

---

---

## **Covid-19 Prevention Handling Model Bali Province Government**

I Ketut Sukadana, I Nyoman Utama, Ni Made Sukaryati Karma  
Faculty of Law Warmadewa University Denpasar Bali  
E-Mail: [sukadanaketut1966@gmail.com](mailto:sukadanaketut1966@gmail.com)

*Published: 28/02/2022*

*How to cite:*

I Ketut Sukadana, et al. Covid-19 Prevention Handling Model Bali Province Government. *Sociological Jurisprudence Journal*. Volume 5 Issue 1. Page 25-31. <https://doi.org/10.22225/scj.5.1.2022.25-31>

### **Abstract**

According to data from the Indonesian Covid Task Force, as of Augustus 2, 2021, there were 3,462,800 cases and 97,291 deaths. Even though in terms of the quantity of Balinese people affected by COVID-19, which is around 2,3% of the sufferers nationally (2,231 deaths), the social impact it causes is very broad, especially in the tourism sector which is almost totally not operating. The government has taken policies or steps to overcome the impact of the Covid-19 pandemic. All parties are also expected to be able to make efforts to prevent transmission and mitigate the impact that occurs, from the Government, Provincial Government, Regency / City Government, and all levels of society. Efforts to improve the health status of the highest in the form of efforts to prevent disease transmission by involving the community at large. Interesting legal issues to study are as follows: Policies implemented by the Bali Provincial Government in Preventing the Transmission of Covid-19. This study aims to obtain and examine the model applied by the Bali Provincial Government in handling the spread of COVID-19. The results of the study show The policies carried out by the Provincial Government of Bali in the Prevention of Covid-19 Transmission are to realize the acceleration of handling health related to COVID-19, to realize the acceleration of handling the impact of COVID-19 on the economy, and to realize the acceleration of handling the impact of COVID-19 on the community, in the form of a Social Safety Net. The scope of the policy includes: budget reallocation, handling health related to COVID-19, handling the impact of COVID-19 on the economy, and handling the impact of COVID-19 on the community in the form of a Social Safety Net. Handling the Prevention of Covid-19 Transmission is by forming a Task Force based on Traditional Villages and handling health by the Provincial Task Force. The involvement of the traditional village at the behest of the ruler means not respecting the traditional village as an institution that has genuine autonomy that cannot be governed by parties outside the traditional village. Conditions would be different if the initiative to assist the implementation of the handling of Covid-19 came from the traditional village itself.

**Keywords:** Covid-19, Bali provincial government policy, Autonomy of Indigenous villages

### **I. Introduction**

In Indonesia the spread of the virus is also so widespread. Bali as a world-famous tourist destination has not been spared the Covid-19 pandemic because it is visited by many foreign tourists. According to data from the Indonesian Covid Task Force, as of Augustus 2, 2021, there were 3,462,800 million cases and 97,291 deaths.

Even though in terms of the quantity of Balinese people affected by COVID-19, which is around 2,3% of the sufferers nationally (2,231 deaths), the social impact it causes is very broad, especially in the tourism sector which is almost totally not operating.

The government has taken policies or steps to overcome the impact of the Covid-19 pandemic. All parties are also expected to be able to make efforts to prevent transmission and mitigate the impact that occurs, from the Central Government, Provincial Government, Regency / City Government, and all levels of society. Efforts to improve the health status of the highest in the form of efforts to prevent disease transmission by involving the community at large.

The Bali Provincial Government in handling the prevention of COVID-19 transmission involves traditional villages instead of administrative villages (services). Traditional villages carry out activities covering the fields of customs and religion, where a traditional village in Bali has its own customary rules as outlined in the village awig-awig. In terms of customary governance, each traditional village is autonomous, in the sense that each traditional village has its own rules that only apply to the residents of the village/banjar concerned, which are completely independent of the government system of the Republic of Indonesia. Interesting legal issues to be studied are as follows: (1) Policies implemented by the Bali Provincial Government in the Prevention of Covid-19 Transmission; and (2) the Model for Handling the Prevention of Covid-19 Transmission in Bali.

## **II. Methods**

This research is a normative research because it examines directly the policies of the Bali Provincial government in the perspective of the existence of traditional villages in Bali Province. Of course, this also departs from the applicable laws and regulations and other sources of law.

## **II. DISCUSSION**

### **2.1 Traditional Villages as Autonomous Institutions**

According to Van Vollenhoven, the system of applying customary law was not based on regulations made by the Dutch East Indies government or other instruments of power which were joint and carried out by the Dutch authorities themselves. Customs are considered valid or legal, do not depend on laws and regulations but on actions that are deemed appropriate and binding by the community and customs.

Recognition of customary law can further be seen as a direct embodiment of the provisions of Article 24 of the 1945 Constitution. The mandate of Law Number 48 of 2009 Article 5 paragraph (1) stipulates that judges and constitutional judges are obliged to explore, follow, and understand legal values and a sense of justice that live in society meant here is nothing but customary law.

According to Winardi, in modern Indonesia, customary law is an organic part of state law. State law is very interested in maintaining and safeguarding customary law as affirmed in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. (Winardi, 2020: 105). Mahdi Syahbandir, recognition of customary law that is still alive in the community in an area must be carried out with regulations in legislation (written) (Mahdi Syahbandir, 2010:)

According to Ridho Saputra et al, the existence of customary law has been officially recognized by the state although in limited use. Referring to Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, the state recognizes and respects the rights of indigenous peoples and their traditional rights as long as they are still alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law. (M. Ridho Saputra, et al, 2020)

According to Marco Manarisip, the Indonesian constitution provides guarantees and recognizes customary law if it meets the following requirements:

1. Reality requirements, customary law is still alive and in accordance with community development;
2. Conditions of ideality, which are in accordance with the principles of the Unitary State of the Republic of Indonesia, and their validity is regulated by law. (Marco Manarisip, 2012: 30)

Amendments to the 1945 Constitution of the Republic of Indonesia have an effect on the use of the terms used. Before the amendment there were several terms used such as traditional community, customary community, customary law community and maybe others, but after the amendment the term

used was only the Customary Law Community Unit, which in Bali is called Traditional Village as regulated in the Bali Provincial Regulation. Number 4 of 2019 concerning Traditional Villages in Bali.

Traditional village as *Dresta* village is a customary law community unit in the province of Bali which has a unified tradition and social life of the Hindu community from generation to generation in the ties of *Kahyangan Tiga* (*Kahyangan Desa*) which has a certain area, own assets, and is entitled to take care of the house the ladder itself.

Juridically, traditional villages receive protection and a strong legal basis not only from *Pancasila* and Article 18 of the 1945 Constitution but also from Article 29 paragraph (1) and paragraph (2) of the 1945 Constitution which states that the State is based on the One Godhead and the state guarantees the independence of every individual. each resident to embrace their own religion and to worship according to that religion and belief. This place where Hindu religious teachings are institutionalized in their customs is called a traditional village. The entry of Dutch colonial influence into Bali brought researchers such as Liefrinck who conducted a study in Bali and found that the villages in Bali were like small republics that had their own laws and certain territories. (Suwitra, 2010: 34).

Villages in Bali contain two functions, service and customs to distinguish them from villages that were given special tasks in the field of general government by the competent authorities since the days of the Dutch government, the Japanese military government, to the government of the Republic of Indonesia. The term village in Bali also has two meanings. First, the village refers to a village that lives traditionally as the embodiment of traditional institutions. Second, as an administrative village whose existence depends on the authorities. (I Wayan Surpha, 2004: 12).

Challenges emerged during the New Order era, whose government was centralized, authoritarian. In relation to village affairs, with Law Number 5 of 1979 concerning Village governance, we want to form a uniform village as part of the government system of the Republic of Indonesia. (Parimarta, 2020: 9)

Through the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, it means that it has accommodated the will of the community, namely wanting a two-village system in Bali. This regional regulation regulates the relationship between traditional villages and the government, also stipulates that customary villages are legal subjects so that it shows the very strong position of customary villages in Bali and there is harmony in roles and functions between the two village systems.

In Bali, there are two versions of the village, namely the traditional village and the official village. The concept of a traditional village can be interpreted as a community that is social, religious, traditional in a territorial unit where the citizens jointly under their joint responsibility conceptualize and activate religious ceremonies, social activities organized by a cultural system. While the village as an official village is an administrative or official community, namely a regional unit under the sub-district and led by a *perbekel* (village head). Residents of the official village community are united by the existence of a unified function carried out by the village as an administrative unit. (Swarsi Si Luh, 1986; 39)

Traditional villages within the framework of the Republic's government are not structurally intertwined nor are they related to service villages. Traditional villages are only intertwined functionally not structurally. This functional link focuses on the main functions of the traditional village, namely in the fields of customs and religion. The vertical upward relationship structurally from *adat* villages does not develop due to its autonomous nature. Meanwhile, structural downward vertical relations can develop towards the *banjar adat* government as a sub-community. This relationship, on the one hand, can be in the form of a command (instructive) relationship, especially with regard to the results of the traditional village *paruman* that must be carried out by each customary *banjar* and can also be consultative, especially with regard to matters that have not been decided in the traditional village *paruman*. (Suwitra, 2010: 48)

Traditional village in Bali is a traditional institution that is autonomous in nature based on the original values of the Indonesian people and has a socio-religious character (Sirtha, 1999: 1). The autonomy possessed by traditional villages is genuine autonomy, which means that the origin of the authority to regulate oneself does not come from outside parties such as the state. On the basis of the original autonomy, the traditional village exercised the power to make rules, implement government, and

enforce the rules. One of the authorities it has is in the field of making rules that apply to its citizens, namely making *awig-awig*.

In general, the rules contained in *awig-awig* must not conflict with the regulations that apply at both the national and regional levels. Each traditional village still holds a philosophy of life based on Hindu religious teachings, and still adheres to the concepts of *Tri Hita Karana*, *Tat Twan Asi* and *desa kala patra*. Broadly speaking, *awig-awig* regulates the relationship of indigenous community members in their belief in God Almighty / *Sang Hyang Widhi Wasa*, the relationship between fellow members of the indigenous community and the relationship of community members with the region and their environment. (Wayan P Windia, 2014: 60)

### **2.3 Policies in the Handling and Prevention of COVID-19 Transmission of the Bali Provincial Government**

The Bali Provincial Government has made a policy carried out in the context of the prevention of the increasing and widespread Covid-19 transmission, namely in the form of Governor Regulation Number 15 of 2020. The objectives of the policy are:

- a. Accelerating the handling of health related to COVID-19;
- b. realize the acceleration of handling the impact of COVID-19 on the economy, and
- c. realize the acceleration of handling the impact of COVID-19 on the community, in the form of a Social Safety Net.

The scope of this policy includes: (a) budget reallocation, (b) handling of health related to COVID-19, (c) handling of the impact of COVID-19 on the economy, and (d) handling of the impact of COVID-19 on society in the form of a Social Safety Net.

The budget reallocation is used for handling health related to COVID-19, handling the impact of COVID-19 on the economy, and handling the impact of COVID-19 on the community in the form of a Social Safety Net. (Article 5 Pergub. No. 15 of 2020).

Health handling related to COVID-19 consists of traditional village-based health management and health management by the Provincial Task Force. Traditional Village-based health management consists of activities on a *niskala* and *sekala*. The activity is *niskala* carried out by *nunas ica* with stakeholders at the temple of *kahyangan Tiga/khyangan desa* by way of *nyejer daksina* in traditional villages.

Meanwhile, activities on a scale are carried out in the following manner:

- a. Prevention of COVID-19 is carried out, among others, by education and socialization of customary village manners, limiting the movement of customary village manners, directing traditional village manners/*krama tamiu* belonging to the OTG and PDP COVID-19 categories to self-isolate, prepare masks, hand sanitizer, and wash hand; and
- b. Developing mutual cooperation between customary village manners, including recording the manners of traditional villages that require assistance with basic basic needs and collecting basic basic needs from customary village manners who are economically capable, voluntarily and work together.

Another policy carried out by the Bali Provincial Government is the handling of health by the Provincial Task Force which consists of:

- a. Services at UNUD Hospital, Sanglah Hospital, and Bali Mandara Hospital;
- b. Procurement of health equipment in the context of preventing COVID-19, including: Personal Protective Equipment (PPE), Rapid Test Kits, Masks, gloves, Handsanitizer, disinfectants, and others including Regency/City assistance;
- c. Provision of quarantine places in hotels and other places for medical personnel, Indonesian Migrant Workers (PMI) / crew members (ABK), and other supporting personnel, including Regency/City assistance;
- d. Incentive assistance for medical personnel; and
- e. Operational support for the Provincial Task Force.

Regarding the economic impact of COVID-19, the Bali Provincial Government has implemented a handling policy as stated in Article 8 of Governor Regulation Number 15 of 2020 as follows:

a. Handling the impact of COVID-19 on the economy in the form of saving business activities which include: (a) informal business groups, (b) Micro, Small and Medium Enterprises (UMKM) and Small and Medium Industries (IKM), (c) cooperatives, and Print Media Business groups. and Online Media;

b. Assistance provided in the form of a stimulus with the intention that the business can be sustainable

Regarding the economic impact of COVID-19, the Bali Provincial Government has implemented a handling policy as stated in Article 8 of Governor Regulation Number 15 of 2020 as follows:

a. Handling the impact of COVID-19 on the economy in the form of saving business activities which

include: (a) informal business groups, (b) Micro, Small and Medium Enterprises (UMKM) and Small and Medium Industries (IKM), (c) cooperatives, and Print Media Business groups. and Online Media;

b. Assistance provided in the form of a stimulus with the intention that the business can be sustainable.

Meanwhile, the handling of the impact of COVID-19 on the community in the form of a Social Safety Net (JPS) is given to:

a. Traditional village-based poor communities;

b. Poor people who do not receive the PKH Family Hope Program), Non-Cash Food Assistance (BPNT), Direct Cash Assistance (BLT), Pre-Employment Cards from the Central Government, and Regency/City Governments;

c. Formal worker groups;

d. Informal worker groups;

e. Students at the elementary and secondary education levels; and

f. College student

The reasons for using the Traditional Village-based Covid-19 Transmission Prevention Handling model based on the results of interviews with the Head of the Regional Disaster Management Agency (BPBD) of Bali Province as the COVID-19 Task Force Team as follows:

a. The existence of traditional villages in Bali has the status as legal subjects so that it has a strong position in the eyes of the law in carrying out legal actions in carrying out legal actions such as managing budgets and cooperating with third parties;

b. Until 2021 the number of traditional villages in Bali is 1493, while the official village is only 778. This condition will be able to move more programs and activities directly to Balinese manners, which are predominantly Hindu. non-Hindu manners are under of the official village.

c. The implementation of the principles obtained in traditional villages is still based on the principle of *gotong royong*, *sagilik saguluk sarphanaya salunglung sabhayantaka* so that it is able to move more solidly and is based on accountability based on a *niskala skala*.

The existence of traditional villages in Bali after the issuance of the Bali Provincial Regulation Number: 4 of 2019 concerning Traditional Villages in Bali is a legal subject. So far, the Provincial Government has established the Indigenous Community Empowerment Service and disbursed funds through the Regional Development and Expenditure Budget (APBD) every year to each traditional village of Rp. 300,000,000.00 (Three Hundred Million Rupiah).

Especially during this pandemic there is an "emergency" policy, meaning that it is in a non-ideal situation so discretion is carried out for the purpose of the common good in dealing with this covid-19 pandemic. For this reason, the Bali Provincial Government has launched a fund of Rp. 50,000,000.00 (Fifty Million Rupiah) to each traditional village. Through the traditional village route, it will be easier to account for the funds distributed so that there is uniformity. In addition, the development of Bali is carried out with a planned universal development pattern, through one pattern, one island and one management so that an aspect of uniformity is needed.

If it is related to the government system, giving orders to traditional villages to prevent the transmission of COVID-19 is not appropriate. This is based on the consideration that the lowest government element is the service village/shopping, so that the order to prevent the transmission of COVID-19 is directed to the service village. In addition, if you look closely, the existence of a traditional village is autonomous and even has genuine autonomy that was born not from outside parties but from itself. The traditional village as a party that has original autonomy cannot be ruled by any party because there is no vertical relationship.

The existence of villages in Bali has a clear duality, meaning that although there are two types of villages, they carry out different roles and functions so that there is no overlap. The traditional village takes care of matters of a social nature, while the village service/shopping/kelurahan takes care of matters relating to administration and development in general.

Regional Regulation of Bali Province Number 4 of 2019, Chapter XII concerning Customary Village Relations Article 81 paragraph (1) stipulates that in the administration of traditional Village governance, it is possible to carry out relations with various parties. The provisions of Article 81 paragraph (2) determine: the implementation of customary village relations as referred to in paragraph (1) can be: authoritative, coordinating, and or consultative

Based on the explanation of Regional Regulation Number 4 of 2019, what is meant by various parties are the Government, Bali Provincial Government, and Regency/City Government. This provision shows that in terms of conducting relations with any party, the customary village is in accordance with the autonomy it has. Therefore, even though each traditional village receives financial assistance every year through the Regional Development and Expenditure Budget (APBD), of course it cannot be used as an excuse to rule or burden traditional villages with the implementation of development programs that should be carried out by government officials.

### **III. CONCLUSIONS AND SUGGESTIONS**

#### **3.1 Conclusion**

1. The policies carried out by the Bali Provincial Government in the Prevention of Covid-19 Transmission are to realize the acceleration of handling health related to COVID-19, to realize the acceleration of handling the impact of COVID-19 on the economy, and to realize the acceleration of the handling of the impact of COVID-19 on the community, in the form of a Safety Net. Social (JPS). The scope of the policy includes: budget reallocation, handling health related to COVID-19, handling the impact of COVID-19 on the economy, and handling the impact of COVID-19 on the community in the form of a Social Safety Net (JPS).
2. The model for handling the prevention of transmission of Covid-19 in the Bali Provincial Government is to form a Task Force based on Traditional Villages and to handle health by the Provincial Task Force. The involvement of the traditional village at the behest of the ruler means not respecting the traditional village as an institution that has genuine autonomy that cannot be governed by parties outside the traditional village. Conditions would be different if the initiative to assist the implementation of the handling of Covid-19 came from the traditional village itself.

#### **3.2 Suggestions**

1. The Covid-19 Task Force should be more frequent in the field to educate the public as well as enforce the law against violators.
2. It is better to involve the official village in handling the impact of Covid-19 because the service village is indeed the lowest government apparatus responsible for public service.
3. Need for cooperation between the government and traditional villages in Bali so that the common goal in handling COVID-19 can be achieved without denying the nature of traditional villages as original autonomous institutions in Bali.

### **REFERENCE**

- Manarisip, M. (2012). Eksistensi Hukum Pidana Adat dalam Hukum Nasional,. *Lex Crimen, Fakultas Hukum, Universitas Sam Ratulangi, Manado*, 1(4).
- Parimarta, I. G. (2020). *Desa Mawa Cara, Kearifan Penguatan Desa Adat : Sebuah Kajian Sosial-Historis, Dalam: Menabur Pesona Merebut Kuasa* (I. N. Suryawan (Ed.)). Pustaka Larasan.
- Syahbandir, M. (2010). Kedudukan Hukum Adat dalam Sistem Hukum Nasional. *Konun*.
- Peter Burns, Adat yang Mendahului Hukum, dalam Jamie S Davidson, et.al, 2010. Adat dalam Politik Indonesia, Yayasan Pustaka Obor Indonesia, Jakarta.
- Reuter, Thomas A, 2005. *Custodians of the Sacred Montains: Budaya dan Masyarakat di Pegunungan Bali*, Yayasan Obor Indonesia, Jakarta.

- Ridho Saputra, M., dkk, 2020. *Keberadaan Hukum Adat dalam Sistem Nasional*, Fakultas Hukum Universitas Jambi.
- Suacana, I Wayan Gde, 2020. *Dinamika Politik dan Penguatan Demokrasi dalam Praktik Pemerintahan Desa Adat di Bali*, Dalam *Menabur Pesona merebut Kuasa*, Editor I Ngurah Suryawan, Pustaka Larasan, Denpasar.
- Surpha, I Wayan, 2004. *Eksistensi Desa Adat dan Desa Dinas di Bali*, Pustaka Bali Post, Denpasar,
- \_\_\_\_\_, 1992. *Eksistensi Desa Adat di Bali dengan Diundangkannya Undang-Undang Nomor 5 Tahun 1979 (tentang Pemerintahan Desa)*, Upada Sastra, Denpasar.
- Suwitra, I Made, 2020. *Eksistensi Hak Penguasaan dan Pemilikan Atas tanah Adat di Bali*, Logoz Publishing, Bandung.
- Swarsi, Si Luh, dkk. 1986. *Sistem Kepemimpinan dalam Masyarakat Pedesaan di Bali*, Departemen Pendidikan dan Kebudayaan, Proyek Inventarisasi dan Dokumentasi Kebudayaan, Denpasar.
- Winardi, 2020, Eksistensi dan Kedudukan Hukum Adat dalam Pergumulan Politik Hukum Nasional, *Jurnal*, Widya Yuridika, STIKIP PGRI, Jombang, Jatim, Volume 3, Nomor: 1, Juni 2020.
- Windia, Wayan P dan Sudantra, Ketut. 2006. *Hukum Adat Bali*, Udayana Press, Denpasar.
- Peraturan Daerah Provinsi Bali Nomor: 4 Tahun 2019 Tentang Desa Adat di Bali (Lembaran Daerah Provinsi Bali Tahun 2019 Nomor 4).
- Peraturan Gubernur Bali Nomor 15 tahun 2020 Tentang Paket Kebijakan Percepatan Penanganan *Corona Virus Disease* 2019 (COVID-19) di Provinsi Bali. (Berita Daerah Provinsi Bali Tahun 2020 Nomor 15).