

A CONCEPTUAL APPROACH ON DISASTER RESPONSE MANAGEMENT AND THE LEGALITY OF DISASTER RESPONSE: A CASE STUDY OF FEBRUARY 6 KAHRAMANMARAS EARTHQUAKES IN TÜRKİYE AND PRESIDENTIAL DECREES UNDER THE STATE OF EMERGENCY

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Abstract

This article aims to critically analyze the legal and democratic framework of disaster response within the context of the Republic of Türkiye Presidential Decrees (PDs) issued during the state of emergency (SOE) declared following the earthquakes in Kahramanmaraş on February 6th. This research analyzed the

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PDs issued during the SOE in ten provinces using content analysis techniques. The published PDs' have been analyzed by dividing them into three groups: operational, organizational, and psychological response, and thus a conceptual approach to disaster response management has been put forward. It is concluded that actively pursuing legal remedies during disaster response enhances the effectiveness of interventions and provides a valid, democratic, and legal basis for processes, thereby optimizing disaster response and crisis management. As such, the article pointed out that the proactive policy in disaster intervention strategy during the Kahramanmaraş Earthquakes offered valuable lessons for handling future disasters.

Keywords

• Disaster Response Management • Presidential Decrees • Operational Intervention • Organizational Intervention • Psychological Intervention

AFET MÜDAHALE YÖNETİMİ VE MÜDAHALENİN YASALLIĞI ÜZERİNE KAVRAMSAL BİR YAKLAŞIM: TÜRKİYE'DE 6 ŞUBAT KAHRAMANMARAŞ DEPREMLERİ ÖRNEĞİ VE OLAĞANÜSTÜ HAL KAPSAMINDAKİ CUMHURBAŞKANLIĞI KARARNAMELERİ

Öz

Bu makale, 6 Şubat'ta Kahramanmaraş'ta meydana gelen depremlerin ardından ilan edilen olağanüstü hal (OHAL) döneminde çıkarılan Cumhurbaşkanlığı Kararnameleri (CBK) bağlamında afet müdahalesinin yasal ve demokratik çerçevesini eleştirel bir şekilde analiz etmeyi amaçlamaktadır. Bu araştırma, içerik analizi tekniği kullanarak on ilde OHAL sırasında çıkarılan CBK'ları analiz etmiştir. Yayımlanan CBK'lar operasyonel, organizasyonel ve psikolojik müdahale olmak üzere üç gruba ayrılarak analiz edilmiş ve böylece afet müdahale yönetimine ilişkin kavramsal bir yaklaşım ortaya konmuştur. Afete müdahale sırasında aktif olarak yasal yollara başvurmanın, müdahalelerin etkinliğini artırdığı ve süreçler için geçerli, demokratik ve yasal bir temel oluşturduğu, dolayısıyla afete müdahaleyi ve kriz yönetimini iyileştirdiği sonucuna varılmıştır. Bu bağlamda, makale Kahramanmaraş Depremleri sırasında afet müdahale stratejisindeki proaktif politikanın gelecekteki afetlerin ele alınmasında değerli dersler sunduğuna işaret etmiştir.

Anahtar Kelimeler

• Afet Müdahale Yönetimi • Cumhurbaşkanlığı Kararnameleri • Operasyonel Müdahale • Organizasyonel Müdahale • Psikolojik Müdahale

INTRODUCTION

Due to its geographical location, Türkiye is prone to frequent earthquakes, making it a hazardous seismic country. Indeed, on February 6, 2023, at 04:17, the southeastern regions of Türkiye were struck by earthquakes measuring 7.7 and 7.6 magnitudes, once again facing the reality of seismic events¹. These devastating earthquakes, which caused destruction in approximately ten provinces, claimed the lives of over 50,000 people and left more than 100,000 injured². These large-scale and destructive earthquakes, which affected more than 13 million people in total, tested Türkiye's crisis management capacity for disaster response. In this sense, the earthquakes centered in Kahramanmaraş became one of the most challenging and significant disaster response experiences under the Presidential government system since 2018. To restore the disrupted public order caused by the earthquakes and effectively combat the consequences of the disaster, a state of emergency (SOE) was declared for three months in 10 provinces on February 8, 2023³. Hence, over 20 presidential decrees (PDs) were issued during the SOE period for earthquake response. Therefore, the main purpose of this article is to provide an overview of the legal aspects of disaster response through the PDs announced between February 8 and April 30, 2023, under the Presidential government, and ultimately to demonstrate the reflexes of the Presidency in disaster response.

¹ INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES (IFRC), 'IFRC Launches International Emergency Appeals for CHF 200 Million to Respond to Deadly Earthquake in Türkiye and Syria: IFRC' (*IFRC launches international Emergency Appeals for CHF 200 million to respond to deadly earthquake in Türkiye and Syria*, 6 February 2023) <<https://www.ifrc.org/press-release/ifrc-launches-international-emergency-appeals-chf-200-million-respond-deadly>> accessed 8 August 2023.

² İletişim Başkanlığı, '06 Şubat 2023 Kahramanmaraş Depremleri Asrin Felaketi' <<https://www.iletisim.gov.tr/images/uploads/dosyalar/Asrin-Felaketi-TR.pdf>> accessed 16 August 2023.

³ Presidency of Turkish Republic, 'Decree No. 6785 on ' (8 February 2023) Official Gazette No: [32098], <https://www.resmigazete.gov.tr/eskiler/2023/02/20230208-1.pdf> accessed 17 August 2023.

In the first section, the theoretical framework is presented by analyzing the stages of the disaster management process and discussing the changes in the perception of disasters up to the present day. In this context, we discuss the proactive and rights-based perspectives on disasters. In the second section, the benefits of utilizing legal instruments as PDs in disaster management are discussed, and the consequences of administrative and legal measures employed are examined. Based on this theoretical context, the legality of disaster response and the existence of democratic principles in disaster management is questioned. The third section has analyzed the state of emergency and the PDs issued during crisis management. Through content analysis, we evaluated the effectiveness of legal instruments utilized in disaster response and discussed the impact of modern and proactive policy changes on the perception of disasters and crisis management. In this regard, the announced PDs will be classified into three categories. The steps taken in the response will be analyzed through the PDs to identify the reflections of the proactive perspective on disasters and the rights-based approach in the field. In the fourth and concluding section, a comprehensive evaluation focuses on the findings and conclusions. Finally, the outcomes and impact of disaster response strategy under the Presidency are highlighted, and recommendations are provided regarding the necessary framework for conducting disaster response.

I. A BRIEF OVERVIEW OF CHANGES IN DISASTER APPROACH: TRANSITION FROM REACTIVE TO PROACTIVE UNDERSTANDING

A. Implications of Reactive and Proactive Disaster Perception and Rights-Based Perspective: Administrative and Legal Consequences

Administrative and legal ramifications have resulted from the evolution of the understanding of disaster management over time. Two primary understandings allow for the discussion of this shift and its effects: views on proactive and reactive disaster management⁴. The reac-

⁴ PEARCE L, 'Disaster Management and Community Planning, and Public Participation: How to Achieve Sustainable Hazard Mitigation' (2003) 28 Natural Hazards p. 213.

tive perception of disasters is intervention-based, considering “disasters as natural” situations that cannot be avoided or controlled⁵. Hence, in the reactive approach to disaster management, administration's responsibility is not recognized and resulting lack of accountability.

On the other hand, the proactive perception of disasters views them as “social phenomena” beyond being solely natural occurrences. It evaluates disasters as human-induced events, focusing on risk reduction⁶. Modern understanding rejects the concept of natural disasters and acknowledges that disasters are not purely natural events⁷. Lauterbach argued that disasters are often caused by human, societal, or governmental negligence, deficiencies, or triggered by natural movements or hazards. Therefore, disasters are not merely natural phenomena but rather a result of human and societal choices⁸. In essence, they are social phenomena assessing the capacity, resilience, and flaws of the government and society.

The proactive perception of disasters brings about an understanding that acknowledges the administrative and legal consequences of problems in disaster intervention and crisis management. In proactive disaster management, the administration does not view disasters as a compelling reason -vis major- or natural phenomena to avoid responsibility⁹. Instead, they take them seriously and are accountable for managing them¹⁰. The reactive approach to disaster management often blames divine, sacred, or natural causes, resulting in a mindset of fatalism that avoids accountability. The saying “earthquakes don't kill, buildings do”

⁵ LAUTA, K.C. *Disaster Law* (1st ed., Routledge 2014) p. 14-17.

⁶ *Ibid.*, p. 11-14 and see: UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION (UNDRR), ‘Yokohama Strategy and Plan of Action for a Safer World: guidelines for natural disaster prevention, preparedness and mitigation’ (UNDRR, 1994) 2, 6.

⁷ UNITED NATIONS OFFICE FOR DISASTER RISK REDUCTION, ‘Global Assessment Report on Disaster Risk Reduction 2022: Our World at Risk: Transforming Governance for a Resilient Future’ (GAR) 2, 3.

⁸ KELMAN I, *Disaster by Choice* (Oxford University Press 2020) p. 17, 43, 79.

⁹ NOHUTCU A, ‘İdare Hukuku’ (28th edn, Savaş Yayinevi 2021) p. 529.

¹⁰ WELLS C, MORGAN D and QUICK O, ‘Disasters: A Challenge for the Law’ (1999) 39 *Washburn Law Journal* p. 39, 496.

in Turkish culture is a manifestation of this understanding. In short, disasters are not events that are veiled with divine, sacred, or natural phenomena to evade responsibility, and individuals have the right to claim their shortcomings in intervention and management¹¹.

The modern state aims to enhance the ability of individuals to withstand disasters and takes proactive measures to minimize risks to their rights and freedoms¹². Therefore, the earthquakes on February 6th have become a field to measure the extent to which the state, in another sense, the administration, ensures rights and freedoms and demonstrates its resilience or capacity. The perceptual shift in disaster management gives rise to a rights-based approach, imposing proactive and positive obligations on the administration. A rights-based approach to disaster management entails the state taking proactive steps to reduce the risk of disasters to safeguard individuals' rights and liberties and fortify society's resistance to them. A citizen's right to life necessitates taking proactive steps such as inspecting a building's earthquake resistance and planning for security issues that may arise after a disaster. It ensures that these rights are protected even during unforeseen situations. In other words, citizens have rights that hold the state responsible for effectively managing disasters. The approach also holds the state accountable to citizens in cases where necessary actions are not taken, and intervention plans are insufficient or inadequate. In disaster management, citizens hold rights, and the state must fulfill them. Indeed, citizens also have the authority to demand the redress of their violated rights if the administration fails to fulfill its positive obligations and cannot take necessary measures. The European Court of Human Rights (ECtHR) case law on disaster management states that states have positive obligations regarding disaster management and risk reduction activities to protect and ensure individuals' rights and freedoms¹³. As an

¹¹ Ibid., p. 14, 24, 36.

¹² ARONSSON-STORRIER M and DA COSTA K, "Regulating Disasters? The Role of International Law in Disaster Prevention and Management" (2017) 26 Disaster Prevention and Management: An International Journal p. 502-513.

¹³ *Oneryildiz v Turkey* App no 48939/99 (ECHR, 30 November 2004) para 71, 89; *Budayeva v Russia*, App no 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02 Judgment

example of protecting individual's right to life, measures like implementing early warning systems before a disaster, conducting search and rescue operations within 48 hours of an earthquake to save those trapped under debris, and deploying security patrols and requesting reinforcement teams to reduce security risks during a disaster situation should be taken¹⁴. Enhancing people's ability to withstand and recover from disasters is also necessary to uphold the rights and freedoms that they naturally possess. To put it succinctly, it is an inevitable outcome of people's rights and liberties.

The earthquakes on February 6th provide a suitable ground to examine the responsibilities imposed on the administration due to this perceptual shift in disaster management and to evaluate the legal and administrative steps taken by the administration in its intervention and response strategies. As such, the earthquakes in Kahramanmaraş have offered an opportunity to assess the practical implications of theoretical discussions and the government's intervention and crisis management efforts. However, it should be noted that the article is limited to the legal and administrative consequences of disaster interventions, excluding the measures that need to be taken and the actions that need to be performed before earthquakes occur. As a result, the paper focuses exclusively on the element of the intervention and is confined to the legal and administrative ramifications of disaster response.

B. Harmonizing Risk Reduction and Intervention: Exploring Legal Considerations

The process of disaster management is divided into several stages and levels¹⁵. Pre-disaster risk reduction measures and post-disaster intervention activities are thus two crucial stages into which the process can be divided. The proactive paradigm of disaster management priori-

20 March 2008 para 128, 175; *Özel and Others v. Turkey*, App Nos 14350/05, 15245/05 and 16051/05 (ECHR 17 November 2015) para 173.

¹⁴ *Ibid.*, para 173, 174.

¹⁵ FARBER D, 'International Law and the Disaster Cycle' in David D Caron, Michael J Kelly and Anastasia Telesetsky (eds), *The International Law of Disaster Relief* (Cambridge University Press 2014) p. 9.

tizes the stages that focus on risk reduction rather than intervention¹⁶. It specifically seeks to increase people's ability to withstand and recover from disasters, as well as the state's ability to do so. As a result, it carries out the essential precautionary measures and endeavors to reduce all hazards before the occurrence of a disaster¹⁷. For example, it considers preventive activities that reduce the potential damages caused by an earthquake, such as urban planning that prevents vertical and interconnected construction or urban development plans with resilient infrastructure established outside fault lines. In the reactive approach, the stages of the disaster management process are seen as interrelated and interconnected¹⁸. The international community sets different frameworks, agreements, and objectives for issues like disaster risk reduction, climate change, and sustainable development. However, Kelman highlighted that these issues have intersections and should be designed to mutually support each other¹⁹. In this sense, creating intervention strategies in advance and utilizing efficient tools during the intervention phase are equally vital as the risk reduction phase in order to mitigate current risks and avert calamities²⁰. For example, conducting earthquake intervention drills periodically before an earthquake occurs, planning how search and rescue operations will be carried out in advance, identifying search and rescue teams in advance, and keeping alternatives ready are also measures to minimize risks in disaster intervention and reduce potential damages caused by disasters. Hence planning intervention policies, scenarios, and tools in advance is a crucial step towards mitigating disaster risks. It is important to be proactive and consider potential risks so that effective measures can be taken to prevent or min-

¹⁶ See: UNITED NATIONS INTERNATIONAL STRATEGY FOR DISASTER RISK REDUCTION (UNISDR), 'Sendai Framework for Disaster Risk Reduction 2015-2030' (18 March 2015) UN Doc A/CONF.224/CRP.1 para 3, 5, 7, 19(j), 23.

¹⁷ Ibid., para 19(a), 24(a)- (o).

¹⁸ CARTER N, Disaster Management: A Disaster Manager's Handbook (ADB, 2008) p. 49.

¹⁹ KELMAN (n 12) p. 254, 255.

²⁰ KADIOĞLU, M. 'Modern, bütünleşik afet yönetimin temel ilkeleri.' in Prof Dr Mikdat Kadioğlu, Doç Dr Emin Özdamar, Afet Zararlarını Azaltmanın Temel İlkeleri, (Japonya Uluslararası İşbirliği Ajansı/ JICA Türkiye Ofisi, Yayın No: 2, 2008) p. 9, 10.

imize damage. Therefore, it is imperative to prioritize disaster risk reduction through careful planning and preparedness²¹. In short, it is not possible to draw sharp boundaries between the risk reduction and intervention phases (fig 1). It should be emphasized that both stages support each other, complement each other, intersect, and ultimately, are intertwined processes²².



Figure 1: Harmonizing Intervention Strategy

Source: Authors

C. Legal Instruments in Disaster Intervention: Legitimacy and Legality of Disaster Response Management

The concept of the "state of exception" (*Ausnahmezustand*), according to political philosopher Carl Schmitt (1888-1985), is an exceptional condition that challenges political authority and reveals who truly holds that power or who is truly sovereign in each state. Schmitt characterizes power as the ability to declare a state of emergency or determine exceptional circumstances²³. Agamben's criticism highlights the potential misuse of such exceptional measures or their extension beyond their intended scope, which could lead to the erosion of civil liberties and the nor-

²¹ FARBER (n 19) p. 9-10.

²² Ibid.

²³ SCHMITT C, *Political Theory: Four Chapters on the Concept of Sovereignty* (George Schwab tr, University of Chicago Press 2005).

malization of extraordinary powers even in non-crisis times²⁴. In a technical sense, the 'force of law' does not relate to the law itself, but to official orders authorized for execution by the executive authority, especially in exceptional circumstances. By emphasizing the disconnect between the efficacy of the law and its formal nature, this concept allows for the infusion of 'force of law' into actions that have no legal basis. For Agamben, this distinction between law and the 'force of law' is typical of the state of exception. Agamben's concept of *homo sacer* explains the relationship between sovereign power and bare life which refers to the life that is excluded from the political community and is exposed to the violence of the sovereign. The concept of force of law is used to describe the paradoxical nature of the law in the state of exception. Force of law is not the same as the content or the validity of the law, but rather its capacity to produce effects. It is what makes the law binding and authoritative, even when it is not applied or enforced. The force of law separates potentiality and actuality, possibility, and reality, in the sphere of human action. It is what creates bare life as the subject and object of sovereign²⁵.

Earthquakes are disasters that can cause massive destruction, displacement, and death. They can also trigger political and social crises, such as conflicts, riots, looting, corruption, and human rights violations. In such situations, governments may declare a state of emergency, which gives them extraordinary powers to deal with the crisis. However, these powers may also entail the suspension or restriction of civil liberties, democratic accountability, and legal protection for the citizens. In other words, the state of emergency may create a state of exception, where the normal legal order is suspended, and the sovereign decides on the state of emergency. Indeed, disasters that constitute exceptional circumstances are important in demonstrating how this power is utilized. As such beyond all these considerations, the democratic structure of intervention, which includes compliance with legal norms and the use of appropriate legal instruments, is also a factor in reducing risks and

²⁴ AGAMBEN G, *Homo sacer: Il potere sovrano e la nuda vita* (Einaudi 1995).

²⁵ Ibid.

increasing effectiveness in disaster response²⁶. Employing suitable and effective legal instruments in disaster response can minimize risks such as legal disputes that may arise after the disaster and facilitate the fulfillment of the state's positive obligations in disaster management. It is necessary to design legal mechanisms accordingly and utilize them effectively in the intervention phase²⁷. In a constitutional state, the intervention phase naturally operates through legal and judicial means or is expected to do so. Therefore, it is essential for all processes and actions in the disaster response phase to be carried out within a legal framework. The grounding of decision-making and implemented policies in the legal framework of disaster management and their operation in accordance with legal principles and rules will enhance the binding nature and legitimacy of these decisions, giving the intervention a democratic function. In this regard, determining the roles and responsibilities of actors involved in the intervention and imposing legal obligations on them are more effective due to the binding nature of legal instruments²⁸.

It is evident that prompt and effective action during a disaster can be challenging, particularly if it results in major disturbances to public order and postponements of essential actions. Using the proper legal tools, like the state of emergency regime, is essential to ensuring that all parties to an intervention carry out their legal responsibilities. Additionally, any choices made during the process will have more legitimacy and enforceability as a result. Ultimately, the rules to be implemented during a state of emergency or the state of emergency law have the approval and consent of the "general will" through parliament and elections. Not disregarding the legal basis of intervention and managing the process with the prescribed appropriate instruments will give the intervention a democratic approach and legitimacy by obtaining the consent of the "general will" enshrined in the "social contract."

²⁶ **IFRC**, 'Policy Brief: Legal Frameworks for Effective and Integrated Disaster and Climate Risk Governance' (2022) p. 4.

²⁷ *Ibid.*

²⁸ **IFRC**, Guidance on Law and Public Health Emergency Preparedness and Response (IFRC 2021) p. 23-26.

Overall, while it is not accurate to sharply separate the intervention phase from the risk reduction phase, they are intertwined and mutually supportive processes. However, conducting intervention with suitable legal and democratic instruments is crucial for ensuring accountability and the supremacy of the rule of law in disaster response²⁹. In this sense, the existence and legality of disaster management democracy can also be discussed. The next section will further delve into this topic, using the example of the Kahramanmaraş earthquakes.

II. THE STATE OF EMERGENCY REGIME IN TURKIYE AND DISASTER MANAGEMENT IN THE PRESIDENTIAL GOVERNMENT SYSTEM: CLASSIFICATION OF STATE OF EMERGENCY AND PRESIDENTIAL DECREES IN DISASTER MANAGEMENT

In the Turkish legal system, the President can declare a State of Emergency (SoE) in the event of "natural disasters, dangerous epidemic diseases, severe economic crises, widespread violent incidents," or any of these reasons through Law no. 2935³⁰. As such, following the earthquakes on February 6th, an SoE was declared in 10 provinces for three months, starting from February 8th, 2023, to restore public order disrupted or interrupted by the "natural disaster" and effectively cope with the consequences of the disaster³¹. The relatively early or late declaration of the SoE after the earthquakes implies the establishment of a legal ground suitable for intervention, considering the legal and democratic aspects of the measures and steps to be taken that were not disregarded. In addition, a favorable environment was created to effectively use legal means in earthquake response, ensuring the speed and enforceability of decisions. In this sense, the earthquakes of February 6th marked the first experience of a SoE due to a natural disaster under the presidential government system. Thereof, many PDs were issued to address the aftermath of the earthquakes and make quick and effective decisions during

²⁹ Ibid., p. 25-26.

³⁰ Law on State of Emergency, Law Number: 2935 Date of Adoption : 25/10/1983, Official Gazette 27/10/1983 No: 18204 Art 1, 3.

³¹ Presidency of Turkish Republic, 'Decree No. 6785 on ' (8 February 2023) Official Gazette No: [32098], <https://www.resmigazete.gov.tr/eskiler/2023/02/20230208-1.pdf> . accessed 17 August 2023.

the process. The earthquakes served as a testing ground for the reflexes of the Presidency in re-establishing order disrupted by natural disasters and managing the process of disaster intervention. This article aims to thoroughly evaluate the SoE process through PDs a critical legal instrument for earthquake response and highlight the legal and democratic dimensions of intervention. During this process, more than 25 Presidential Decrees were published, and numerous regulations were implemented to heal the wounds caused by the earthquakes³².

When examining the published PDs, it is possible to classify SoE PDs into three categories. The classification will facilitate a better understanding and analysis of the legal dimension, effectiveness, and outcomes of intervention, providing a conceptual approach to intervention. In the context of the 6th Kahramanmaraş earthquake, interventions based on PDs are categorized into three types: operational, organizational, and psychological. First, operational intervention encompasses activities aimed at reducing the effects of disasters, especially in the field, and is one of the most important instruments in the initial intervention phase. Second, organizational intervention includes competencies and regulations related to the structural, institutional, and organizational aspects of intervention. Lastly, psychological intervention encompasses decisions related to guiding individuals and society, alleviating the burdens caused by the earthquake, communication, morale, and motivation. It can be considered the fundamental and grassroots intervention in the disaster management process since it manages the consequences of the disaster and supports and strengthens other intervention elements. Therefore, it is important to emphasize a disaster management process where psychological intervention is the foundation for other intervention elements. It should be noted that it is impossible to draw sharp boundaries between all these intervention elements, as the steps taken for each category support each other and aim towards the same goal.

³² For a full record of decree laws issued during the SoE, see appendix 'State of Emergency Decree Laws, Their Publishing in the Official Gazette and Their Content in Brief.'



Figure 2: Disaster Response Management Mandala /Cycle **Source:** Authors

A. Presidential Decrees in the Scope of Operational Intervention

Operational intervention refers to the mobilization of personnel and resources during or immediately after a disaster to address the consequences of the disaster quickly. Operational intervention forms the core of disaster response management and involves the ability to manage the process in real-time. Operational intervention plays a crucial role in minimizing the risks that may arise after a disaster and in protecting and ensuring the rights and freedoms of individuals, especially their life and property rights. This section will discuss the Presidential Decrees directly related to operational intervention.

One of the most important Presidential Decrees issued to combat and intervene in the consequences of earthquakes after the Kahramanmaraş earthquakes is the "Presidential Decree on Measures Taken Regarding Public Personnel within the Scope of the State of Emergency"³³. The decree, published on mid-February, nine days after the earthquakes, states that public personnel can be employed in the

³³ Presidency of Turkish Republic, 'Decree No. 122 on ' (15 February 2023) Official Gazette No: [32105], <https://www.resmigazete.gov.tr/eskiler/2023/02/20230215-2.pdf> . accessed 17 August 2023.

provinces where the state of emergency is declared, according to the needs of earthquake response. The decree facilitates the mobilization of human resources involved in disaster response and specifies that public employees will be assigned duties when necessary. As a result, it guarantees the availability of teams handling earthquake aftermath. By allowing the activation of existing public personnel, the decree aims to ensure their active participation in response efforts while preserving their social and financial rights. The decree aims to source human resources such as teams that will activate and mobilize equipment and materials, remove debris from the earthquake site, provide medical or psychological support to earthquake survivors, carry out logistical operations in earthquake-stricken areas, and ensure security, among other tasks. Assigning duties to public personnel in earthquake-affected areas, where many of them may be earthquake victims or have family members affected by the earthquake may pose challenges. The decree permits professionals from different fields, including doctors, police officers, operators, and drivers, to render assistance in areas affected by earthquakes. The fact that the decree does not include a provision regarding which provinces will send support to earthquake-affected areas indicates that such decisions are left to the administration's discretion. Including the provision granting the authority to assign public personnel to earthquake response in the third decree issued after the state of emergency underscores the importance of ensuring the availability of necessary personnel for operational intervention in the field and emphasizes the primary source required for operational intervention in disaster response management.

The second Presidential Decree in the context of a State of Emergency is the "Presidential Decree on Measures Taken in the Field of Health within the Scope of the State of Emergency"³⁴. The decree is one of the steps taken to meet the urgent medical needs of earthquake victims. The decree grants operating permits to pharmacists, opticians, prosthetics, dental clinics, and other similar establishments in locations

³⁴ Presidency of Turkish Republic, 'Decree No. 121 on ' (12 February 2023) Official Gazette No: [32103], <https://www.resmigazete.gov.tr/eskiler/2023/02/20230213-1.pdf> . accessed 17 August 2023.

deemed suitable by the governorship. It also allows exemptions for the tracking system of products to be obtained from pharmacies, prosthetic and hearing centers, and dental clinics in earthquake zones, according to procedures determined by the authorities. This decree aims to urgently address medical needs in earthquake-stricken areas and attempt to fulfill the material requirements for disaster intervention management after human resources. Reflective policymaking is essential to meet the urgent medical needs in earthquake-stricken areas and to activate affected establishments. Consequently, local medical facilities in earthquake zones that have been damaged or affected are mobilized, and the private sector in the earthquake zone is also assigned an active role in meeting urgent needs. When evaluated in terms of proactive disaster perception and rights-based approach, both decrees demonstrate administrative and legal steps taken with discretionary power by the government to fulfill their positive obligations in earthquakes and work towards the realization of the victims' rights to life and health in the first place.

Another important decree concerning operational intervention is the "Presidential Decree on Settlement and Construction within the Scope of the State of Emergency"³⁵. The decree establishes criteria for the temporary and permanent settlement of earthquake victims and takes measures accordingly. One of the most significant regulations in this decree is regarding the debris resulting from the earthquake. The relevant decree stipulates that the debris generated in earthquake zones should be disposed of in areas designated by the governorships, considering environmental sensitivity. It paves the way for debris that meets the necessary criteria in infrastructure and superstructure investments. Thus, operational measures are taken for cleaning the destruction caused in disaster areas and the potential use of debris in recycling and reconstruction when needed. It indicates that the cleanup of earthquake damage considers environmental conditions, and measures are taken to recycle and reuse debris in rebuilding. This decree is also important in including individuals' right to a clean environment and the precautions

³⁵ Presidency of Turkish Republic, 'Decree No. 126 on ' (24 February 2023) Official Gazette No: [32114], <https://www.resmigazete.gov.tr/eskiler/2023/02/20230224-9.pdf>. accessed 17 August 2023.

taken by the administration to protect this right. Unaffected public institutions in earthquake zones, such as schools, play a critical role in meeting the shelter and other needs of earthquake victims. It is evident that effectively utilizing and activating local and nationwide public institutions will accelerate the response to the consequences of the earthquake. In this regard, the "Presidential Decree on Measures Taken in the Field of Education within the Scope of the State of Emergency" stipulates that services such as meals and accommodation provided to earthquake victims in institutions affiliated with the Ministry of National Education will be provided free of charge and covered by the Ministry's budget³⁶. Additionally, it has been decided that the needs of earthquake victims will be met free of charge by the Ministry of Family and Social Services, and the Ministry's budget will cover the expenses. Thus, the existing public resources are activated and regulated according to the emergency. Efforts have been made to provide earthquake victims with access to public shelters and relevant institutions to meet their needs.

Considering the impact area of earthquakes, public resources alone cannot meet the needs of activities in the field. In this context, Presential Decree No. 128 has been issued to suspend the notification and declaration periods for associations operating in the SoE region and civil society organizations and associations that engage in activities to provide assistance to the region³⁷. Furthermore, the decree allows associations, including foreign associations with activity permits in Türkiye, to operate in the disaster area without considering their fields of operation. It also enables non-governmental organizations without activity permits in Türkiye to operate during the SoE with the permission of the Ministry of Interior, without requiring the administrative procedures stipulated by Article 5 of Law No. 5253³⁸. This decision removes admin-

³⁶ Presidency of Turkish Republic, 'Decree No. 131 on ' (3 March 2023) Official Gazette No: [32121], <https://www.resmigazete.gov.tr/eskiler/2023/03/20230303-13.pdf> accessed 17 August 2023.

³⁷ Presidency of Turkish Republic, 'Decree No. 128 on ' (3 March 2023) Official Gazette No: [32121], <https://www.resmigazete.gov.tr/eskiler/2023/03/20230303-10.pdf> accessed 17 August 2023.

³⁸ Law on Associations, Law Number: 5253, Date of Adoption : 4/11/2004 Official Gazette 23/11/2004 No: 25649 Article 5: "Associations may engage in international acti-

istrative barriers to enable local and foreign civil society organizations to work in the field and engage in relief activities, thereby expediting the intervention process. The decree also facilitates an increase in the number of personnel working in the field and the swift dispatch of personnel to the earthquake zone. Indeed, the decree demonstrates the effectiveness of simplifying the administrative procedures that civil society organizations would normally have to go through during normal times, indicating that resorting to legal instruments is more efficient and accelerates intervention in emergency situations. It also highlights that applying normal legal rules in disaster situations is unsuitable and causes intervention delays, suggesting that emergency management can be more easily handled through the SoE regime.

One of the significant problems in the SoE region is communication issues. Even though communication operators have over 11 million subscribers in the earthquake zone, serious communication problems were experienced in the first days of the earthquake³⁹. The communication problems following the earthquake indicate deficiencies in the infrastructure and emergency preparations of the operator companies for the disaster area. The uninterrupted and reliable communication during the initial response to the earthquake, such as enabling individuals to reach their families or conducting search and rescue operations, is critical operationally. In this context, Presidential Decree No. 140 grants communication tax exemption to earthquake victims and stipulates that if businesses waive the amount to be waived from earthquake victims'

vities or cooperation to realize the purposes set forth in their statutes, and may open representative offices or branches abroad, they may establish associations or supreme organizations abroad or join already established associations or organizations. The Ministry of Interior may establish foreign associations in consultation with the Ministry of Foreign Affairs. With the permission of the Turkish authorities, they may carry out activities or cooperate in Turkey, open representative offices or branches, establish associations or supreme organizations, or join established associations or supreme organizations."

³⁹ Habertürk, 'Kahramanmaraş Depreminde GSM Operatörlerine Ağır Eleştiriler! Turkcell, Vodafone ve Türk Telekom Yine Sınıfta Kaldı... - Deprem Haberleri - Teknoloji Haberleri' (Habertürk2 October 2023) <<https://www.haberturk.com/operatorler-yine-sinifta-kaldi-3564007-teknoloji>> accessed 22 August 2023.

bills, it will be reflected as tax revenue to the businesses⁴⁰. The decree also provides material and technical facilitations to businesses to ensure the continuity of communication. Despite efforts to satisfy the communication demands of earthquake victims, it is difficult to declare that the structural communication difficulties have been resolved. This decree also indicates that operational arrangements have been made in the field of individuals' right to uninterrupted communication. However, it cannot be ignored that there are significant structural and operational problems concerning individuals' right to communicate in emergencies. Without addressing the structural communication issues, it appears challenging for any operational measures to be successful. In this regard, earthquakes have shown that the scenario preparations of operator companies in the communication field before disasters were not functional. Additionally, it has revealed the need for nationwide efforts to identify the deficiencies in communication and telecommunications preparedness and response for effective solutions to be offered. The administration's ability to effectively manage the issue of people's right to communicate during emergencies should be questioned, as earthquakes have revealed that it is not meeting its positive commitments in this regard. It is difficult to state that the standards of a risk reduction-based strategy were followed in this context to preserve people's right to communicate before disasters, even while operational steps have been taken using a rights-based approach in the communication services context.

Additionally, Presidential Decree No. 142 outlines the steps for individuals to obtain ownership rights when seeking construction loans or housing for collapsed homes⁴¹. The decree introduces tax exemptions for credits and projects offered by international organizations. It is decided that the Disaster and Emergency Management Presidency can procure housing materials such as prefabricated buildings, containers, and tents,

⁴⁰ Presidency of Turkish Republic, 'Decree No. 140 on ' (6 April 2023) Official Gazette No: [32155], <https://www.resmigazete.gov.tr/eskiler/2023/04/20230406-5.pdf> accessed 16 August 2023.

⁴¹ Presidency of Turkish Republic, 'Decree No. 142 on ' (13 April 2023) Official Gazette No: [32162], <https://www.resmigazete.gov.tr/eskiler/2023/04/20230413-1.pdf> accessed 16 August 2023.

as well as vehicles, tools, and equipment to be used in mitigating the effects of the earthquake from abroad. Furthermore, imported goods of this nature are exempted from customs and other financial obligations. The decree takes steps to address the deficiencies in the field by procuring resources from external sources and providing administrative and legal facilitations in this regard. As a result, it makes it possible for the field to get supplies needed to quickly counteract the effects of the earthquake. However, the fact that the administrative procedures for procuring external resources were eased with this decree being issued two months after the earthquake indicates a delayed intervention in this regard.

Finally, a large portion of the actions performed as part of the operational response are meant to mitigate the effects of the earthquake. Making swift decisions and ensuring the timely delivery of supplies and services to the earthquake zone has been the main objective of all these efforts. The use of legal instruments had the additional benefit of expediting the response procedure.

B. Presidential Decrees in the Scope of Organizational Intervention

Organizational intervention encompasses disaster management's structural and institutional interactions and the tools and regulations that bring about these interventions. It involves preparing, organizing, and making decisions for the existing organization according to the requirements of disasters and emergencies. The first decree issued after the SoE is related to organizational intervention and is called the "Presidential Decree on Measures Taken in the Judiciary within the Scope of the State of Emergency" published on February 11, 2023. This decree suspends the statutes of limitations, forfeiture periods, mandatory administrative application periods, such as filing lawsuits, applications, objections, notices, to prevent individuals from losing their rights in the judicial process until April 6th⁴². The measure ensures that the judiciary

⁴² Presidency of Turkish Republic, 'Decree No. 120 on ' (11 February 2023) Official Gazette No: [32101], <https://www.resmigazete.gov.tr/eskiler/2023/02/20230211M1-1.pdf> accessed 16 August 2023.

in the affected areas is prepared for emergencies and organizational measures are taken to prevent individuals from experiencing any loss of rights.

Secondly, the earthquake-stricken region is susceptible to criminal activities due to the post-disaster situation. Numerous complaints regarding theft and looting crimes have been received, leading to both judicial and administrative proceedings. According to official records as of February 28, Authorities arrested 201 suspects for theft, looting, and fraud in the region after identifying 312 suspects in 383 incidents⁴³. The related decree specifies that the detention period for individuals detained for theft and looting crimes in the declared emergency areas should not exceed four days, except for exceptional circumstances. Additionally, due to the difficulty of collecting evidence in the earthquake-affected area and the large number of individuals involved, Prosecutors are granted the authority to extend the detention periods by an additional three days. These measures aim to maintain public security and order in the region, protect the security rights of citizens, and take organizational measures to combat crimes effectively.

A regulation related to the direct organizational intervention following earthquakes and the fourth presidential decree issued after SoE concerns the assistance provided to earthquake victims by banks. The decree titled "Presidential Decree on Donations and Aid to be Made by Banks and Consolidated Supervised Institutions within the Scope of the State of Emergency," published on February 17, 2023, removes limitations on aid provided by certain institutions to earthquake victims. This regulation prevents potential difficulties that institutions may encounter during emergency aid activities and enables structural adjustments according to emergencies. It indicates that not only public resources but

⁴³ TRT Haber, 'Over 691 thousand Earthquake Victims Received Psychosocial Support' (www.trthaber.com28 February 2023) <<https://www.trthaber.com/haber/gundem/691-bini-askin-depremedeyepsikososyal-destek-verildi-749522.html>> accessed 18 August 2023.

also private resources, including banks, are involved in intervention efforts for earthquakes⁴⁴.

Furthermore, the "Presidential Decree on Measures Taken in the Field of Labor and Social Security within the Scope of the State of Emergency," published on February 22, 2023, serves as a good example of organizational intervention. According to this decree, the right to short-time work allowance has been activated to protect employers in the provinces where SoE is declared, and most importantly, termination of employment, except for certain exceptions, has been prohibited during the state of emergency. The decree aims to mitigate the economic damage caused by earthquakes and includes structural arrangements for preserving earthquake victims' social and financial rights⁴⁵.

Additionally, the "Presidential Decree on Settlement and Construction within the Scope of the State of Emergency" includes important measures not only in terms of operational considerations but also organizational interventions. According to this decree, the distances of earthquake victims' temporary and permanent settlements from the seismic zones and the ground structures will be determined by the Ministry of Environment, Urbanization, and Climate Change, and communicated to relevant institutions⁴⁶. The Disaster and Emergency Management Authority (AFAD) is authorized to commission all kinds of engineering works such as maps, surveys, and projects related to housing, workplaces, and infrastructure services from relevant ministries and institutions. Moreover, domestic and foreign individuals and institutions are permitted to build housing and workplaces for earthquake victims. The provision facilitates individuals and institutions who wish to contribute to housing needs for earthquake victims directly and eliminates struc-

⁴⁴ Presidency of Turkish Republic, 'Decree No. 124 on ' (17 February 2023) Official Gazette No: [32107], <https://www.resmigazete.gov.tr/eskiler/2023/02/20230217.pdf> accessed 16 August 2023.

⁴⁵ Presidency of Turkish Republic, 'Decree No. 125 on ' (22 February 2023) Official Gazette No: [32112], <https://www.resmigazete.gov.tr/eskiler/2023/02/20230222-7.pdf> accessed 16 August 2023.

⁴⁶ Presidency of Turkish Republic, 'Decree No. 126 on ' (24 February 2023) Official Gazette No: [32114], <https://www.resmigazete.gov.tr/eskiler/2023/02/20230224-9.pdf> accessed 16 August 2023.

tural obstacles they may encounter. Additionally, organizations responsible for constructing infrastructure such as electricity, water, natural gas, and communication networks in earthquake-stricken areas are required to prioritize these areas. This measure aims to expedite organizational interventions in the reconstruction process and grants priority rights to earthquake-stricken regions.

Another measure related to assistance allows trade associations, unions, cooperatives, and their boards of directors to provide material and financial aid to earthquake-stricken areas based on their decisions. Furthermore, it is decided that no fees will be charged for documents issued for local tradesmen within the SoE areas. The provision protects local artisans and craftspeople and gives trade groups and unions the ability to actively aid in mending the damage caused by earthquakes⁴⁷.

The earthquake affected the tradesmen caused significant damage to the agriculture, industry, and service sectors in the earthquake-stricken areas. Consequently, it was necessary to take economic and organizational measures in response to these damages. One of the measures implemented was the postponement of the board meetings of the regional development agencies located in the earthquake-stricken regions for a period of three months. During this period, the Ministry of Industry and Technology appointed a general secretary with the power to exercise the board's authority. Moreover, the decree granted regional development administrations and agencies outside the disaster area the ability to organize social and economic support programs for the affected region. They were also authorized to lease or purchase property for the disaster area's benefit. The decree allowed development agencies to make prompt decisions without requiring board approval, ensuring efficient management during the state of emergency. Additionally, it removed administrative and legal obstacles that could impede the contributions of development agencies from other regions, both financially and administratively.

⁴⁷ Presidency of Turkish Republic, 'Decree No. 132 on ' (10 March 2023) Official Gazette No: [32128], <https://www.resmigazete.gov.tr/eskiler/2023/03/20230310-1.pdf> accessed 16 August 2023.

The agricultural sector suffered significant losses in the earthquake-stricken areas. To ensure the continuity of the sector and mitigate economic costs at the national level, the decree determined that live animals and sugar for feed purposes would be provided as assistance to small ruminants, cattle, beekeeping, and poultry farmers affected by the earthquake. The decree also established the procedures and principles for implementing these assistance programs⁴⁸. The measures taken in the agricultural sector were crucial not only for the local sector but also for the overall functioning of the national economy. The regions where the state of emergency was declared accounted for approximately 16% of the country's agricultural areas and Gross Domestic Product (GDP) share⁴⁹. The aim of these measures was to prevent future economic losses and risks by supporting the agricultural sector in the affected regions. This decree serves as a concrete example, indicating that the steps taken during the emergency response phase also include risk reduction activities.

In the industrial sector, the earthquake had a significant impact, especially considering the presence of two important industrial hubs, Gaziantep and Adana, and the existence of 34 Organized Industrial Zones (OIZs) in the region. According to the data from the Ministry, 5,600 facilities were damaged in the region, and Adıyaman alone suffered 7 billion worth of damages⁵⁰. This posed a serious risk to the organizational continuity of the industrial sector in the region. To address this, Presidential Decree no.139 determined that areas suitable for establishing new industrial zones, considering earthquake risk criteria,

⁴⁸ Presidency of Turkish Republic, 'Decree No. 135 on ' (12 March 2023) Official Gazette No: [32130], <https://www.mevzuat.gov.tr/MevzuatMetin/19.5.135.pdf> accessed 16 August 2023

⁴⁹ **TUİK**, 'TÜİK - Veri Portalı' (data.tuik.gov.tr2022) <<https://data.tuik.gov.tr/Kategori/GetKategori?p=Tarim-111>> accessed 18 August 2023.

⁵⁰ İletişim Başkanlığı, 'Sanayi ve Teknoloji Bakanı Varank, Deprem Bölgesinde Hasar Gören Sanayi Tesislerine İlişkin İncelemelerine Adıyaman'da Devam Etti' (www.iletisim.gov.tr March 2023) <https://www.iletisim.gov.tr/turkce/yerel_basin/detay/sanayi-ve-teknoloji-bakani-varank-deprem-bolgesinde-hasar-goren-sanayi-tesislerine-iliskin-incelemelerine-adiyamanda-devam-etti> accessed 18 August 2023.

would be identified by the Ministry of Environment, Urbanization, and Climate Change and the Ministry of Industry and Technology⁵¹. These identified areas could be declared as industrial zones by a presidential decision. The decree also allowed domestic and foreign individuals and institutions to establish industrial workplaces for earthquake-affected industries. By transferring the responsibility of assistance to earthquake-affected industrialists to the Ministry of Industry and Technology, the decree facilitated inter-ministerial cooperation, ensured accurate information exchange, and enabled the reconstruction of the industrial organization in the region. The decision to assign the Ministry of Industry and Technology with the distribution of assistance to the industrial sector indicates the intention to utilize expert ministry for the proper utilization of aid. The decree also highlighted the construction of infrastructure and the provision of engineering and architectural works in industrial zones, which the Ministry of Industry and Technology would finance. Incentives were provided for the construction of prefabricated and container housing for earthquake-affected industrial workers. These measures aimed to minimize national industrial losses and contribute to the restoration of the affected sector at the local level. This decree also serves as a concrete example of risk reduction activities within the emergency management phase⁵². Thus, with the measures taken, efforts have been made to minimize the countrywide industrial losses in a structural sense and to revive the sectors that suffered local damage. In this regard, the relevant decree provides a concrete example of risk reduction activities in the disaster response management phase. Additionally, it has been decided that the government will cover insurance premiums for personnel working in private educational institutions for a period of three months. Financial incentives have also been granted for research, development, and technology zones in the SoE region, and earthquake-affected businesses have been exempted from repaying the support received from the Small and Medium Enterprises Development Organiza-

⁵¹ Presidency of Turkish Republic, 'Decree No. 139 on ' (5 April 2023) Official Gazette No: [32154], <https://www.resmigazete.gov.tr/eskiler/2023/04/20230405-8.pdf> accessed 16 August 2023.

⁵² Ibid., Article 1(a).

tion (KOSGEP). As a result, local enterprises have been supported in terms of their institutional continuity, and financial assistance has been provided to private businesses.

Consequently, administrative, and social organizations have been better prepared for the crisis scenario as a result of numerous actions made in the framework of organizational response. The long-term repercussions of the earthquake have been addressed and combated together with structural hurdles to the intervention.

C. Presidential Decrees in the Scope of Psychological Intervention

Psychological intervention plays a crucial role in disaster management, serving as the foundation for both organizational and operational interventions. It encompasses various dimensions such as communication, community direction, morale, and motivation. The administration's actions to lessen the burden and enhance people's well-being following a disaster, however, will be the sole focus of the article. Due to the need for separate research methods for aspects like communication and directing the community, the psychological dimension has been excluded. Psychological intervention is not only important for boosting morale, motivation, and alleviating the burden on individuals during interventions, but it also contributes to the success of organizational and operational interventions and the progress of interventions. Comprehensive Disaster Management Plans (CDMPs) examined so far are indirectly related to psychological intervention. They can be considered psychological interventions as they aim to enhance individual and community resilience against disasters and mitigate the individual costs brought about by earthquakes.

Psychological intervention includes elements that help overcome administrative and legal challenges that individuals may face after earthquakes and mitigate individual burdens. In this respect, psychological intervention allows for the legitimacy of decisions made in interventions by ensuring individual support and instilling the sense that the government stands by citizens during times of disaster. The first Comprehensive Disaster Management Plan directly related to psychological

intervention is the Presidential Decree on "Taking Certain Measures within the Scope of State of Emergency" published on March 3, 2023⁵³. The provisions contained in this decree are striking as they demonstrate the details of psychological intervention. As is known, in the chaos and panic caused by earthquakes, when individuals in vehicles want to leave the earthquake-stricken area or seek refuge in their vehicles, or when vehicles from other cities arrive for search and rescue, the traffic violations that would normally result in administrative sanctions are exempted. The provision indicates that traffic rule violations that would require administrative sanctions in normal circumstances will be disregarded, considering that earthquake victims or those providing assistance are committing these violations under the influence of panic and chaos in the disaster area. This situation acknowledges the humanitarian nature of the traffic violations committed by individuals in the psychological state of the moment and emphasizes that the normal legal regime cannot be enforced in disaster situations and that the actions of individuals affected by the chaos caused by the earthquake cannot be governed by the normal legal order. In this sense, it demonstrates the necessity of the proactive perception of disasters and the State of Emergency regime. Another example of psychological intervention is the decree concerning higher education measures. In this regard, Decree Number 129 is a manifestation of the social state concept in terms of meeting the needs of university students and preventing the financial burdens that may arise from earthquakes⁵⁴. Accordingly, university students residing in earthquake-prone areas, including foreigners, and even those studying outside the earthquake-stricken regions but whose families reside in these areas, will have their tuition fees and contributions for the spring semester covered by the government, and if already collected, they will be refunded. The most noteworthy aspect here is that the administration grants tuition fee exemptions to not only university students in the

⁵³ Presidency of Turkish Republic, 'Decree No. 128 on ' (2 March 2023) Official Gazette No: [32121], <https://www.resmigazete.gov.tr/eskiler/2023/03/20230303-10.pdf> accessed 20 August 2023.

⁵⁴ Presidency of Turkish Republic, 'Decree No. 129 on ' (2 March 2023) Official Gazette No: [32121], <https://www.resmigazete.gov.tr/eskiler/2023/03/20230303-11.pdf> accessed 20 August 2023.

earthquake-stricken areas but also to students who, although not residing in the disaster areas themselves, have family members residing there. The administration shows comprehensive support for students affected by disasters due to their family's situation, even if they are studying in other cities. This support includes potential material or moral losses the student may face because of their family's situation. In this sense, including foreign students indicates that assistance is provided to every student affected by the disaster, regardless of their citizenship, without discrimination. It indicates the scope and specifics of the social state's positive commitments or tasks and illustrates the government's efforts to extend its humanitarian hand to every vulnerable person impacted by the disaster.

Indeed, the most vulnerable groups in society who bear the burden of disasters due to pre-existing disadvantages are the elderly, the poor, and immigrants, among others. One of the most vulnerable groups in earthquake-prone areas is disabled individuals, who are also among the disadvantaged groups. The Presidential Decree on "Measures Taken in the Field of Social Services within the Scope of State of Emergency" eliminates the income requirement for providing care services for disabled earthquake victims residing in the disaster area or relocated to other provinces in special care centers nationwide⁵⁵. This ensures support for the care of disabled individuals, who are one of the most vulnerable groups in earthquakes and addresses the administrative challenges they may face. It is important to note that some vulnerable groups affected by disasters, such as the elderly, women, children, and immigrants, may not have access to social services, which is a shortcoming. To address this, social services should be expanded to include these disadvantaged groups⁵⁶.

Students are also an important group in society, as they receive free boarding and scholarships and contribute to shaping the communi-

⁵⁵ Presidency of Turkish Republic, 'Decree No. 130 on ' (3 March 2023) Official Gazette No: [32121], <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=130&MevzuatTur=19&MevzuatTertip=5> accessed 20 August 2023.

⁵⁶ Ibid., Article 4.

ty's future. The decree mandates that students in the SoE area who receive these benefits should continue to receive free dormitory placement in the same city or other provinces, as well as ongoing financial support. This aims to support the education of future generations, who have a long-term impact on society's development. These decrees demonstrate that steps have been taken for disadvantaged individuals within the community, although there may be shortcomings in terms of coverage.

Making sure that earthquake victims can continue to enjoy the rights and privileges accorded to them without losing them—regardless of where they are relocated—is an additional example of psychological intervention. The provision prevents the loss of rights due to the displacement of earthquake victims. In their new places, earthquake victims will legally retain their status as such; that is, there won't be a location requirement for this status. In other words, earthquake victims will still have the same status as they did before they moved; that is, their new location will not be a prerequisite for their current status. In a sense, regardless of their location, earthquake victims are still considered as such, and they can benefit from the rights granted to them without requiring a specific location⁵⁷. This facilitates the migration of earthquake victims to other provinces to overcome the trauma and fear of the earthquake, allowing them to benefit from their granted rights in every province. In another decree, the electricity and natural gas debts related to buildings that were destroyed or heavily damaged in the earthquake have been waived. Additionally, facilitations have been made regarding the postponement of public debts and tax payments for individuals⁵⁸. Consequently, the government covers the additional subscription debts incurred by individuals due to the earthquake, thereby alleviating the financial burden on individuals.

⁵⁷ Presidency of Turkish Republic, 'Decree No. 133 on ' (10 March 2023) Official Gazette No: [32128], <https://www.resmigazete.gov.tr/eskiler/2023/03/20230310-2.pdf> accessed 20 August 2023.

⁵⁸ Presidency of Turkish Republic, 'Decree No. 127 on ' (3 March 2023) Official Gazette No: [32121], <https://www.resmigazete.gov.tr/eskiler/2023/03/20230303-9.pdf> accessed 20 August 2023.

Overall, these measures highlight the efforts to support disadvantaged individuals within the community and demonstrate that these groups are being cared for although there may be some limitations in terms of coverage. Considering all interventions, using legal tools to intervene aided the process and allowed for speedy actor mobilization and engagement. As a result, through the active use of legal tools, the process's binding nature and effectiveness have been enhanced, and its legal foundation has been established.

CONCLUSION

On February 6, 2023, Türkiye faced one of the most devastating disasters in its history with the Kahramanmaraş earthquakes. SOE was declared after the earthquakes, which devastated around 10 provinces, and several PDs were issued to address the impact of the disaster. Earthquakes pose a great challenge to disaster response efforts, causing extensive and far-reaching damage. In this respect, it constitutes an important example to measure the disaster reflex in the presidential government system. It is a field where the reflections of disaster perception can be seen as well as the disaster response management process. Disasters are unpredictable and devastating events that require swift and effective responses from the authorities. However, such responses may also pose challenges to the legal and democratic framework of a country, especially when a state of emergency (SOE) is declared. This article aims to critically analyze the legal and democratic implications of disaster response in the context of the Republic of Türkiye, which faced a series of earthquakes in Kahramanmaraş on February 6th, 2023.

During a disaster, the normal functioning of society is disrupted, and exceptional measures need to be taken to ensure public safety. With limited time and resources, it might be challenging to intervene during a crisis through the regular judicial system. The state must use appropriate legal tools to establish legitimacy for judgments about binding intervention. During a state of emergency, it is crucial to ensure that any measures taken to combat a crisis are both effective and proportionate. It is equally important to consider the fundamental rights and freedoms of those affected by the disaster and ensure that any interventions are necessary and justified. In the crisis period, PDs are effective legal instru-

ments for agile and responsive action on matters of executive power. As such after the February 6 earthquakes in Kahramanmaras, SOE was declared to combat the effects of the earthquakes. The earthquake response process was carried out under the SOE regime. More than 25 PDs were issued during this period. Regarding nature and content, the PDs provide important insights into how using appropriate legal instruments in SOE improves the disaster response process. Hence, the procedure has been made more binding, more effective, and has a clear legal foundation thanks to the active use of legal mechanisms.

The phases of the disaster cycle, such as risk mitigation and reaction, are inextricably linked and, in the end, complementary to one another. This understanding allows for an evaluation of the disaster response management procedure following the earthquakes on February 6. It can also be said that the PDs issued with SOE declared after the earthquakes complement and support each other. In this context, PDs can be investigated under three broad categories: operational, organizational, and psychological intervention. The categorization will include a conceptual framework for disaster response, the legal dimension of PDs, and how each PD complements the others. The ability to manage and mitigate a disaster's effects on the ground constitutes operational intervention, which is the crucial and time-sensitive element of post-disaster response management. Organizational intervention is the capacity to enlist already-established institutions and actors in disaster response. Last but not least, psychological intervention includes decisions about easing individuals' burdens as a result of the disaster's difficulties, facilitating legal affairs and procedures, communication, morale, and motivation. Meanwhile, the foundation for organizational and operational intervention in disaster response management relies on psychological intervention. In short, all these phases of the response process are complementary and supportive of one another, and the PDs that were issued can be assessed in this context and serve as a practical illustration of how the management of disaster response works. The conceptual framework can be used as a reference when developing or putting into practice laws and policies for disaster management. Overall, the article examines the SoE period PDs in the context of legal aspects of the crisis

management strategy implemented during one of the most devastating catastrophes in the history of the Republic of Türkiye. It also emphasizes the necessity of a multidimensional approach to earthquakes, which are now considered a social phenomenon that should be addressed not only by geoscientists but also by an interdisciplinary approach.

The recent earthquakes in Türkiye marked the country's most catastrophic disaster since its shift to a presidential government system. The executive branch has implemented crisis management strategies to facilitate quick and efficient decision-making. Therefore, this study analyzed the crisis management policies of the SoE PDs that were issued following the Kahramanmaraş earthquakes and categorized them into three main dimensions: organizational, operational, and physiological context. The intervention methods are in an intertwined spiral and are complementary to each other in terms of disaster response. The formulation and implementation of legislation and policies about disaster response management can be guided by this conceptual framework. The policy and legal lessons learned from the devastating Kahramanmaraş earthquakes can provide valuable insights for handling potential future disasters. Further studies could delve into specific aspects of intervention policy and provide a more comprehensive analysis.

ANNEX

Date	PD Number	PD Decree Description
6th February 2023		Two earthquakes with magnitudes of 7.6 and 7.7 have occurred in Kahramanmaraş.
8th February 2023	6785	Decision to Declare State of Emergency in Adana, Adıyaman, Diyarbakır, Gaziantep, Hatay, Kahramanmaraş, Kilis, Malatya, Osmaniye, and Şanlıurfa Provinces
11th February	120	Measures Taken in the Judicial Field under the State of Emergency

2023		
13th February 2023	121	Measures Taken in the Health Field under the State of Emergency
15th February 2023	122	Measures Taken Regarding Public Personnel under the State of Emergency
	123	Establishment of Positions in Certain Public Institutions and Determination of Equivalent Positions
17th February 2023	124	Donations and Assistance to be Made by Banks and Consolidated Supervised Institutions under the State of Emergency
22nd February 2023	125	Measures Taken in the Labor and Social Security Field under the State of Emergency
24th February 2023	126	Settlement and Construction within the Scope of the State of Emergency
3rd March 2023	127	Measures to be Taken Regarding Public Procurements, Receivables, and Social Facilities under the State of Emergency
	128	Certain Measures under the State of Emergency
	129	Measures Taken in the Field of Higher Education under the State of Emergency
	130	Measures Taken in the Field of Social Services under the State of Emergency
	131	Measures Taken in the Field of Education under the State of Emergency

10th March 2023	132	Certain Measures under the State of Emergency
	133	Protection of Rights of Individuals Changing Their Place of Residence due to Earthquakes under the State of Emergency
12th March 2023	134	Regional Development and Investment Incentives within the Scope of the State of Emergency
	135	Measures Taken in the Field of Agriculture under the State of Emergency
	136	Industrial Workplaces within the Scope of the State of Emergency
21st March 2023	137	Exemption of Energy Consumption Fees within the Scope of the State of Emergency
31st March 2023	138	Certain Measures under the State of Emergency
5th April 2023	139	Amendment to the Presidential Decree on Measures Taken in the Judicial Field under the State of Emergency
6th April 2023	140	Electronic Communications Field and Inspection Services for Water Structures within the Scope of the State of Emergency
10th April 2023	141	Amendment to the Presidential Decree on Measures Taken in the Judicial Field under the State of Emergency
13th April 2023	142	Some Measures in the Field of Disaster and Emergency Management under the State of Emergency
20th April 2023	143	Investments in Renewable Energy Resource Areas

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