needs to be preserved in building unity and oneness, so that development efforts to achieve prosperity can be enjoyed together. This value will continue to stimulate enthusiasm and a sense of caring for and protecting each other in all things, including the threat of disaster as an archipelago.

6) The concept of environmental wisdom

Belief in the existence of supernatural powers and the eternal life of spirits or ancestral spirits, as well as human interactions with their environment, if we look closely, turns out to have various ideas related to environmental sustainability, which can be said to be wisdom from past people who once inhabited the Maluku islands. The belief that there is a powerful force beyond human ability and the belief that the spirits of our ancestors are all around us, occupying the tops of hills or mountains or in large trees. These various concepts of belief cause people to always maintain harmony with their environment, such as: Not cutting down trees carelessly; Not exploiting forests; Humans try to maintain the surrounding environment; There is no desire to dominate and defeat the environment. That is why the environment is well maintained.

From the 5 (five) noble values of Maluku culture above, we can say that the history of human culture that has lived and developed in the Maluku region, has a very dynamic community character and has socialized widely, and has a local character. So that it can adapt to foreign cultures that come, but never loses its distinctive character. Due to the vulnerability of communities on small islands to disasters due to limited policy programs/activities and funds in facilitating disaster mitigation infrastructure, optimizing the empowerment of noble cultural values is an interesting concept to use. Including local or traditional wisdom not only concerns people's knowledge and understanding of humans and building relationships between residents of ecological communities, but also helps humans in carrying out or acting when managing the environment and natural resources.¹⁰.

Disaster management is basically the concept of disaster management. In Law no. 24 of 2007, disaster management is a series of efforts that include establishing development policies that are at risk of disasters, disaster prevention activities, emergency response and rehabilitation. With the aim of disaster management in BNPB Regulation NO.1 of 2012 concerning disaster resilient villages including:

- a. Providing protection to the community from the threat of disaster
- b. Ensure the implementation of disaster management in a planned, integrated, coordinated, comprehensive and sustainable manner
- c. Protect cultural heritage and the entire natural environment and its biodiversity
- d. Reducing vulnerability and increasing community capacity in facing disasters
- e. Building public and private participation and partnerships
- f. Encourage the spirit of mutual cooperation, solidarity and generosity
- g. Creating peace in social life and preventing the emergence of social disasters and non-natural disasters and minimizing the impact of natural disasters, non-natural disasters and social disasters.

The government's efforts to strengthen structural mitigation and other infrastructure development are still being pursued in stages, but the government's efforts to equip the community with the concept of non-structural mitigation are the main priority, because the main objective in disaster management according to Law Number 24 of 2007, Concerning Disaster Management , article 4 points a, f, g ; is providing protection to the community from the threat of disaster is the main aspect, as well as encouraging the spirit of mutual cooperation, solidarity and generosity; in creating

peace in the life of society, nation and state. This means that the community must be empowered to prepare themselves and their groups to face threats and disaster vulnerabilities in their region while still prioritizing the noble cultural values that have been inherited.

Regarding the development of disaster mitigation, this needs to be studied and observed seriously. In the definition of mitigation in Article 1 number 9 of the Disaster Management Law, it is stated that what is meant by mitigation is a series of efforts to reduce disaster risks, both through physical development and awareness and increasing the ability to face disaster threats. In Article 44 of the Disaster Management Law, it is stated that disaster mitigation activities themselves are part of implementing disaster management in situations where there is the potential for a disaster to occur. Furthermore, Article 47 of the Disaster Management Law states that mitigation is carried out to reduce the risk of disaster for communities in disaster-prone areas.

The concept of non-structural mitigation in island areas with an approach to community empowerment with local wisdom. Not only must the environment be improved but also public knowledge of the threat of disasters must be increased. This can be done by socializing and increasing public awareness regarding natural disasters and the environmental damage they cause, developing information on disasters and the damage they cause including developing databases and disaster risk maps, exploring various local wisdom in disaster mitigation.¹¹

Disaster mitigation is related to disaster education. So far, disaster education is mostly carried out by communities which often do not use scientific and technological bases. For this reason, the government can make plans with a combination of direction from above and explore community participation while maintaining local wisdom values. So that the community can get

- 1). Education to the community about the dangers in their area,
- 2). Increased awareness and preparedness for danger,
- 3). Recognize the characteristics and signs of danger,
- 4). Increasing knowledge of local communities about signs of ways to save themselves from danger,
- 5). Development of an Early Warning System (Early Warning System).

The government's concern, involving academics and disaster observers is highly expected to help the community in mitigating disasters.

An example of local wisdom in Indonesia is the way the people of Simeulue Island provide information about the tsunami called "smong" in the area through folklore. Folklore that has been taught from generation to generation is enough to educate the community to carry out mitigation when a tsunami disaster strikes the island. From the results of research conducted by McAdoo et al in 2006, only 7 people were victims of the tsunami. The story passed down from generation to generation contains the signs of a tsunami, so that people can prevent loss of life by climbing to higher ground. Apart from examples of tsunami mitigation in the Simeulue Island community, coastal communities in Pariaman, Padang, use myths as a mitigation effort regarding the emergence of a natural disaster.

The community's delivery of mitigation has a different storyline, but there is the same meaning in each delivery. The stories told by ancestors from each region have the meaning that before a disaster occurs, there must be signs that can be felt by the human senses. The moral message contained in these stories is good cooperation between humans and each other. There is no mutual suspicion or mutual disdain.

With the frequent occurrence of natural disasters in Indonesia, disaster risk management is needed to handle disaster relief better and more systematically. The problem that arises is that there are still many Indonesian citizens who do not know and understand what a disaster is, how to anticipate and overcome disasters, so that the risks posed by the disaster are minimal, and who is responsible for the disaster.

Natural disasters that occur in many parts of the world will cause a lot of damage, destruction and loss of life, so the struggle to provide assistance from volunteers, the community and the government never stops, one after another it happens everywhere. The emergency situation was very serious, not only saving the lives of the victims, but also risking the lives of the volunteers. The tense atmosphere in the disaster area is an area of struggle for both volunteers and victims to fight to survive or die.

1. Risk Management

Risk management is needed where disaster management is an applied (applicative) science that seeks, by carrying out systematic observations and analysis of disasters to improve measures related to prevention, mitigation, preparation and emergency response. And recovery. Management in disaster relief is an important matter for top management which includes planning, organizing, directing, coordinating and controlling.

The aim is to reduce or avoid physical, economic or mental losses experienced by individuals or communities and the State, reduce the suffering of disaster victims, speed up recovery, provide protection to refugees or people who have lost their place when their lives are threatened. Disaster Risk Management is all activities that include aspects of disaster planning and management, before, during and after a disaster occurs, known as the Disaster Risk Management cycle which aims to prevent loss of life, reduce human suffering, provide information to the community and also to other parties. Authorities regarding risks, reducing damage to major infrastructure, property and loss of other economic resources.

Key Responses at each stage Understanding each stage in disaster risk management is very important. The effectiveness of disaster risk management is not only activities when handling disaster relief, but includes all activities as in the 4 (four) phase disaster risk management model as follows:

- a. The government's preparedness stage needs to emphasize the safety of people's lives in disaster areas. Integrated and comprehensive disaster risk management practices are absolutely necessary. On the other hand, understanding disasters in society is an important part of this phase. In this case, the community needs to understand their response and actions in the disaster event.
- b. The mitigation stage of disaster risk management where emergency activities focus on reducing the negative consequences of disasters. Key responses during the mitigation period include decisions about economic development, land use policies, infrastructure planning such as roads and public facilities and identifying resource discoveries to support investment.

- c. The response stage really requires good coordination from various parties. Coordination enables the provision of assistance to communities affected by disasters to be provided quickly, precisely and effectively.
- d. The recovery phase is the activity phase for assessing and rehabilitating the destruction caused by the disaster. In this phase the emphasis is on the aid distribution process. This process includes determining and monitoring assistance to communities affected by disasters.

2. Role of Various Parties

The success of disaster risk management cannot be separated from the role of various parties such as volunteers, the community, non-governmental organizations (NGOs) or non-governmental organizations (NGOs), the government and even the international community. Collaboration between various parties will speed up overcoming various disaster problems and minimize the impact of risks caused by disasters quickly and effectively, both in the short term and long term in areas affected by the disaster.

3. Implementation Program

The disaster resilient village program is a program aimed at people who live in disaster-prone areas and have a high potential threat of disaster. Disaster resilient village program based on BNPB regulation no. 1 of 2012 aims to ensure that communities have the ability to analyze disaster threats and vulnerabilities in their area as well as their potential so that communities are able to be independent and adapt to their environment. Disaster management is an applied or applied science that seeks and systematically observes and analyzes disasters to improve prevention, mitigation and recovery actions.

The planning process for the BPBD disaster resilient village program is carried out through Musrembangdes activities which are carried out in the regional government. Planning is carried out in stages of finding areas that have a high potential for disaster. The results of the village development meetings carried out by the Provincial BPBD, Regency/City BPBD and NGOs as well as regional governments are followed up by carrying out advocacy to the regional government by the Regency/City BPBD. The planning process is then carried out by the regional government by providing information to sub-districts about disaster resilient village programs at the village/state and sub-district levels.

The planning process above is in accordance with the contents of Perka BNPB No. 1 of 2012 concerning disaster resilient villages, that the planning and budgeting mechanisms for Disaster Resilient Villages are discussed through the Village Development Planning Deliberation forum. The implementation of the disaster resilient village program is divided into several activities, namely coordination meetings and rehearsal activities. In the coordination meeting activities, the implementation stages carried out by participants include, introduction of the disaster resilient village program and disaster management carried out by the district/city BPBD, discussion of disaster vulnerability, disaster threats and the capacity of sub-districts, villages/states, discussion and creation of maps of vulnerabilities, threats and capacity, discussions on preparing disaster management plans and community action plans, developing communication systems and finally preparing contingency plans and evacuation plans.

4. Disaster Management System on Small Islands

In this writing, we will focus more on providing a contingency budget for preparedness activities at the pre-disaster stage. This is important because for archipelago areas based on small islands, the risk of damage and loss due to disasters will certainly be greater compared to the pre-disaster contingency budget. We can see whether the floods and landslides in 2012, 2013, 2016, the 2019 earthquake in Ambon, have all the post-disaster infrastructure development needs and post-disaster economic recovery of the community been resolved? I don't think so, because there are many recommendations from the results of mapping carried out by the Geotechnology Research Center of the Indonesian Institute of Sciences (abbreviated LIPI - which is now the National Research and Innovation Agency - hereinafter abbreviated BRIN) which was brought in by the Ambon City Government to identify Ambon City after the 2012 disaster. , 2013 which recommended that some areas in Batu Gajah, Sirimau subdistrict, Ambon City be in the red zone with a very high level of risk of landslides or ground movement which currently still requires government intervention, namely:

- a. It is necessary to install an automatic rainfall early warning device equipped with an alarm system, where if daily rainfall continuously reaches 100 mm, an alarm is set to sound as a sign that residents must be alert.
- b. The area around the ground movement should be made with retaining walls and more subdrain holes/water drainage holes.
- c. The slopes were made into terraces, because the existing slopes were too steep and high
- d. The arrangement of surface water is improved so that it does not flow through the cliffs cutting slopes in housing. Watertight channels must be created for surface water to flow. If there are cracks in the soil on the slope, they must be immediately covered and compacted.¹²

This problem is further emphasized by the identification of mandatory non-basic service government affairs related to environmental matters which have been stipulated in the Ambon Mayor's Regulation Number 16 of 2022 concerning the Regional Development Plan (RPD) of Ambon City for 2023-2026 (hereinafter abbreviated to Perwali Ambon Number 16 of 2022), that is;

- a. Increase in the amount of land used for residential development in 2021, amounting to 4,965.45 hectares or 13.81% of the total area of Ambon City (compare with Public Open Space).
- b. There are no zones that act as protected and cultivation areas in developing river borders as well as selecting vegetation in the form of perennial plants that have ecological, economic and aesthetic functions.
- c. There is not yet optimal greening in raw water source/spring areas to increase the ecological value of the city area,
- d. There is still no green belt created in the outer radius of raw water sources/springs.
- e. Implementation of PUPR Ministerial Regulation Number 02 of 2015 concerning Green Buildings has not yet been implemented properly.

- f. There are still widespread illegal settlements in mountainous areas. The proportion of Green Open Space (RTH) for the Public of 20% or 7,189 ha has not been met, according to existing conditions of only 1,189.1 ha in the city of Ambon.
- g. There is still a lack of facilities for green open space maintenance activities.

The data above shows that the implementation of RTRW enforcement in Ambon City is still very weak, even though Ambon City has had an RTRW document for 20 years, namely 2011-2032 (currently being revised) which needs to be implemented jointly between the government, private sector and society, and this negligence has an impact on environmental damage. Not to mention the problem of flooding on the coast because the sea level is higher than the shoreline or land on the coast, which is known as tidal flooding.¹³

The same situation is also depicted in the Aru Islands RPJMD document mapping eight potential disasters that threaten this region, namely: floods, extreme weather, extreme waves, earthquakes, forest and land fires, drought, landslides and tsunamis, where the level of disaster risk depends on the level of regional threat, the level of vulnerability of the threatened area and the level of capacity to handle the threatened area. This potential threat of disaster is the result of expert studies and analysis, so there are many potential disasters that could occur in Aru and threaten the safety of its people.

Considering that the sea area in Aru Islands Regency is wider than the land area, this means that coastal and marine resources have very important potential, because coastal and marine areas provide various natural resources, both biological and non-biological, which have high economic and ecological value. Coastal areas have high economic value, but their sustainability is threatened. Including the threat to communities living on small islands (sub-districts and/or villages) which are separated from the main island, as a result of limited access as well as advice and supporting facilities for disaster mitigation, again the budget is an important constraint in disaster mitigation efforts.

West Seram Regency (SBB), if we analyze the Regional Development Document (RPD), there are so many environmental problems that need serious handling, which arise in the Regional Development Program related to spatial planning matters, including the issue of disaster threats, namely:

- 1) There is no integration spatial planning with regional development plans;
- 2) Lack of coordination between regional agencies in implementing spatial planning;
- 3) Land use conversion problems;
- 4) There is still a lack of human resource capacity in the field of spatial planning;
- 5) There is no regional policy regarding structure and spatial planning.

Environmental Management Problems include:

- 1) Environmental quality monitoring has not been carried out every year;
- 2) Various studies of climate change and its impact on development have not been carried out in the regions;
- 3) Lack of public awareness in environmental management, especially waste management, needs to be improved;

- 4) Compliance with the implementation of environmental documents (AMDAL/UKL/UPL) by business actors, so that understanding needs to be provided to all proponents;
- 5) Handling the impact of pollution and environmental damage has not been maximized, including;
- 6) Damage to the watershed area.

Poor spatial planning enforcement opens up potential problems that could potentially be disastrous from upstream to downstream.¹⁴ From the facts about the need for disaster prevention and preparedness in three cities and regencies in Maluku, it is clear that the provisions regarding budget allocation in the Disaster Management Law still cannot be implemented effectively because there are obstacles such as dependence on the policies of the regional government as the responsible party. responsible for allocating disaster management funds in the APBD in accordance with Article 8 letter d of the Disaster Management Law. Allocation of funds depends on local government policies and commitment. That it is necessary to regulate in the Disaster Management Law regarding the minimum limit for allocation of funds for disaster management in the APBD and the amount needs to be regulated, especially for areas with a high level of disaster potential. Including the Central Revenue and Expenditure Budget for disaster management, for areas that have high natural disaster vulnerability such as the island areas in Maluku.

Another factor regarding the allocation of funds related to disaster management has so far only focused on the emergency response stage and there has been minimal allocation of funds at the pre-disaster stage. The allocation of funds in disaster management should not only be focused on the emergency response stage, but local governments should also allocate funds related to disaster risk reduction. Furthermore, the phrase "adequate" in Article 6 letter e can contain multiple interpretations. The parameters of "adequate" in this article are unclear and cannot be measured with certainty. The provisions of the phrase "adequate" in article 6 letter e do not have clear parameters and can contain many meanings (multiple interpretations). Determining the amount of budget allocation in the Disaster Management Law has advantages and disadvantages, and this has an impact on disaster management efforts in small island-based island areas with many disaster problems and challenges that need to be addressed.

In the situation discussed above regarding institutions, planning and budgeting, the concept of social justice which is the philosophy of the Indonesian nation has not yet been thoroughly implemented in national and state life through government and development policies. This can be seen from the difficulties of people living on certain islands (small islands) who still find it difficult to access government services properly due to the development of government service facilities and infrastructure, the low quality of human resources in various contexts of social relations, such as in the field of education. Health, including the field of disaster. In fact, constitutionally there are several provisions which form the constitutional basis for enforcing government policies by looking at the aspect of the existence of regions characterized by islands as in article 18A paragraph (1), article 18B paragraph (1), and article 25A of the Constitution of the Republic of Indonesia (UUD NRI) 1945.

On the other hand, the emergence of conflicts between institutions related to the management of marine coastal areas and small islands is caused by overlapping legal

regulations. This is because the interests of each institution are based on the legal basis issued by the government, whether in the form of Laws, Government Regulations, Presidential Regulations, or Regional Regulations. In other words, environmental damage in WP-3-K is caused by unclear authority between relevant institutions in this area, so that with the legal basis provided, each institution feels authorized to grant utilization permits.¹⁵ Sutton & Tierney Concepts¹⁶ explains that activities generally associated with preparedness are:

- 1) Develop a planning process to ensure disaster preparedness;
- 2) Formulation of plans to deal with disasters;
- 3) Prepare the resources needed for an effective response, and;
- 4) Develop skills and competencies in ensuring the effective performance of disaster-related tasks.

John Rawls's theory of justice requires equality in treatment in disaster management, while procedural justice requires protection carried out by the government by involving various elements with just principles. Namely in Pancasila, which is justice that must be rooted in principles rooted in the local traditions of society, especially the Maluku people. Thus, for the author the concept that should be a big note in disaster management is to focus more on the pre-disaster stages. If Sutton & Tierney with the stages, namely: 4 (four) Basic Disaster Theories (The Four Fundamental Theories of Disasters) by Kenneth J. Costine, in the view of an individual caught up in a disaster, perception influences action. To the person caught up in a disaster some of the following reactions would be seen influencing action and/or inaction. (In the view of someone who is in a disaster, perception will influence action). For people caught in a disaster, there are several actions that will be visible:

1. Acts of God: Do nothing (God's Will: Do nothing)
2. Acts of Nature: Use technology to control nature with, engineering, and money or do nothing. (Nature in Action: Use technology to control nature with, engineering, and money or do nothing)
3. Disaster as Joint effects of nature and society: Develop society to adjust through careful zoning, awareness of flood plains, seismic areas, wildfire zones, and other land use management, etc. (Disasters as a combined impact of nature and society: Developing communities to make adjustments through careful zoning, awareness of flood plains, seismic areas, forest fire zones, and other land use management, etc.)
4. Social Constructions: Look at the basic reasons and causes of injustice and human vulnerability to dangers in society. (Social Construction: looking at the basic reasons and causes of injustice and human vulnerability to danger in society).

From the disaster theory above and the study of this research on justice put forward by Rawls, Aristotle and Pancasila justice by Tobias at the level of implementation on small islands, then in disaster management there is a framework of thought that the author concludes in several concepts by developing Kenneth's theory. J. Costine.

Where there are 2 concepts from the theory which are benchmarks in the implementation of disaster management on small islands, namely 3 new concepts regarding disaster management 3 (three) disaster concepts:

1. Disaster as Joint effects of nature and society: Develop society to adjust through careful zoning, awareness of flood plains, seismic areas, wildfire zones, and other land use management, etc. (Disasters as a combined impact of nature and society: Developing communities to make adjustments through careful zoning, awareness of flood plains, seismic areas, forest fire zones, and other land use management, etc.)
2. Social Constructions: Look at the basic reasons and causes of injustice and human vulnerability to dangers in society. (Social Construction: basic reasons and causes of injustice and human vulnerability to danger in society).
3. Fair Equality and Freedom (Just equality and freedom: where Pancasila is the basis for implementing equality and freedom in disaster management)

From the 3 concepts above, it can be explained that Pancasila justice is to protect the entire Indonesian nation in managing disasters on small islands with a concept that focuses on justice for disaster management as well as for people on small islands, namely Pancasila justice.

Justice which focuses on seeing and understanding disasters as a combined impact of natural events and also community factors so that in overcoming them must make people aware of making adjustments, apart from that the government can implement good policies through careful zoning, as well as public awareness programs about the dangers of natural disasters such as floods, seismic areas, forest fire zones, and other land use management.

Apart from that, it is important that there is social construction so that we can see the basic reasons and causes of injustice and human vulnerability to danger in society. Another factor that must be considered is equality and freedom in disaster management by placing the principle of justice for all Indonesian people by providing the widest possible access for the community to obtain information, learn technology in the context of disaster management by utilizing local wisdom as part of the early warning process and stages. Pre-disaster, especially in Maluku province as part of the Coastal region and small islands.

Pancasila values come from Indonesian culture and society, and are not imported or foreign ideologies. The value contained in it is a basic value that needs to be broken down into instrumental value. Notonagoro believes that Pancasila values are classified as spiritual values, which recognize the existence of material values and vital values.

Within these spiritual values, other values are also contained in a complete and harmonious manner, which include material values, goodness or morals, truth, vitality, beauty or aesthetics, as well as hierarchically systematic holiness, starting from the precepts of Belief in One Almighty God as the 'foundation'. 'up to the principle of social justice for all Indonesian people as a 'goal'.

In developing the national legal system, the Pancasila legal ideal has three values, namely basic values, instrumental values, and practical values, which are actualized into legal norms. Pancasila values as a guiding star to test and provide direction to Indonesia's positive law.

Foot Notes

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