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Destruction of Disaster Affected Records: A Normative Legal Analysis and Archival Risk Management Perspective

Viola Dwi Putri Syarif [1], Habiburrahman[2]
[1,2] Diploma IV Study Program in Archives, Vocational School, Universitas Terbuka, Indonesia
Correspondence Email: viola.syarif@ecampus.ut.ac.id [1]

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ABSTRACT

Disasters may damage both the physical carriers and informational content of records, raising questions about the legal basis and procedures for handling records that can no longer be recovered. This study analyses the legal construction governing the destruction of disaster-affected records in Indonesia and explains its relevance through the records life-cycle theory, records continuum model, and disaster risk management. It applies to a normative legal design using statutory and conceptual approaches. Primary legal materials comprise archival laws and regulations, analyzed qualitatively through inventory, systematic interpretation, and normative synchronization; archival literature serves as secondary material. The study finds that a disaster does not remove accountability requirements for destruction. Post-disaster procedures must be interpreted systematically alongside the general rules on records disposition, with differentiated treatment based on the degree of damage and the identifiability of information. Dynamic records lists, records retention schedules, incident documentation, and collegial decisions by a records appraisal committee constitute essential evidentiary infrastructure. The absence of a supporting list should not automatically be construed as a permanent prohibition on destruction, but as an evidentiary deficit that must be addressed through accountable information reconstruction and documentation. Records management from the point of creation must therefore be integrated with continuity planning and disaster mitigation so that post-disaster rescue or destruction remains lawful, measured, and accountable.

Kata Kunci:
Arsip terdampak bencana;
Manajemen risiko;
Pemusnahan arsip;
Penyusutan arsip;
Siklus hidup arsip.

ABSTRAK

Bencana dapat merusak fisik dan informasi arsip serta menimbulkan persoalan mengenai dasar hukum dan prosedur penanganan arsip yang tidak lagi dapat dipulihkan. Penelitian ini bertujuan menganalisis konstruksi hukum pemusnahan arsip terdampak bencana di Indonesia dan menjelaskan relevansinya melalui teori siklus hidup arsip, model kontinum rekod, serta manajemen risiko bencana. Penelitian menggunakan desain yuridis-normatif dengan pendekatan peraturan perundang-undangan dan pendekatan konseptual. Bahan hukum primer berupa peraturan kearsipan dianalisis secara kualitatif melalui inventarisasi, interpretasi sistematis, dan sinkronisasi norma; literatur kearsipan digunakan sebagai bahan sekunder. Hasil penelitian menunjukkan bahwa bencana tidak menghapus kewajiban akuntabilitas dalam pemusnahan arsip. Prosedur pascabencana harus dibaca secara sistematis bersama norma umum penyusutan arsip, dengan pembedaan penanganan berdasarkan tingkat kerusakan dan keteridentifikasian informasi. Daftar arsip dinamis, jadwal retensi arsip, dokumentasi kejadian, dan keputusan kolegial Panitia Penilai Arsip menjadi infrastruktur pembuktian yang menentukan. Ketiadaan daftar pendukung tidak tepat dimaknai otomatis sebagai larangan permanen untuk melakukan pemusnahan, tetapi sebagai defisit pembuktian yang harus dipulihkan melalui rekonstruksi informasi dan dokumentasi yang dapat dipertanggungjawabkan. Temuan ini menegaskan bahwa pengelolaan arsip sejak penciptaan harus diintegrasikan dengan rencana keberlanjutan dan mitigasi bencana agar penyelamatan maupun pemusnahan pascabencana tetap sah, terukur, dan akuntabel.

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1. INTRODUCTION

Indonesia is highly vulnerable to disasters, including hydrometeorological disasters such as floods and fires and geological disasters such as earthquakes. These conditions make records a state asset vulnerable to damage, both to their physical storage media and to the information they contain. As records of activities and events created in social and national life and in the administration of the state, records perform a dual function: they serve as evidence of governmental and national accountability while also constituting a collective memory that documents the nation's identity and history. Disaster-related damage to records is therefore not merely a technical archival issue, it concerns the continuity of public accountability and the preservation of the nation's documentary heritage.

In this context, the preservation of disaster-affected records is crucial not only for administrative verification but also for sustaining public historical consciousness. As demonstrated by Almadania, historical records and past disaster documentations (such as the 2004 Aceh tsunami records) serve as vital components of collective memory, where preserving and exhibiting recorded heritage through archival programs helps bridge historical continuity and maintain cultural identity for future generations (Almadania et al., 2025).

The issue becomes more complex when records damaged by a disaster must be destroyed. On the one hand, the principle of due care in records management requires that destruction be limited to records that have no continuing value, whose retention periods have expired with a destruction designation in the Records Retention Schedule (RRS), whose destruction is not prohibited by law, and which are unrelated to the resolution of a legal case. On the other hand, severely damaged records generally lose their informational legibility, making it difficult to reassess their value or match them against the applicable RRS. Post-disaster emergencies often prompt records creators to dispose immediately of piles of damaged records for practical, environmental-health, or storage-capacity reasons without observing applicable legal procedures. Such practices may create subsequent legal problems because non-procedural destruction may constitute an unlawful act under Law No. 43 of 2009 on Archives.

Developments in international frameworks show that post-disaster records handling must be situated within continuous records governance. ISO 15489-1:2016 is not a disaster-specific guideline, but establishes a foundation consisting of policies, responsibilities, metadata, records controls, monitoring, and processes for creating, capturing, and managing records in all forms and technological environments. By contrast, the International Council on Archives (ICA) issued more direct operational guidance in 2024 through a sequence of mitigation, preparedness, response, damage assessment, salvage, recovery, temporary storage, and rehabilitation. ISO 15489 thus provides the foundation for governance and evidentiary traceability, while the ICA guidance operationalizes it throughout the emergency-management cycle. Compared with the Indonesian framework, both reinforce the need to read Regulation of the Head of ANRI Number 23 of 2015 together with the general rules on records disposition, ensuring that post-disaster actions remain documented

and auditable and do not end with physical salvage alone (International Council on Archives, 2024; International Organization for Standardization, 2016).

Previous studies have generally addressed the protection of archives, preservation strategies, or institutional disaster preparedness. Relatively few have treated the destruction of disaster-affected records as a problem requiring synchronization among records-disposition rules, emergency-response needs, and administrative evidence. This article contributes a systematic reading of these three domains and emphasizes that records list function not only as retrieval tools but also as post-disaster evidentiary infrastructure. On this basis, the study answers three questions: (1) what is the status of records as public assets that must be protected; (2) how is the procedure for destroying disaster-affected records constructed; and (3) how do records life-cycle theory, the records continuum model, and risk management explain the need for procedural accountability?

This study aims to analyze the legal basis, procedural stages, and theoretical implications of destroying disaster-affected records in Indonesia. Academically, the findings strengthen scholarships at the intersection of archival studies and disaster risk management. Practically, they may assist records creators in developing auditable policies for post-disaster records rescue and disposition.

2. METHOD

This is normative legal research employing a statutory approach and a conceptual approach. The former is used to identify and harmonize rules governing the destruction, disposition, and protection of records from disasters. The latter is used to interpret the findings through records life-cycle theory, the records continuum model, and disaster risk management. The term qualitative in this study refers to the method of analyzing legal materials, not to field-data collection.

Primary legal materials include Law No. 8 of 1997 on Company Documents, Law No. 43 of 2009 on Archives, Government Regulation No. 87 of 1999, Government Regulation No. 28 of 2012, Regulation of the Head of ANRI No. 23 of 2015, and Regulation of the Head of ANRI No. 37 of 2016. Regulations concerning the appraisal of secondary value, the acquisition of archives, and vital records are used insofar as they are relevant to the object of study. Secondary materials consist of books and scholarly articles on records management, preservation, and disaster risk management.

Legal materials were collected through document study. The analysis proceeded in four stages: inventorying the rules; classifying them according to the pre-disaster, emergency-response, and post-disaster phases; systematically interpreting the relationship between disaster-specific rules and general disposition rules; and formulating prescriptions to strengthen governance. The validity of the argument was maintained by prioritizing official legal sources, clearly distinguishing binding rules from technical guidance, and testing the consistency of the conclusions against all legal materials. Because no field data were used, this study is not intended to measure records creators' empirical level of compliance.

3. RESULTS AND DISCUSSION

A. The Concept and Status of Records as State Assets

Article 1 point 2 of Law No. 43 of 2009 on Archives defines records as recordings of activities or events in various forms and media, in accordance with developments in information and communication technology, that are created and received by state institutions, regional governments, educational institutions, companies, political organizations, community organizations, and individuals in the conduct of social and national life and the administration of the state. This definition confirms the broad scope of records, which is not limited to paper documents but includes electronic and digital media.

Article 33 of Law No. 43 of 2009 affirms that records created through the activities of state institutions or activities financed by state funds are state-owned records. These include records originating from state institutions, regional governments, public educational institutions, and state- or region-owned enterprises, as well as records produced by activities financed by state funds. This status makes state-owned records objects of public law whose management—including disposition and destruction cannot be conducted solely at the discretion of the records creator but must comply with the approval mechanism of the competent archival authority.

Barthos (2007) views management as integrated management from creation through disposition to ensure the availability of authentic and reliable information. In current-records management, official correspondence procedures, records classification, security classification and access systems, and the Records Retention Schedule (RRS) are interconnected instruments. Each must be assigned its proper function: classification organizes records by function and activity; official correspondence procedures control creation; security classification and access systems regulate access rights; and the RRS provides the basis for retention and final disposition. The accuracy of these instruments determines whether the transfer, destruction, or accession of records can be traced and accounted for.

B. Records in Theoretical Perspective: The Records Life Cycle, Records Continuum Model, and Disaster Risk Management

Theoretically, current records management is explained through the records life-cycle theory, initially developed in the United States following the accumulation of records resulting from the First and Second World Wars. Read and Ginn (2010) define the records life cycle as comprising five phases: creation, distribution, use, maintenance, and final disposition. Within this framework, records destruction is a form of final disposition marking the end of a record's 'life' after it has been appraised as having no further value.

The records life-cycle approach was later criticized as overly linear and insufficiently capable of accommodating electronic records, which may be used simultaneously at multiple stages. In response, Frank Upward developed the records continuum model in Australia in the 1990s. This model views all stages of current and archival records as an interconnected continuum in which record managers and archivists participate concurrently in managing

recorded information, rather than sequentially as in the life-cycle model. Comparative studies show that although the life-cycle approach still dominates archival practice in Indonesia, the records continuum model is considered more relevant to organizing and supporting the preservation needs of electronic and digital records in modern institutions.

The relevance of these two theories to the destruction of disaster-affected records lies at the intersection of the "final disposition" of damaged records and the need for continuous records management even when storage media have been physically damaged. When physical records are destroyed by a disaster, but their information has been captured in current records lists or digital copies, the records continuum principle enable continued access despite the disappearance of the physical record. Conversely, the absence of supporting records lists completely breaks that continuum. Thus, the destruction of severely damaged records following a disaster reflects a failure of the records-management system at earlier stages, rather than merely a force majeure event.

From a risk-management perspective, Darmawi (2004) defines risk management as a process of identifying, measuring, and controlling risks that may threaten organizational assets and continuity. AS/NZS 4360 (2004) on Risk Management sets out the stages of establishing the context, identifying, analyzing, evaluating, and treating risk. Egbuji (1999) specifically applies risk management to records, emphasizing that organizational records are information assets exposed to various risks, including disasters, and therefore require planned mitigation rather than reactive treatment after damage has occurred.

In disaster management, disaster handling is commonly described in four phases: prevention, preparedness, response, and recovery. This framework has also been applied to the protection of records from fire at ANRI, as demonstrated by Wigati and Rachman (2019). Similarly, Hoesada (2006) introduced disaster recovery planning for the post-disaster restoration of an organization's administrative and accounting functions. The concept is relevant to record management because it helps ensure organizational continuity even when records are damaged. Accordingly, the destruction of disaster-affected records can be understood as the intersection between final disposition in records life-cycle theory and recovery in disaster-management theory a meeting point that demands both legal certainty and managerial rigor.

C. Legal Framework for Records Destruction

The legal framework of this study consists of general and specific rules. The general rules are found in Law No. 43 of 2009, Government Regulation No. 28 of 2012, and Regulation of the Head of ANRI No. 37 of 2016 on Guidelines for Records Disposition. Company documents are also governed by Law No. 8 of 1997 and Government Regulation No. 87 of 1999. Disaster-specific rules appear in Regulation of the Head of ANRI No. 23 of 2015 on the Protection and Rescue of Records from Disasters. Regulations on the appraisal of secondary value and the acquisition of archives serve as supporting rules when appraisal identifies continuing value. This structure is important so that disaster provisions are not read separately from the records disposition regime (Surtikanti, 2020).

Article 65 of Government Regulation Number 28 of 2012, in conjunction with Regulation of the Head of ANRI No. 37 of 2016 defines records destruction as the total elimination of both the physical record and its information. Destruction may be carried out only when four cumulative requirements are met: the records have no value; their retention periods have expired and the RRS designates them for destruction; no law or regulation prohibits their destruction; and they are unrelated to the resolution of a legal case. These requirements constitute the general rules for destruction under normal conditions.

In disaster situations, Regulation of the Head of ANRI No. 23 of 2015 governs the protection and rescue of state-owned records from possible loss or damage caused by natural factors or human actions. It covers the pre-disaster, emergency-response, and post-disaster phases. In the post-disaster phase, reconstruction, rehabilitation, documentation, and reporting produce, among other outputs, a list of recovered records and a list of records destroyed by the disaster. "Destroyed by the disaster" must be distinguished from "administratively destroyed": the former describes a factual condition caused by the disaster, whereas the latter is a legal act of disposition requiring a legal basis and administrative evidence.

Article 29 of Regulation of the Head of ANRI No. 23 of 2015 affirms that when records need to be destroyed during protection and rescue activities, the destruction must still follow the applicable guidelines. Because the specific 2012 destruction guidelines were superseded by Regulation of the Head of ANRI No. 37 of 2016, the current interpretation must refer to those disposition guidelines. A disaster therefore does not eliminate procedural requirements; it affects the methods used to identify records, reconstruct lists, assess conditions, and substantiate decisions.

D. Stages in Destroying Disaster Affected Records

Natural and non-natural disasters may damage physical and digital records to the extent that some or all identifying information can no longer be recognized. In such circumstances, an institution cannot immediately apply standard records-destruction procedures because a destruction decision requires certainty concerning the identity, value, and legal status of the records concerned. A systematic handling process is therefore required so that all disaster-affected records whether their information remains traceable or their identity has been lost are handled through measured, accountable, and duly authorized pathways before a documented determination and destruction creates an audit trail. The following diagram illustrates the overall process, from initial triage and branching based on the clarity of records identity through documented determination and destruction.

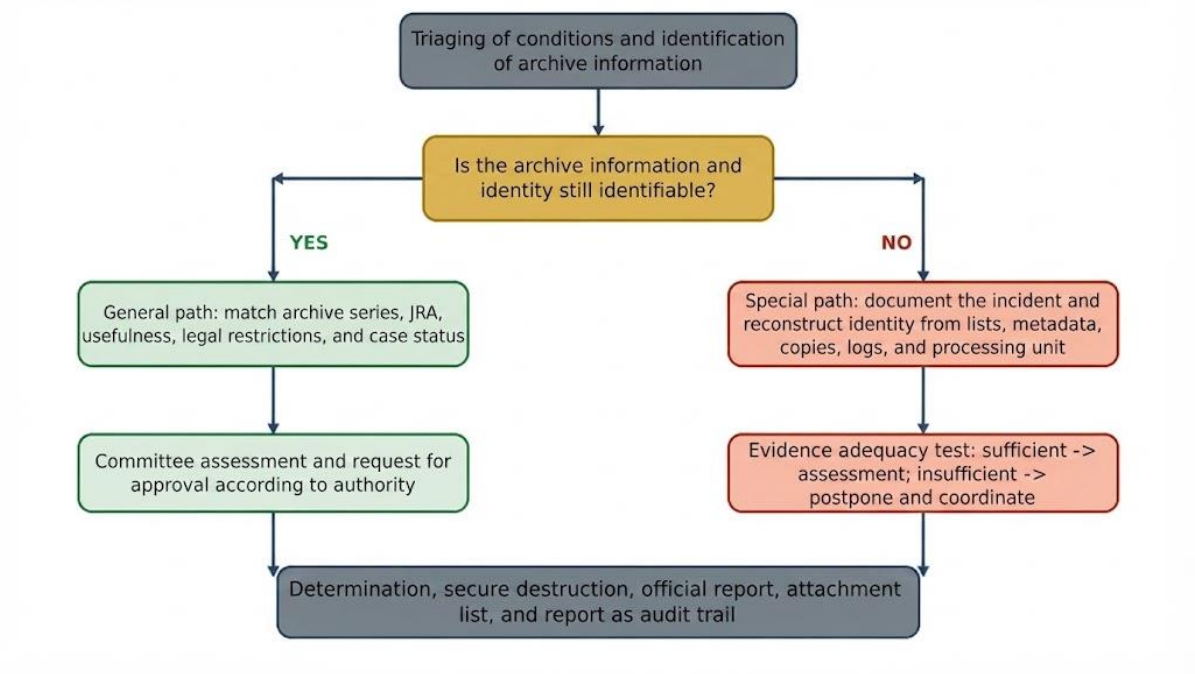


Figure 1. Workflow for Handling Disaster-Affected Records
Source: Authors' synthesis based on Government Regulation Number 28 of 2012, Regulation of the Head of ANRI Number 23 of 2015, and Regulation of the Head of ANRI Number 37 of 2016.

Operationally, the procedure for destroying disaster-affected records can be synthesized into seven stages, as shown in Table 1. These stages represent a systematic reading of the rules on disaster protection and the general rules on records disposition. Their purpose is to prevent unilateral decisions and ensure collegial appraisal, authorization, safe implementation, and an audit trail.

Table 1. Stages in the Destruction of Disaster-Affected Records

No	Stage	Activity Description	Relevant Party/Authority
1	Establishment of the Records Appraisal Committee	The head of the records-creating agency establishes the committee by decree.	Head of the Records Unit (chair), Head of the Processing Unit, Archivist/Records Manager
2	Selection of Records	Physical triage of post-disaster records into slightly, moderately, and severely damaged categories.	Records Appraisal Committee, conducted in parallel with emergency response
3	Preparation of the List of Records Proposed for Destruction	Preparation of a list of records proposed for destruction based on the selection results.	Records Appraisal Committee
4	Appraisal by the Records Appraisal Committee	Appraisal against the RRS and the criteria in Article 65 of Government Regulation No. 28 of 2012.	Records Appraisal Committee
5	Request for Approval	Submission of a request for destruction approval according to the applicable retention-based authority.	Head of ANRI / Governor / Regent / Mayor / Company Head / Rector
6	Formal Determination of	Issuance of a formal determination for records approved for destruction.	Head of the Records-Creating Agency

No	Stage	Activity Description	Relevant Party/Authority
	Records to Be Destroyed		
7	Implementation of Records Destruction	Physical destruction accompanied by an Official Report of Records Destruction.	Records Appraisal Committee, witnessed by legal affairs and internal oversight units

Each stage must be adapted to the records' actual condition. Identifiable records are appraised against the RRS and other available disposition instruments. For severely damaged records, the first priority is to document the incident and reconstruct the records' identity from lists, electronic systems, copies, metadata, and statements from the processing unit. Different procedural routes are therefore not grounds for reducing accountability; they strengthen the evidentiary basis when conventional physical examination is no longer adequate.

Stage 1: Establishment of the Records Appraisal Committee

The first stage begins with the head of the disaster-affected record-creating agency establishing a Records Appraisal Committee by decree. The committee is collegial and cross-unit, comprising the head of the Records Unit as chair, the head of the Processing Unit whose records are proposed for destruction as a member, and an archivist or records manager as a member. This structure deliberately separates the appraisal function from the unit whose records were affected, so the Processing Unit does not independently determine whether its records should be destroyed but is subject to collegial appraisal with the Records Unit and archivists who possess technical expertise. This mechanism is a form of internal control that prevents conflicts of interest and is an initial manifestation of legal due care in post-disaster records management. The committee should ideally be formed as soon as possible after the disaster because this stage is a prerequisite for all subsequent stages and runs in parallel with the emergency-response phase under Regulation of the Head of ANRI No. 23 of 2015.

Stage 2: Selection of Records

At the second stage, the Records Appraisal Committee selects or triages all disaster-affected records according to their physical condition, grouping them into three categories: slightly damaged; moderately damaged, in which information remains identifiable; and severely damaged, in which information can no longer be identified. This classification is decisive because it directs records into two different procedural tracks at later stages. Selection takes place in parallel with emergency response, making rapid and accurate identification crucial to preventing further damage from humidity, microbial contamination, or subsequent mechanical deterioration of records that could still be salvaged. This stage produces two separate documentation products: a list of recovered (restored) records, containing slightly and moderately damaged records for processing through the general route, and a list of records destroyed by the disaster, containing severely damaged records for processing through the special route.

Stage 3: Preparation of the List of Records Proposed for Destruction

Based on the second-stage selection, the Records Appraisal Committee prepares a list of records proposed for destruction as a working document for the next appraisal stage. The

list ordinarily includes the record type or series, creation period, quantity and unit of measurement, condition identified during selection, and retention information under the RRS where available. This stage is a critical point demonstrating the close relationship between pre-disaster archival preparedness and the effectiveness of post-disaster response. Records creators that maintained complete current-records lists before the disaster will find it far easier to compile an accurate proposal, whereas those lacking supporting lists will face substantial difficulties, particularly for severely damaged records whose information can no longer be identified directly from the physical records.

Stage 4: Appraisal by the Records Appraisal Committee

The Committee appraises the proposed-destruction list by reference to the criteria in Article 65 of Government Regulation No. 28 of 2012: the records have no value; their retention has expired and the RRS designates them for destruction; destruction is not prohibited by law; and the records are unrelated to the resolution of a case. For records whose information remains identifiable, appraisal involves matching series and retention periods. For severely damaged records, the Committee must test the sufficiency of the reconstructed identity and incident documentation. If the evidence is inadequate, destruction must be postponed until the evidentiary deficiency is corrected or guidance is obtained from the competent archival authority.

Stage 5: Request for Approval from the Competent Authority

The fifth stage, applicable only to slightly and moderately damaged records, consists of requesting destruction approval from the competent archival authority. Approval authority is tiered according to the type of records creator and the retention period of the records proposed for destruction. Records of ministries and state institutions are submitted to the Head of ANRI. Regional-government, company, and public-university records with RRS retention periods of at least ten years are also submitted to the Head of ANRI. Records with retention periods of less than ten years are submitted to the governor, regent, mayor, company head, or university rector, according to their respective authority. This tiered approval mechanism serves as an external check, ensuring that destruction does not depend solely on the records creator's internal appraisal but also receives legitimacy from a higher archival authority.

Stage 6: Formal Determination of Records to Be Destroyed

After approval has been obtained by the competent archival authority, the head of the records-creating agency issues a formal determination identifying the records to be destroyed. This instrument is legally binding, provides the basis for carrying out destruction at the next stage, and constitutes administrative evidence that the entire appraisal and approval process was completed in accordance with applicable procedures. Without this formal determination, the seventh-stage destruction has no valid legal basis.

Stage 7: Implementation of Records Destruction

The seventh stage is the physical destruction of records formally designated at the preceding stage. It is conducted by the Records Appraisal Committee and witnessed at a minimum by representatives of the legal affairs and internal oversight units. The destruction must be documented in an Official Report of Records Destruction recording the time, place,

method, and parties involved and accompanied by a list of the destroyed records. This report provides evidence that destruction was carried out in accordance with the formal determination made at stage six, thereby clarifying the legal status of the destroyed records and preventing future disputes.

In technical practice, severe damage requires additional documentation because the contents can no longer be examined directly. Documents establishing the disaster's status and chronology, reports to management, evidence of response measures, the decree establishing the committee, appraisal considerations and minutes, lists of affected records, official reports, and reports to the archival authority together build a chain of evidence. The following list should be understood as an operational verification set distilled from technical materials and the regulatory framework; its application must be adapted to the competent authority and the nature of the disaster. Documents relevant to severely damaged records include:

1) A determination of disaster status by the Central Government (for a national disaster) or Regional Government (for a provincial/regency/municipal disaster);
2) A disaster report submitted to the head of the records-creating agency;
3) An initial complaint report and final report from the Police;
4) A statement from the National Disaster Management Agency (BNPB) for a national disaster, or the Regional Disaster Management Agency (BPBD) for a provincial/ regency/municipal disaster;
5) A decree establishing the Records Appraisal Committee;
6) The written opinion of the Records Appraisal Committee;
7) Minutes of the Committee's appraisal meeting containing a complete chronology of the incident and response efforts;
8) A list of records destroyed by the disaster;
9) An Official Report of Post-Disaster Records Destruction, signed by the heads of the Records Unit and the Processing Unit whose records were destroyed and witnessed at a minimum by representatives of the legal affairs and internal oversight units;
10) A report on the destruction of disaster-affected records submitted to ANRI.

Different treatment based on the degree of damage reflects the principle of due care. When physical information cannot be verified, the risk of losing evidence or breaking the chain of accountability increases. Depending on the needs and scale of the incident, involving legal, oversight, police, and disaster-management bodies can strengthen external verification. External documents, however, do not replace the records creator's obligation to reconstruct the records' identity, context, and retention basis to the extent possible.

Taken together, the seven stages demonstrate that destroying disaster-affected records is not a single act that may be decided immediately after a disaster. It is a tiered administrative-legal process involving multiple parties and requiring complete documentation at every stage. The effectiveness of these stages, particularly speed at stages 1 and 2 and documentation accuracy at stage 3 is largely determined by the records creator's pre-disaster preparedness, especially the availability of up-to-date current-records lists and an RRS. In other words, the quality of post-disaster destruction procedures reflects the quality of pre-disaster records management, consistent with the risk-management principle that preventive mitigation is preferable to purely reactive measures.

E. Critical Analysis: Implementation Challenges

Previous studies show that disaster preparedness remains a challenge for archival institutions. Citing research on disaster management in South African public archival institutions, Wigati and Rachman (2019) report that disaster management has received inadequate attention, as indicated by the scarcity of disaster-response plans and strategies in many institutions. The same study refers to Muir and Shenton's (2002) research on six libraries and archives in the United Kingdom, which found that developing and implementing a disaster plan is a decisive factor in effective records rescue when disaster occurs. These findings align with Junawan and Deritani (2020), who emphasize planning as a critical element of disaster response because sudden and unexpected natural or human-made incidents can damage both records and storage facilities and hinder rescue and recovery.

Current-records lists are the principal point of entry for identifying affected records. If no list exists and information on the medium is illegible, the authority lacks a sufficient basis for assessing the series, retention period, legal prohibitions on destruction, or relationship to a case. This situation should not be framed as a permanent prohibition with no remedy, but as an evidentiary deficit. The records creator must first reconstruct the information using registration systems, metadata, copies, activity reports, statements from the Processing Unit, and other auditable evidence. Until sufficient evidence is available, destruction must be postponed and coordinated with the archival institution having jurisdiction.

From a risk-management perspective, preventive mitigation is more effective than reactive handling. Managing vital records through duplication, dispersal of storage locations, and secure vaulting constitutes risk control before a disaster occurs (Arsip Nasional Republik Indonesia, 2005; Darmawi, 2004; Egbuji, 1999). In a hybrid environment, authentically managed digital copies and metadata can preserve information continuity when physical media are damaged. Digitization alone is insufficient; organizations also need access controls, geographically separate backups, recovery testing, and documentation of the relationship between copies and source records.

The electronic dimension requires equally rigorous evidentiary protocols. Because Article 1 point 2 of Law Number 43 of 2009 encompasses records in various forms and media in line with developments in information and communication technology, a system failure or data centre disruption does not necessarily mean digital records have been destroyed. An organization must first define the incident's scope; secure system and access logs, metadata, configurations, and affected media; create forensic copies where possible; record hash values or other integrity controls; and document the chain of custody. Backups and replicas must be tested through controlled recovery, recording the time, personnel, tools, verification results, and anomalies. Only then can the committee distinguish records that are temporarily unavailable, corrupted but recoverable, or genuinely unreconstructedly. If logical destruction is approved under the applicable RRS and authority, deletion must encompass active copies, replicas, retired media, and expired backups, using verifiable

methods and a certificate or official report of deletion. Minimum metadata on series identity, the basis for retention, approval, method, time, personnel, witnesses, and verification results must be retained as an audit trail. This approach is consistent with ISO 15489-1:2016 principles concerning metadata, records controls, responsibilities, and records management across technological environments (International Organization for Standardization, 2016).

At this point, the limitations of the classical records life-cycle approach become apparent. It tends to treat destruction as a single, linear endpoint in a record's life and therefore insufficiently accommodates the continuity of recorded information through digital copies or metadata captured in a recordkeeping system. The records continuum model offers a more relevant perspective for modern institutions with hybrid systems because the loss of the physical record does not automatically erase every informational trace when a management continuum has been established from creation. Building archival resilience therefore requires integrating regular records instruments (official correspondence procedures, security classification and access systems, records classification, and the RRS), vital-records management, and a contingency or disaster recovery plan at the records-creator level. Disaster-related records destruction should thus be a rare exception, not a routine consequence of weak institutional preparedness.

4. CONCLUSION

This study concludes that state-owned records are assets and evidence of accountability that must be protected. Destroying disaster-affected records remains a legal act of disposition and must therefore be based on appraisal, authorization, documentation, and auditable implementation. Disaster-specific rules must be interpreted systematically alongside the general rules on records disposition. The degree of damage affects the identification techniques and strength of evidence required but does not eliminate the precautionary principle.

Theoretically, the destruction of disaster-affected records lies at the intersection between final disposition in the records life cycle and the recovery phase of disaster management. The records continuum model complements the life-cycle approach by demonstrating that information, context, and evidence can be maintained through metadata and systems managed from the point of creation. The study's principal finding is that current records list functions as post-disaster evidentiary infrastructure. Their absence creates an evidentiary deficit requiring reconstruction and coordination; it does not justify immediate destruction or a declaration of permanent prohibition without further process.

Based on these findings, the proposed practical policy guidance is as follows. Records creators should regularly update their current records lists and RRS and ensure both are available as backup evidence after a disaster. Vital records programmers should be integrated with organizational continuity plans, including off-site metadata backups and periodic recovery testing. Post-disaster triage should distinguish a general pathway for records that remain identifiable from a special reconstruction pathway for severely damaged records. For electronic records, organizations should secure logs and metadata, verify integrity and

backups, document the chain of custody, and distinguish temporary unavailability from permanent destruction. ANRI and regional archival institutions should issue more explicit technical guidance on evidentiary standards, list reconstruction, and verified deletion for severely damaged physical and electronic records. Further research could empirically examine the application of these procedures across different records creators and types of disaster.

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