



Implementation of Community Activities Restrictions in the Ngaben Ceremony Due to the Covid-19 Pandemic in Bali Province

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ABSTRACT

The COVID-19 pandemic has had a very broad impact on people's lives, especially with regard to traditional ceremonies in Bali. One of these activities is the Ngaben Ceremony (Pitra Yadnya). On the other hand, PPKM has been a policy of the Indonesian Government to combat the Covid-19 pandemic since early 2020. PPKM has a great influence in the Ngaben ceremony. Ngaben is a ceremony to purify spirits and smelting corpses by burning the bodies of people who have died. The formulation of the problem in this research; What is the role of law in carrying out the Ngaben ceremony in Bali? and how to use sanctions against people who violate during the Ngaben ceremony in Bali? This research approach, with legislation, the type of research used is normative legal research. The technique of collecting legal materials used in this paper is through literature study. The conclusions from the formulation of the problem are the role of law and sanctions against Restrictions on Community Activities violators in relation to the Ngaben ceremony, namely in accordance with applicable regulations, such as; Minister of Home Affairs Instruction Number 35 of 2021 and Governor's Circular Letter Number 12 of 2021.

Keywords: Covid 19 Pandemic, Ngaben Ceremony, Restrictions on Community Activities

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I. INTRODUCTION

The COVID-19 pandemic is endemic throughout the world, Indonesia at the beginning of the year, precisely in March 2020, announced the first case of the 2019 Coronavirus, with two positive cases. [Susilo \(2020\)](#) stated that Coronavirus Disease 2019 (Covid-19) is an infectious disease caused by severe acute respiratory syndrome that has never been previously identified in humans. There are positive cases in Indonesia, the Government has reported it by setting PPKM. [Nugraha \(2020\)](#) Restrictions on Community Activities is a term for health management in Indonesia which is defined as "Implementation of Restrictions on Community Activities" which aims to prevent the spread of the corona virus that occurs between certain regions. Restrictions on Community Activities was first enforced on January 11 to January 25, 2021 and again on July 3, 2021 in several areas, one of which is in the Province of Bali. Restrictions on Community Activities is a policy established by the Indonesian government to reduce the transmission rate of COVID-19. During a year in force, Restrictions on Community Activities is a policy that continues to change. Restrictions on Community Activities changes are based on changes in COVID-19 conditions in an area.

Each region has a different level of Restrictions on Community Activities. There are a number of factors that serve as a reference for determining the level of Restrictions on Community Activities in an area. [Sibuea \(2021\)](#) the Government has issued the Instruction of the Minister of Home Affairs Number 35 of 2021 concerning the Enforcement of Restrictions on Community Activities Level 4, Level 3, and Level 2 Corona Virus Disease 2019 in the Java and Bali regions.

The Ngaben ceremony is a ceremony of purification of the spirit and the smelting of corpses from the elements of the Panca Maha Bhuta by means of ngeseng or burning people who have died

(Paramadhyaksa & Nyoman, 2016). The purpose of the Ngaben ceremony is to sever the ragha sarira in order to return to the five maha bhuta in the realm of the atma to the pitara realm and sever its connection with the worldly body.

The existence of a policy of Enforcement of Restrictions on Community Activities has a major influence on the implementation of the Ngaben ceremony on the island of Bali, where the implementation of the Ngaben ceremony generally involves many residents which can cause problems. Therefore, the Ngaben ceremony is considered to be a cluster for the spread of Covid-19 because it can lead to creation. According to the Minister of Home Affairs (Mendagri), people who violate the emergency Restrictions on Community Activities can be punished based on the Instruction of the Minister of Home Affairs Number 35 of 2021. Two aims of this study are to investigate the implications of the Legal Role of Implementing Community Activity Restrictions in Relation to the Ngaben Ceremony in Bali and to investigate the Sanctions Against People Who Violate in Restrictions on Community Activities During the Ngaben Ceremony in Bali.

II. METHODS

The approach to the problem in this research is a statutory approach, with the type of normative law or doctrinal research. This legal research was conducted by examining library materials consisting of primary legal materials and secondary legal materials. Normative legal research aims to determine the application of applicable laws and regulations (Soekanto, 1994). The problem approach used is the invitation approach and the case approach.

III. RESULT AND DISCUSSION

The Legal Role of Implementing Restrictions on Community Activities (PPKM) in Relation to the Ngaben Ceremony in Bali

The tradition of the Ngaben ceremony in Bali, is already a relic of the ancestors. The Ngaben ceremony is also called the Pitra Nyadnya ceremony. Pitra Yadnya which consists of two words "pitra" and "yadnya". "pitra" which means parents (father and mother), can also be interpreted as ancestors. While "yadnya" which means a sincere and holy sacrifice. So pitra yadnya is a sacrifice based on a sincere heart to the ancestors, especially to parents or people who have died. The Ngaben ceremony is defined as a spirit purification ceremony or the fusion of the elements of the Panca Maha Bhuta forming the human body by means of ngeseng or burning the bodies of people who have died (Kaler, 2011) The ritual of repairing the raga-sarira and the suksma sarira is considered the only form of performing the Pitra yadnya. Therefore, religious ceremonies occupy special places, in the form of rent-vedana and atma-vedana. Sawa wedana is the improvement of the game of sthula-sarira or the body to the five mahabhuta, and atma-vedana the return of the atma to the parama atma. (Wirata & Ketut, 2018).

This Ngaben ceremony tradition is carried out on every person who has died by his descendants or prestisentana as payment of debts to ancestors or people who have died. (Arwati & Made, 2013) The purpose of the Ngaben ceremony is to activate the ragha sarira so that it can return to the five maha bhuta in nature and for the atma (spirit) to the pitara (ancestor) realm and break its attachment to the worldly body. If the Ngaben ceremony is carried out for a long period of time, the gross body will turn into germs, which are called bhuta cuwil, and the atma will get hell (Nengah, 2001) .

Implications The tradition of Ngaben ceremony in Bali, related to the implementation of PPKM is a delimitation. On the one hand, the Ngaben ceremony (Pitra Yadnya) is an obligation for Hindus to make improvements to their ancestral spirits which is the embodiment of a sense of devotion to their ancestors who have always been part of the life of Hindus in Bali. by many people, especially relatives and family members of the traditional banjar. But on the other hand PPKM is a community activity due to the COVID-19 pandemic where the implementation of health protocols is strict. These are different events, the existence of a legal function in these 2 activities is very important.

Legal regulation is a social provision that regulates behavior between humans, namely regulating certain behaviors. Based on the above definition, it can be guaranteed that legal regulation is an order made to regulate people's behavior, in order to create a social order. Legal Arrangements for Regional Community Activity Restrictions with the Implementation of the Ngaben Ceremony in Bali Province, namely: Instruction of the Minister of Home Affairs Number 35 of 2021 concerning Enforcement of

Restrictions on Community Activities Level 4, Level 3 and Level 2 Corona Virus Disease 2019 in Java and Bali, On the FOURTH, FIFTH, and SIXTH Dictums. Circular Letter of the Governor of Bali Number 12 of 2021 concerning the Enforcement of Restrictions on Community Activities (PPKM) Level 4 Corona Virus Disease 2019 in the New Era of Life in the Province of Bali, in lift 1 letter f, and the Joint Decree of Parisada Hindu Dharma Indonesia (PHDI) of Bali Province And the Bali Province Traditional Village Council (MDA) Number: 020/PHDI-Bali/III/2020 Regarding Provisions for the Implementation of the Panca Yadnya Ceremony and/or Traditional Activities in the Status of the Covid-19 Pandemic in Bali, on letter D number 7 (C).

In the Instruction of the Minister of Home Affairs Number 35 of 2021, this is a follow-up instruction because the Government extends the Implementation of Restrictions on Community Activities which is valid from August 24 to August 30, 2021, where there is leniency for community activities during the period of Enforcement of Restrictions on Community Activities. Level 4, Level 3, and Level 2. In areas where the criteria are Level 4 and Level 3 in the implementation of congregational worship/religion in places of worship or other places that function as places of worship, a maximum of 50% or a maximum of 50 people is allowed by applying health protocols in a proper manner. more stringent. In areas with Level 2 criteria in the implementation of congregational worship/religion in places of worship, a maximum of 75% or a maximum of 75 people is allowed by implementing stricter health protocols.

The regulation regarding the implementation of the Ngaben ceremony during the Covid-19 pandemic and the Implementation of Restrictions on Community Activities (PPKM) which is used as a benchmark has been stated in the Instruction of the Minister of Home Affairs Number 35 of 2021 concerning the Enforcement of Restrictions on Community Activities Level 4, Level 3 and Level 2 Corona Virus Disease 2019 in And it has also been explained in the Circular of the Governor of Bali Number 12 of 2021 concerning the Enforcement of Restrictions on Community Activities (PPKM) Level 4 Corona Virus Disease 2019 in the New Era of Life Order in the Province of Bali.

Based on the approach to the Ngaben ceremony in the Bukih Traditional Village, Kintamani District, Bangli Regency which carried out a mass Ngaben ceremony on August 24, 2021, at which time the Implementation of Restrictions on Community Activities (PPKM) was being enforced, according to Mr. I Wayan Sakap as Bendesa Bukih Traditional Village, he has issued a special appeal to the public regarding the implementation of the Ngaben ceremony such as people who are allowed to enter the pengengan area or the burning of crew/corpses is only allowed a maximum of 5 people for 1 Sawa/corps, which at the time of the mass cremation ceremony in the Bukih Traditional Village on August 24, 2021 This is the number of bodies that were opened 11 Sawa / Bodies.

The imposition of sanctions for people who carry out the Ngaben Ceremony (Pitra Yadnya) during the Covid 19 pandemic in Bali

The dilemma of law enforcement during the COVID-19 pandemic is very real. On the other hand, the law must be enforced for the protection of the community, but the Ngaben ceremony is also the obligation of community members to their ancestors as part of their religious obligations for Hindus in Bali. In order for law enforcement to be maximized, the effectiveness of applicable legal norms is needed. (Budihartawan, I, P, G., 2020) sanctions are contained in the regulations that are applied to carry out the provisions that can be carried out in an orderly manner and are not implemented. (Susanto, 2019). The implementation of this cremation ceremony (Pitra Yadnya) generally involves many residents and has led to what is currently happening in Indonesia, especially the Province of Bali, which is currently implementing Community Restrictions to prevent the spread of Covid-19 between people in a certain area. The Ngaben ceremony is very likely to become a cluster of Covid-19 transmission because it has and involves many residents, by increasing the spread of Covid-19 and positive cases of Covid-19 in Indonesia, especially on the island of Bali.

Legal consequences are all consequences that occur from all legal actions carried out by legal subjects against legal objects or other consequences caused by certain events by the law concerned determined or considered as legal consequences. Legal consequences that arise during the implementation of the Ngaben ceremony during the Enforcement of Restrictions on Community Activities are where there is opposition and not heeding or carrying out the regulations that have been made and stipulated regarding the Enforcement of Restrictions on Community Activities during the

Ngaben ceremony as mentioned above. Can be generated from the law that arises as a result of the implementation of the Ngaben ceremony during, namely the existence of opposition and not heeding the regulations.

Anyone who violates or does not heed the contents of the above regulations can be said to have caused legal consequences where during the Covid-19 pandemic will further increase the number of positive cases, increase the number of deaths and can have an impact on the capacity of hospitals that are unable to accommodate patients and It also has a huge impact on the community's economy. If someone has caused legal consequences, they can be subject to sanctions according to the regulations that have been set. In carrying out the Ngaben ceremony during the Restriction of Community Activities (PPKM) there are legal sanctions given to PPKM violators in the form of Administrative Sanctions and also Criminal Sanctions.

Based on the Instruction of the Minister of Home Affairs Number 35 of 2021, namely in letter a (sanctions against regional heads) and letter c (sanctions against the community). Criminal sanctions that can be imposed on violators of PPKM are contained in the Criminal Code, Law Number 4 of 1984, and Law Number 6 of 2018. Based on the Circular Letter of the Governor of Bali Number 12 of 2021 concerning the Implementation of Level 4 Corona Community Activity Restrictions (PPKM) Virus Disease 2019 in the New Era of Life in the Province of Bali, contains sanctions for PPKM violators in numbers 5, 7, and 9.

Therefore, the implementation of PPKM violators during the Ngaben ceremony can be subject to criminal sanctions as well as administrative sanctions from the articles above if everyone violates and does not heed his orders. When people carry out nagben strictly obeying, heeding and carrying out existing regulations, such as obeying directions from the government, getting permission from the Covid-19 Task Force to carry out the Ngaben ceremony, implementing very strict health protocols during the Ngaben ceremony, such as wearing masks with properly and correctly, washing hands with soap and using hand sanitizer, doing physical distancing or maintaining a minimum distance of 2 meters, and obeying the rules that have been set, can not be subject to sanctions because they have heeded the rules that have been set. Because the government's responsibility in environmental management that is not in accordance with the aspirations of the community can be in the form of administrative, civil and criminal responsibilities (Sugiartha, I, N & Widiati, I, A, 2020).

Based on the approach in the Bukih Traditional Village, Kintamani District, Bangli Regency, which carried out a mass cremation ceremony on August 24, 2021, at which time the Implementation of Restrictions on Community Activities (PPKM) was being implemented, according to the narrative of Mr. I Wayan Sakap as the Bendesa of Bukih Traditional Village, The mass cremation ceremony that has been carried out has obtained permission from the Covid-19 Task Force. There has been an appeal from the Regent who was sent to the Indigenous Bendesa and the Indigenous Bendesa gave an appeal to the community regarding the Enforcement of Community Activity Restrictions (PPKM) which coincided with the implementation of the Ngaben ceremony where the community was encouraged to strictly enforce the Health Protocols and regulations. already set.

So it can be guaranteed that if the governor, regent, mayor cannot be said as opening or heeding the President of the Republic of Indonesia, it can be said that the implementation of PPKM does not carry out obligations and does not comply with the implementation of the Ngaben ceremony where the Governor, Regent and Mayor do not give an appeal to The public regarding PPKM can be subject to sanctions in the form of administrative sanctions and also sanctions of termination for 3 months. Sanctions for people who violate PPKM during the Ngaben ceremony, such as not strictly following health protocols, not complying with relevant regulations and deliberately controlling disease outbreaks that cause a Public Health Emergency, can be given sanctions which are regulated in the regulations mentioned above.

IV. CONCLUSION AND SUGGESTIONS

Conclusion

Implications The tradition of Ngaben ceremony in Bali, related to the implementation of PPKM is a delimitation. Where on the one hand the Ngaben ceremony (pitra yadnya) is carried out, it is a tradition from the Balinese people to pay last respects to ancestors involving many people, while the Role of Law as Enforcement of Restrictions on Community Activities (PPKM) in relation to the

implementation of the Ngaben ceremony in Bali, where the Ngaben ceremony is one of the One example from Pitra Yadnya, Ngaben is a ceremony of purification of the spirit and the fusion of corpses from the elements of the five maha bhuta that form the human body by means of ngeseng or burning the bodies of the dead. The cremation ceremony cannot be postponed for a long period of time, because the gross body will turn into a virulent disease germ, and the atma will get hell. In carrying out the Ngaben ceremony which was held at the time of the Implementation of Restrictions on Community Activities (PPKM) in the Province of Bali, where the legal regulation was the Instruction of the Minister of Home Affairs Number 35 of 2021 concerning the Enforcement of Restrictions on Community Activities Level 4, Level 3, and Level 2 Corona Virus Disease 2019 in Java and Bali regions, Circular Letter of the Governor of Bali Number 12 of 2021 concerning the Enforcement of Restrictions on Community Activities (PPKM) Level 4 Corona Virus Disease 2019 in the New Era of Life in the Province of Bali, and the Joint Decree of the Parisada Hindu Dharma Indonesia (PHDI) Bali Province and the Assembly Traditional Villages (MDA) of Bali Province Number: 020/PHDI-Bali/III/2020 concerning Provisions for the Implementation of the Panca Yadnya Ceremony and/or Traditional Activities in the Status of the Covid-19 Pandemic in Bali.

Sanctions for people who carry out the Ngaben ceremony (Pitra Yadnya) during the COVID-19 pandemic in Bali, where due to the implementation of the Ngaben ceremony in Bali, the implementation generally tends to involve many people and causes the implementation of the Ngaben ceremony which is carried out during PPKM, which The public is advised to reduce mobility or reduce activities outside the home and comply with the Health Protocol. Legal sanctions for violators of PPKM during the Ngaben ceremony are regulated in the Instruction of the Minister of Home Affairs Number 35 of 2021 concerning the Enforcement of Restrictions on Community Activities Level 4, Level 3, and Level 2 Corona Virus Disease 2019 in Java and Bali, Articles 68 to 78 of the Law. - Law Number 23 of 2014 concerning Regional Government, Article 218 of the Criminal Code (KUHP), Article 14 of Law Number 4 of 1984 concerning Outbreaks of Infectious Diseases, Article 93 of Law Number 6 of 2018 concerning Health Quarantine, and Circular Letter of the Governor of Bali Number 12 of 2021 concerning the Enforcement of Restrictions on Community Activities (PPKM) Level 4 Corona Virus Disease 2019 in the New Era of Life Order in Bali Province.

Suggestions

The role of the law to regulate the orderly life of the community is a function of the law itself, in increasing the effectiveness of the Implementation of Restrictions on Community Activities (PPKM) during the implementation of the Government Ngaben ceremony to the Covid-19 Task Force so that they together or supervise the community so that the implementation of the Ngaben ceremony runs smoothly. and implement the Health Protocols very strictly.

The imposition of legal sanctions on violators is an obligation, mandatory for people who participate in the implementation of the Ngaben ceremony during PPKM to always carry out the Health Protocol (Prokes) very strictly and comply with applicable regulations.

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