



This tear gas shot caused the audience, especially in the stands, to feel pain and try to leave the arena. Thousands of panicked supporters ended up rushing to the exit and crowding each other in the area. It turned out that there were problems at Doors 3, 10, 11, 12 and 14. It should have been 5 minutes before the end of the match the door had to be opened, but at that time the door was opened but not fully opened, so the door was only about 1.5 meters wide. The audience was crammed through the narrow door. As a result, many victims have suffered fractures, severe trauma, and died experiencing asphyxia (lack of oxygen). Based on the latest data, the death toll from this tragedy was 135 people.

Among the victims who died, there were Muhammad Yulianton (40 years) and Devi Ratna Sari (30 years). These two people turned out to be a married couple who left behind an 11-year-old child named Muhammad Alfiansah. Muhammad Alfiansah managed to survive the crowd of spectators who were jostling to get to the exit. The latest news states that Muhammad Alfiansah is currently living with his uncle, Doni (43 years old). Judging from Law No. 24 of 2007 concerning disaster management, there is a provision that what is meant by social disaster is a disaster caused by an event or series of events caused by humans which includes social conflict between groups or between communities, and terror. When viewed from the case, the Kanjuruhan tragedy is a social disaster. Judging from article 26 paragraph 2, it is stated that every person affected by a disaster has the right to get assistance to fulfill basic needs. In the Kanjuruhan tragedy, Muhammad Alfiansah (11 years old) survived but lost both of his parents (Muhammad Yulianton, 40 years old, and Devi Ratna Sari 30 years old). Thus, Muhammad Alfiansah is entitled to assistance in meeting basic needs. Especially considering that he is still not productive, he automatically needs protection from his closest family and the fulfillment of basic needs from the government.

Judging from PP no 7 of 2018 chapter II article 2, there is a provision that victims of gross human rights violations are entitled to compensation from the central government and local governments. It is also stated that the victim (or their family, or their proxies) must submit an application to obtain such compensation (Sutrisno, 2020). The application must be submitted in writing in Indonesian on paper stamped to the court through the LPSK (Witness and Victim Protection Agency) (M. A, 2021). Compensation applications can be submitted at the time of an investigation into gross human rights violations or before the prosecution has read out the demands. Article 4 states that the application for compensation as referred to in article 3 contains at least: the identity of the applicant, description of incidents of serious human rights violations, identity of perpetrators of gross human rights violations, a description of the actual loss suffered; and form of compensation requested (Agiyanto, 2018).

Article 5 also states that LPSK checks the completeness of the application for compensation as referred to in Article 4 within a maximum period of 7 (seven) days from the date the application for compensation is received. In the event that there is an incomplete application as referred to in paragraph (1), LPSK shall notify the applicant in writing to complete the application.

In the event that the application as referred to in Article 5 is declared complete, the LPSK shall immediately conduct a substantive examination. In Article 7, it is also stated that for the purposes of examining the application for compensation as referred to in Article 6, LPSK may request information from the victim, his family, or his proxies and other related parties (Mono, 2019).

LPSK submits the application for compensation along with its decisions and considerations as referred to in Article 9 to the Attorney General. The application for compensation as referred to in paragraph (1) is examined together with the subject matter of the case of serious human rights violations. A copy of the cover letter for submitting the application as referred to in paragraph (1) shall be submitted to the victim, family, or their proxies and to the relevant government agency. The Attorney General shall include the application for compensation along with the decisions and considerations of the LPSK as referred to in Article 10 paragraph (1) in his claim. Human rights courts in examining applications for compensation may request information from victims, their families, their proxies, LPSK, the National Human Rights Commission, or other related parties.

The human rights court will examine and decide on the application for compensation in accordance with the provisions of the legislation. After that, the Attorney General implements the decision of the human rights court which contains the provision of compensation by submitting a copy of the court's decision to LPSK no later than 7 (seven) days as of the receipt of the copy of the court's decision. Submission of a copy of the court's decision as referred to in paragraph (2) is carried out by making an official report of the submission of a copy of the court's decision to LPSK to carry out the provision of compensation. However, in reality, until now Muhammad Alfiansah has not received compensation from the central government and local governments. This fact proves that there is a gap between the applicable laws and the events in the field. Assistance that has been received in the form of deposits as scholarships for Muhammad Alfiansah until graduating from high school (High School). This scholarship is given by the Malang Police Chief. Therefore, the author tries to find and analyze the reasons why Muhammad Alfiansah has not received

compensation from the central government and local governments. The author hopes that the central government and local governments will soon be able to realize the compensation so that Muhammad Alfiansah can continue his life better, both physically and mentally.

## **2. Literature Review**

To conduct a study of Law No. 24 of 2007 concerning disaster management and Government Regulation No. 7 of 2018 concerning the provision of compensation, restitution, assistance to witnesses and victims related to disasters, the author examined and analyzed directly the two laws. Specifically for Law No. 24 of 2007 concerning disaster management, the author looks for the background of the formation of this policy and what legal problems arise after this policy was formed. The background of the formation of Law No. 24 of 2007 concerning disaster management is the fact that our country (Indonesia) is a vulnerable country that often have many natural and social disasters. Based on data from the National Disaster Management Agency (BNPB), disasters that occurred up to 2015 included floods (31.3%), tornadoes (19.4%), landslides (16.3%), fires (13.2%), and drought (8.9%). These natural and social disasters are influenced by geographical, geological, hydrological, demographic and pluralistic factors of this nation that allow disasters to occur. For natural disasters, it is strongly influenced by the geographical condition of Indonesia, which is located at the confluence of the world's major plates, namely, the Eurasian Plate, the India-Australia Plate, and the Pacific Plate; as well as reality that Indonesia is located in the ring of fire. Social disasters are more influenced by behavior patterns of individuals and groups of people who lack awareness of the importance of tolerance between others and the importance of regulations that apply under certain conditions.

In the Kanjuruhan tragedy, a social disaster occurred when 1 spectator took to the field with the intention of giving support to the players. This action is clearly against FIFA regulations which state that spectators are not entitled to enter the field. This act of entering the field was eventually followed by other spectators, with various intentions and interests. Finally the security unit took decisive action by evacuating and finally spraying tear gas. Thousands of panicked supporters ended up rushing to the exit and crowding each other in the area. This condition triggered the death because there were hundreds of supporters who were trampled and out of breath while scrambling to get out at the exit.

The legal problem that occurred after the formation of Law No. 24 of 2007 was that disaster regulations were still scattered in several laws and regulations, so that harmonization was needed after Law No. 24 of 2007 was implemented. The realization of disaster management (including compensation for disaster victims) is also often ineffective and not well targeted due to conflict of authority and lack of coordination between institutions responsible for the occurrence of disasters, as well as the lack of socialization regarding procedures for applying for compensation to disaster-related victims. Victims often do not know the procedure for applying for compensation to the central and local governments. Without the compensation request letter, the central government and local governments will clearly not provide compensation.

Law No. 24 of 2007 concerning Disaster Management (Law No. 24 of 2007) is the main source of law for the implementation of disaster management. This law was then followed up with implementing regulations, including Government Regulation No. 21 of 2008 on the Implementation of Disaster Management (PP No. 21 of 2008), Government Regulation No. 22 of 2008 concerning Funding and Management of Disaster Assistance (PP No. 22 of 2008), and PP no 7 of 2018 concerning the provision of compensation, restitution, assistance to witnesses and victims related to disasters. In this article, the author limits the study only to Law Number 24 of 2007 concerning Disaster Management and PP no 7 of 2018 concerning the provision of compensation, restitution, assistance to witnesses and victims related to disasters

## **3. Methods**

The study in this paper is intended to find out how the implementation of Law No. 24 of 2007 concerning disaster management and Government Regulation No. 7 of 2018 concerning the provision of compensation, restitution, assistance to witnesses and victims related to disasters, especially regarding receiving compensation from the central government and local governments to Muhammad. Alfiansah. From this study, it is hoped that it can increase knowledge about applicable legal policies in disaster management and become input for the House of Representatives in implementing function of legislation and supervision of the implementation of laws relating to disaster management.

To achieve the purpose of this paper, the author uses an empirical normative method that discusses legal policies for disaster management, in this case Law No. 24 of 2007 concerning disaster management and Government Regulation No. 7 of 2018 concerning the provision of compensation, restitution, assistance to witnesses and victims related to disasters. The author conducts an analysis of the legislation and the implementation of these regulations in the field (Nonet, 2001). This paper is descriptive in nature, using data obtained from the House of Justice (RK). The House of Justice (RK) is a legal entity in the form of an association engaged in legal services and assistance, both litigation and non-litigation. In Malang, this legal entity is located on Jl Kembang Kertas IV kav 09. The House of Justice (RK) provides legal services and consultations for local communities in need.

The data obtained from the House of Justice (RK) is qualitative. The data are arranged systematically and analyzed qualitatively as well. The following is data on the victims who died in the Kanjuruhan tragedy on October 1, 2022. We collect this data from the House of Justice (RK= Rumah Keadilan) after collect this data, we emphasize our analysis to the victims that died at Teja Husada Hospital, named Muhammad Yulianton and Devi Ratna Sari. They was husband and wife that left a child named Muhammad Alfiansah (11 years old). Victim data from Wawa Husada Hospital are 53 victims, from Hasta Brata Batu Maternity Hospital are 2 victims, from Kanjuruhan Regional Public Hospital are 21 victims, from Saiful Anwar Regional Public Hospital are 20 victims, from Teja Husada Kepanjen Hospital 13 victims, from Ben Mari Pakisaji Hospital is 1 victim, from Hasta Husada Hospital are 3 victims, from Gondang Legi Islamic Hospital are 4 victims, from Salsabila Hospital is 1 victim, from Soepraon Army Hospital is 1 victim and directly taken home by family are 12 victims.

From the data on the death toll above, it appears that the names of Muhammad Yulianton (40 years old) and Devi Ratna Sari are on the list of patients at the Teja Husada Kepanjen Hospital. These two people turned out to be a married couple who have a child named Muhammad Alfiansah (11 years old). Muhammad Alfiansah survived the Kanjuruhan tragedy and is currently living with his uncle, Doni (43 years old).

#### **4. Results and Discussion**

Judging from Law No. 24 of 2007 concerning disaster management, there is a provision that what is meant by social disaster is a disaster caused by an event or series of events caused by humans which includes social conflict between groups or between communities, and terror. When viewed from the case, the Kanjuruhan tragedy is a social disaster. The Arema team's defeat made the audience unable to accept reality and then began to enter the field area. This alerted the security personnel and began to evacuate. However, the number of spectators who entered the field area increased so that security officers were forced to spray tear gas towards the stands. The spraying is actually aimed at preventing the stands spectators from entering the field area. What happened was that the spectators in the stands were jostling towards the exit. While the exit itself is only partially opened. As a result, there are victims in the crowd of spectators.

Judging from article 26 paragraph 2, it is stated that every person affected by a disaster has the right to get assistance to fulfill basic needs. In the Kanjuruhan tragedy, Muhammad Alfiansah (11 years old) managed to survive but lost both of his parents (Muhammad Yulianton, 40 years old, and Devi Ratna Sari 30 years old). Thus, Muhammad Alfiansah is entitled to assistance in meeting basic needs. Especially considering that he is still not productive, he automatically needs the protection of his closest family and the fulfillment of basic needs from the government. Fulfillment of basic needs includes assistance in providing; the need for clean water and sanitation, food, clothing, health services, psychosocial services and shelter.

Article 60 also states that disaster management funds are a shared responsibility between the central government and local governments. Article 69 stipulates that the central government and regional governments shall provide compensation for bereavement and disability for disaster victims. The central government and local governments should ideally coordinate the provision of compensation so that the aid actually reaches the recipient, namely Muhammad Alfiansah. Without government assistance, it is difficult for Muhammad Alfiansah to continue living in a decent standard both physically and psychologically. Losing a parent at the age of 11 is certainly a challenge for Muhammad Alfiansah and his closest family.

Until this manuscript was written, Muhammad Alfiansah only received basic needs from his closest family, Doni (43 years old). There has been no other assistance from the central government or from local governments. The assistance that came down was from the Malang Police Chief in the form of scholarships until the person concerned graduated from high school (High School). Muhammad Alfiansah actually needs psychosocial services, considering his condition as an orphan at the age of 11 years. Psychosocial assistance should ideally be provided by a psychologist/psychiatrist according to the conditions concerned. Without

psychosocial assistance, it is feared that Muhammad Alfiansah's mental development will not be optimal. This will certainly affect the quality of life concerned in the future.

Judging from PP no 7 of 2018 chapter II article 2, there is a provision that victims of gross human rights violations are entitled to compensation from the central government and local governments. It is also stated that the victim (or their family, or their proxies) must submit an application to obtain such compensation. The application must be submitted in writing in Indonesian on paper stamped to the court through the LPSK (Witness and Victim Protection Agency). Compensation applications can be submitted at the time of an investigation into gross human rights violations or before the prosecution has read out the demands. Article 4 states that the application for compensation as referred to in article 3 contains at least: the identity of the applicant, description of incidents of serious human rights violations, identity of perpetrators of gross human rights violations, a description of the actual loss suffered and form of compensation requested.

Article 5 also states that LPSK checks the completeness of the application for compensation as referred to in Article 4 within a maximum period of 7 (seven) days from the date the application for compensation is received. In the event that there is an incomplete application as referred to in paragraph (1), LPSK shall notify the applicant in writing to complete the application.

In the event that the application as referred to in Article 5 is declared complete, the LPSK shall immediately conduct a substantive examination. In Article 7, it is also stated that for the purposes of examining the application for compensation as referred to in Article 6, LPSK may request information from the victim, his family, or his proxies and other related parties.

LPSK submits the application for compensation along with its decisions and considerations as referred to in Article 9 to the Attorney General. The application for compensation as referred to in paragraph (1) is examined together with the subject matter of the case of serious human rights violations. A copy of the cover letter for submitting the application as referred to in paragraph (1) shall be submitted to the victim, family, or their proxies and to the relevant government agency. The Attorney General shall include the application for compensation along with the decisions and considerations of the LPSK as referred to in Article 10 paragraph (1) in his claim. Human rights courts in examining applications for compensation may request information from victims, their families, their proxies, LPSK, the National Human Rights Commission, or other related parties.

The human rights court will examine and decide on the application for compensation in accordance with the provisions of the legislation. After that, the Attorney General implements the decision of the human rights court which contains the provision of compensation by submitting a copy of the court's decision to LPSK no later than 7 (seven) days as of the receipt of the copy of the court's decision. Submission of a copy of the court's decision as referred to in paragraph (2) is carried out by making an official report of the submission of a copy of the court's decision to LPSK to carry out the provision of compensation. LPSK submits a copy of the decision of the human rights court to the victim, family, or their proxies no later than 7 (seven) days as of the receipt of the copy of the court's decision. Article 14 also states that LPSK shall provide compensation based on the decision of the human rights court as referred to in Article 13 no later than 30 (thirty) days from the date the copy of the court's decision is received by LPSK.

The reality on the ground shows that the victim (or her family, or her attorney) has not applied for such compensation. Automatic compensation from the central government and local governments can not be realized. Ideally, there will be socialization from local regional officials regarding the submission of the compensation application to Muhammad Alfiansah. Thus, Muhammad Alfiansah and his immediate family can immediately submit a written application to LPSK. It is hoped that LPSK can provide recommendations regarding the compensation and submit a letter of application to the Attorney General.

Indonesia as a country that is prone to disasters has the will to political will to deal with disasters that occur (Mahfud, 2006). The political will has been manifested into laws and regulations through a process of policy formulation (legal policy) as part of the legal politics of this country (Ghandi, 1995). This shows that there is a correlation between legal politics and disaster management. Based on this, the study in this paper uses a framework of thought related to disasters and the legal norms used. There are several definitions of disaster, some of which are provided by the International Strategy for Disaster Reduction (ISDR) and the Asian Disaster Preparedness Center (ADPC) as international organizations that focus on disasters. Disaster according to (ISDR), namely: "serious disturbance to a system, community, or society that causes human, material, economic or environmental losses that extend beyond the capabilities of an affected community or society (a serious disruption of the functioning of a community or a society causing widespread human, material, economic, or environmental losses which exceed the ability of the affected community/society to cope using its own resources)." ADPC also provides a definition of disaster in its formulation, namely: "the serious disruption of the functioning of society, causing widespread human,

material or environmental losses, which exceed the ability of the affected communities to cope using their own resources.”

Almost the same definition is also given by Law no. 24 of 2007 as regulated in Article 1 point 1 of Law no. 24 of 2007 which states that a disaster is an event or series of events that threatens and disrupts people's lives and livelihoods caused, both by natural factors and/or non-natural factors as well as human factors, resulting in human casualties, environmental damage, property losses, and psychological impact. The definition of disaster contains three basic aspects, namely: occurrence of events or disturbances that threaten and damage (hazard), the event or disturbance threatens the life, livelihood and functioning of Public; and the threat causes casualties, losses, and exceeds the community's ability to cope with the resources it has.

### **Law Enforcement Analysis**

In addition to the three basic aspects, disasters are influenced by the presence of triggers, namely hazard, vulnerability, capacity, and disaster risk. Based on these triggers, types of disasters are grouped into six groups namely geological disasters, hydro-meteorological disasters, biological disasters, technological failure disasters, environmental disasters, and social disasters. UU no. 24 of 2007 was born as a product of legal politics in disaster management (Badan Pembinaan Hukum Nasional, 2011). This legal policy has comprehensively identified disasters as events or a series of events that threaten and interfere with life and livelihood society caused by three factors, namely natural factors, non-natural factors, and human factors. In addition, this legal policy contains regulatory norms regarding the implementation of countermeasures disasters, the basis of norms and values, institutions, distribution of authority, and law enforcement (Ali, 2002).

In addition, the legal politics of disaster management has substantially provided dimensions in the pattern and system of disaster management in Indonesia after the enactment of Law no. 24 2007. The new dimensions established by the legal policy for disaster management in this country, namely; first, disaster management as a comprehensive and proactive effort starting from disaster risk reduction, emergency response, and rehabilitation and reconstruction. Second, disaster management as a joint effort by stakeholder's interests with complementary roles and functions; and third disaster management as part of the development process so as to resilience to disasters.

Disaster management involves all stakeholders from the national and in the regions, as well as involving the active role of the community. The establishment of Law no. 24 Year 2007 also affected by changes that occur in society related to disasters seen from emergency response to risk management, government protection to protection as a human right for the people, and disaster management as a responsibility the state in a narrow sense by the government becomes disaster management as a responsibility with all elements of the nation. Disaster management as a shared responsibility of all elements of the nation expands disaster management into the public sphere by changing all aspects of policies, institutions, coordination, and mechanisms that provide more space for community participation, non-governmental organizations, the business world, and the international community.

The factors that cause disasters according to Law no. 24 of 2007 there are three, namely natural factors and without any human intervention, non-natural factors (non-natural disaster), and social/human factors (man-made disaster). This is in accordance with the classification of disasters based on their source or cause from the United Nations for Development Program (UNDP). UNDP as quoted by Ramli (2010) classifies disasters into 3 (three) types, namely natural disasters, non-natural disasters, and social disasters. Disasters are generally caused by the interaction between hazard and vulnerability. Vulnerabilities by ADPC, as cited by Nurjanah (2012), are grouped into five categories, namely physical vulnerability, social vulnerability, economic vulnerability, environmental vulnerability, and institutional vulnerability. Institutional vulnerabilities. Disasters need to be managed in a planned manner through a process called disaster management as a disaster management effort. The implementation of disaster management is a series of efforts that include the establishment of development policies that anticipate the risk of disaster occurrence, disaster prevention activities, emergency response, and rehabilitation.

Disaster management is currently facing legal problems due to ineffectiveness disaster management caused by misalignment of legal norms, as well as conflicts authority and lack of coordination between institutions responsible for disaster occurs. This is due to the many laws and regulations which regulates norms related to disasters and gives authority to some several ministries/agencies/local governments to carry out disaster management. In addition, there have been developments and changes in legal needs in Indonesian society, with the passing of several laws related to the strategic disaster environment. These laws include Law Number 6 of 2014 concerning Villages, Law Number 23 of 2014 concerning Regional Government, as well as the submission of a Bill on Search and Rescue. This gives rise to needs that need to

be regulated in laws and regulations. To that end, the Indonesian House of Representatives and BNPB on January 9, 2015 held a Commission VIII Working Meeting. The working meeting has agreed to make changes to Law no. 24 of 2007 within the framework of strengthening disaster management institutions carried out by BNPB (Badan Penanggulangan Bencana Daerah/ Regional Disaster Management Agency).

Based on this, it is necessary to conduct a scientific study of the legal aspects of disaster management as a whole in terms of the normative method for disaster management. For this reason, this paper will examine and analyze the effectiveness of Law No. 24 of 2007 concerning disaster management. This paper focuses on the discussion of the application of Law no. 24 of 2007 especially on the Kanjuruhan tragedy that occurred on October 1, 2022. Based on Law No. 24 No. 7 concerning Disaster Management and Government Regulation No. 7 of 2018 concerning the provision of compensation, restitution, assistance to witnesses and victims, the government is obliged to provide material and immaterial compensation to victims of the tragedy of human rights violations, in this case the Kanjuruhan tragedy. Judging from article 26 paragraph 2, it is stated that every person affected by a disaster has the right to get assistance to fulfill basic needs. In the Kanjuruhan tragedy, Muhammad Alfiansah (11 years old) managed to survive but lost both of his parents (Muhammad Yulianton, 40 years old, and Devi Ratna Sari 30 years old). Thus, Muhammad Alfiansah is entitled to assistance in meeting basic needs. Especially considering that he is still not productive, he automatically needs the protection of his closest family and the fulfillment of basic needs from the government.

Muhammad Alfiansah actually needs psychosocial services, considering his condition as an orphan at the age of 11 years. Psychosocial assistance should ideally be provided by a psychologist/psychiatrist according to the conditions concerned. Without psychosocial assistance, it is feared that Muhammad Alfiansah's mental development will not be optimal. This will certainly affect the quality of life concerned in the future. Judging from PP no 7 of 2018 chapter II article 2, there is a provision that victims of gross human rights violations are entitled to compensation from the central government and local governments. It is also stated that the victim (or their family, or their proxies) must submit an application to obtain such compensation. The application must be submitted in writing in Indonesian on paper stamped to the court through the LPSK (Witness and Victim Protection Agency).

LPSK (Institution for the Protection of Witnesses and Victims) is an institution that has the duty and authority to provide protection and other rights to witnesses and/or victims in accordance with the provisions of the Law regarding the protection of witnesses and victims. Compensation applications can be submitted at the time of an investigation into gross human rights violations or before the prosecution has read out the demands. Article 4 states that the application for compensation as referred to in article 3 contains at least: the identity of the applicant, description of incidents of serious human rights violations, identity of perpetrators of gross human rights violations, a description of the actual loss suffered; and form of compensation requested.

Article 5 also states that LPSK checks the completeness of the application for compensation as referred to in Article 4 within a maximum period of 7 (seven) days from the date the application for compensation is received. In the event that there is an incomplete application as referred to in paragraph (1), LPSK shall notify the applicant in writing to complete the application.

In the event that the application as referred to in Article 5 is declared complete, the LPSK shall immediately conduct a substantive examination. In Article 7, it is also stated that for the purposes of examining the application for compensation as referred to in Article 6, LPSK may request information from the victim, his family, or his proxies and other related parties.

LPSK submits the application for compensation along with its decisions and considerations as referred to in Article 9 to the Attorney General. The application for compensation as referred to in paragraph (1) is examined together with the subject matter of the case of serious human rights violations. A copy of the cover letter for submitting the application as referred to in paragraph (1) shall be submitted to the victim, family, or their proxies and to the relevant government agency.

The Attorney General shall include the application for compensation along with the decisions and considerations of the LPSK as referred to in Article 10 paragraph (1) in his claim. Human rights courts in examining applications for compensation may request information from victims, their families, their proxies, LPSK, the National Human Rights Commission, or other related parties.

The human rights court will examine and decide on the application for compensation in accordance with the provisions of the legislation. After that, the Attorney General implements the decision of the human rights court which contains the provision of compensation by submitting a copy of the court's decision to LPSK no later than 7 (seven) days as of the receipt of the copy of the court's decision. Submission of a copy of the court's decision as referred to in paragraph (2) is carried out by making an official report of the submission of a copy of the court's decision to LPSK to carry out the provision of compensation.

LPSK submits a copy of the decision of the human rights court to the victim, family, or their proxies no later than 7 (seven) days as of the receipt of the copy of the court's decision. Article 14 also states that LPSK shall provide compensation based on the decision of the human rights court as referred to in Article 13 no later than 30 (thirty) days from the date the copy of the court's decision is received by LPSK. From the results of a data search at the House of Justice (RK), Muhammad Alfiansah (or his family, or proxies) has not actively applied for such assistance to LPSK. The reason is the lack of socialization about the procedure for applying for compensation from the local area apparatus. It takes coordination between the local government and the victim's area apparatus (RT/RW/Kelurahan) to provide assistance to Muhammad Alfiansah (or his family, or proxies) in making the written application. If the application is made, it is hoped that LPSK will provide recommendations and submit the application to the Attorney General.

## 5. Conclusion

Based on Law No. 24 No. 7 concerning Disaster Management and Government Regulation No. 7 of 2018 concerning the provision of compensation, restitution, assistance to witnesses and victims, the government is obliged to provide material and immaterial compensation to victims of the tragedy of human rights violations. The Kanjuruhan tragedy is a case of serious human rights violations because it claimed more than 100 lives and hundreds of other victims suffered various kinds of injuries. Muhammad Alfiansah (11 years old) is one of the victims of the Kanjuruhan tragedy who survived. However, he lost his parents in the tragedy. Since he is still a minor, currently Muhammad Alfiansah lives with his uncle, Doni (43 years old).

Regarding obtaining assistance from the city government and the central government, Muhammad Alfiansah (or his family, or proxies) must actively apply for such assistance. This is in accordance with PP (Government Regulation) no. 7 of 2018, specifically article 2. The application must be made in writing on paper that is stamped and addressed to the LPSK (Witness and Victim Protection Agency). LPSK (Institution for the Protection of Witnesses and Victims) is an institution that has the duty and authority to provide protection and other rights to witnesses and/or victims in accordance with the provisions of the Law regarding the protection of witnesses and victims. In accordance with Government Regulation No. 7 of 2018, the victim (or family, or proxy) is required to submit supporting documents in the form of the identity of the applicant, a description of the occurrence of a serious human rights violation, the identity of the perpetrator of the human rights violation, a description of the losses suffered, and the form desired compensation. LPSK then performs a substantive examination of the incoming files. If it is appropriate, LPSK submits a request for compensation along with its decisions and considerations to the Attorney General. After that, the Attorney General shall include the application for compensation along with the decisions and considerations of the LPSK as referred to in Article 10 paragraph (1) in his claim.

The human rights court will examine and decide on the application for compensation in accordance with the provisions of the legislation. The Attorney General will convey the results of the decision to the LPSK, then the LPSK will convey the results of the decision to the victim (or family, or proxy). LPSK shall provide compensation based on the decision of the human rights court as referred to in Article 13 no later than 30 (thirty) days from the date the copy of the court decision is received by LPSK. In the implementation of the provision of compensation as referred to in paragraph (1), LPSK makes an official report on the provision of compensation

Until this article was written, Muhammad Alfiansah (or his family, or proxies) had not actively applied for such assistance to LPSK. Thus, there has been no follow-up regarding the provision of compensation from the city government and the central government. From the data collected at the House of Justice (RK), the authors found that at this time Muhammad Alfiansah had obtained a deposit as a scholarship until he graduated from high school (Sekolah Tinggi). The scholarship was given by the Malang Police Chief.

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