
Preserving Legal Protection for Sundanese (Sunda Naga and Baduy Kenekes Tribes) Wisdom Amidst Modernization in the Face of COVID-19 Challenges

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ABSTRACT: The COVID-19 pandemic has entered various countries around the world, and Indonesia is no exception to this disaster. As a country with diverse cultures, many Indonesians have used local wisdom to face the COVID-19 pandemic. This research aims to understand the government's protection of the Baduy Tribe in Kanekes in facing the COVID-19 pandemic and the existence of the Baduy Tribe in Kanekes in facing the dimensions of modernization and the COVID-19 pandemic. The existence of this indigenous community is regulated in the 1945 Constitution of the Republic of Indonesia Article 18B Paragraph (2). This research uses empirical juridical research, which is a study that examines and analyzes the legal behavior of individuals or the Baduy tribal community in relation to the law. The data sources used are primary data obtained through observation and interviews with informants from the Baduy Tribe and the Sundanese Tribe in Kampung Naga. The results show that they overcome the COVID-19 pandemic through their well-preserved wisdom and culture, forming a strong mentality that allows the existence of life in Kampung Naga and the Baduy Tribe to continue without being affected by COVID-19.

Keywords: The Existence of the Sunda and Baduy Tribes, Coronavirus, Policy Elaboration.



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INTRODUCTION

The COVID-19 disaster has affected various countries globally, and Indonesia is no exception. As a culturally diverse nation, many Indonesians rely on local wisdom to tackle the ongoing pandemic. In Java, the Covid-19 pandemic is often referred to as 'pageblug.' (Nugraha, 2020) In line with this, if we examine the recognition of Indigenous Law communities, it is regulated in the 1945 Indonesian Constitution Article 18B Paragraph (2), stating that the state acknowledges and respects the unity of indigenous legal communities and their traditional rights as long as they are

still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, as regulated by law.

As for the legal instruments in responding to Covid-19, the Government, through the Minister of Health, issued Ministerial Decree No. HK.01/07/MENKES/446/2020 regarding Technical Guidelines for Claims of Reimbursement for Services to Patients with Specific Emerging Infectious Diseases for Hospitals providing Covid-19 services, refining Ministerial Decree No. HK.01/07/MENKES/238/2020. When discussing policies, it has a broad definition, including laws, regulations, legal decisions, or, at the hospital level, guidelines, which can also involve budget priorities (Riris Andono, 2020).

The government's designated measures for handling Covid-19 have sparked controversy and confrontations in society. Instances, such as gatherings, are deemed risky during the pandemic, leading to the removal of a police officer for hosting a wedding reception in Labuhan Batu, North Sumatra. Upon examining society and administrative law, authority holds a crucial role as the 'core concept in constitutional and administrative law.' It refers to the ability to undertake specific legal actions, intended to have legal consequences, encompassing the emergence and disappearance of legal effects.

The authority of governance is essentially the power vested in the government to carry out its functions and duties based on legal regulations. Theoretically, authority derived from legal regulations is obtained through three means: attribution, delegation, and mandate. In the legal analysis of society and administrative law, facing the extraordinary disaster of Covid-19, authority holds a crucial position as the 'core concept in constitutional and administrative law.' It signifies the capability to perform specific legal actions, intended to have legal consequences, encompassing the emergence and disappearance of legal effects (Bachtiar, 2020).

Legal protection is a safeguard for human rights infringed by others, ensuring enjoyment of rights granted by law. Philipus M. Hadjon views legal protection as the defense of dignity, acknowledgment of human rights owned by legal subjects based on legal provisions, guarding against arbitrariness (Hadjon, 1987).

There is a need for protection from the government, for example, Indonesia is also experiencing economic disruption. According to the Finance Minister Sri Mulyani, based on assessments by BI (Bank Indonesia), OJK (Financial Services Authority), and LPS (Deposit Insurance Corporation), Indonesia's economic growth is projected to decline to 2.3 percent, and in a worse scenario, it could reach minus 0.4 percent (VOA Indonesia, 2020). This economic situation will affect the social sector and other sectors, not only in Jakarta but also in provinces across Indonesia, including West Kalimantan. The presence of the coronavirus in our midst has created various changes in people's daily life patterns. However, although this virus is unlikely to last forever, the changes caused by this pandemic are likely to persist and form new norms and systems that will apply in society. Various habits, regulations, norms, and customs, when viewed from a historical

perspective, often persist even after a crisis has passed. We can observe that history often changes drastically due to major events such as wars or, in this case, a pandemic¹

The Indonesian Government strives to ensure equal rights and justice in healthcare services for all, including financially challenged individuals, viewed through promotive, preventive, curative, and rehabilitative aspects. Justice in healthcare encompasses comprehensive service fairness. The Covid-19 pandemic is closely linked to fairness, involving the interpretation of initial situations, choices, and a set of agreed-upon principles. The interaction of living laws within society contributes to addressing human existence in nature, guided by relationship norms and communal life necessities (Teresia, 2017).

Based on the background of the research, the main research question is: "What is the protection provided by the government to the Sundanese Tribe in Kampung Naga and the Baduy Tribe in Kanekes in facing the Corona Virus Disease 2019 pandemic?" To answer this question, the researcher uses several sub-questions, namely: 1) What are the social impacts of the presence of this pandemic among the Sundanese Tribe in Kampung Naga and the Baduy Tribe in Kanekes?, What form of government protection is provided in the form of regulations issued as legal norms created from activities within the framework of a culture that has a social control function during the Corona Virus Disease 2019 pandemic?.

Therefore, this study aims to explore the government's protection for the Baduy Tribe in Kenekes against the Covid-19 pandemic, considering the tribe's existence in the face of modernization and the Covid-19 disaster.

METHOD

This research employs an empirical juridical approach, examining and analyzing the legal behavior of individuals or the Baduy tribe in connection with law. The study utilizes a sociological perspective to gather primary data through observations and interviews (Bachtiar, *Metode Penelitian Hukum*, 2018) with informants, namely the Baduy and Sunda tribes in Kampung Naga. The research is supplemented with secondary data, including primary legal materials obtained through literature reviews, secondary legal materials, and tertiary legal materials. This combination aims to establish the study on social facts related to the functioning of law in society, particularly those relevant to the research.

This research uses a descriptive type of research with a qualitative approach. The use of a descriptive method will attempt to explain, narrate, describe, analyze, and so on, regarding how the ongoing pandemic is influencing various aspects of social life and its long-term impacts. This will eventually lead to a deductive conclusion. The research subjects for this problem are

¹ Desca Thea Purnama, Viza Juliansyah, Chainar, *PANDEMI COVID-19, PERUBAHAN SOSIAL DAN KONSEKUENSINYA PADA MASYARAKAT*, *Proyeksi: Jurnal Ilmu Sosial dan Humaniora* Vol.25. No.1, bulan Juni, tahun 2020

determined using a purposive technique in selecting informants, specifically from several elements of the Sundanese Tribe in Kampung Naga and the Baduy Tribe in Kanekes.

The data collection techniques used in this research are interviews and documentation. The interviews are conducted using an interview guide, and the type of interview used is unstructured, containing the main points of the issues to help the researcher focus on questioning the informants. The researcher conducted interviews with nine informants, including medical personnel, the general public, and economic actors. The duration of the interviews ranges from 20 to 45 minutes, depending on the condition of the informant, and each informant has a different duration during the interview. To analyze the data, this research uses data reduction, data display, and drawing conclusions and data verification.

RESULT AND DISCUSSION

Regulations Pertaining to the Mitigation of Covid-19 in Indonesia.

Before discussing mitigation, it's essential to understand what Covid-19 is—a variant of the virus, the most abundant biological entity on Earth capable of infecting various cellular life forms, including animals, plants, bacteria, and fungi. Viruses evolve in diverse ways across animals and plants. The coronavirus spreads through coughing and sneezing, transmitting from person to person through contact or entering the body via food or beverages. Novel Coronavirus Pneumonia (Covid-19) was first reported in Wuhan, China, and has since spread globally, including to Indonesia (Anwar, 2020).

Coronaviruses are single-stranded positive-sense RNA viruses, belonging to the order Nidovirales, Coronaviridae family, and Orthocoronavirus subfamily, named for their characteristic crown-like appearance. This large virus family causes diseases in humans and animals, typically respiratory infections ranging from common flu to serious illnesses like Middle East Respiratory Syndrome. The new coronavirus discovered in humans during the extraordinary event in Wuhan, China, in December 2019, was named Severe Acute Respiratory Syndrome Coronavirus 2 (SARSCOV2), causing the Coronavirus Disease 2019 (Covid-19).

When addressing the mitigation of the Covid-19 issue, it's worth noting that our country had regulations in place during the New Order government. In the MPR Decree Number 11/MPR/1993, it was stipulated that health services provided by both the government and community involvement must adhere to the principles of humanity and appropriateness.

One form of community involvement is through healthcare facilities, as the provision of community services is a shared responsibility of both the government and the community. Therefore, community healthcare facilities refer to health services provided by both the community and the government.

The provision of basic health services is generally regulated by Law Number 23 of 1992 on Health. Article 53 outlines the objectives of health services as follows:

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1. Individual health services aim to cure diseases and restore the health of individuals and families.
2. Public health services aim to maintain and improve the health and prevent diseases of a group and the community.
3. The implementation of health services as referred to in paragraph (1) must prioritize the preservation of the patient's life over other interests.

In addition to the aforementioned regulations, relevant regulations regarding the handling of Covid-19 can be found in the Republic of Indonesia Law Number 4 of 1984 Concerning Infectious Disease Outbreaks. The efforts to tackle outbreaks include:

1. Epidemiological investigations;
2. Examination, treatment, care, and isolation of patients, including quarantine measures;
3. Prevention and immunization;
4. Destruction of disease agents;
5. Handling of corpses resulting from outbreaks;
6. Public education and outreach;
7. Other measures for outbreak containment.

In Law Number 23 of 1992 concerning Health, Article 54 outlines provisions regarding the provision of health services, including:

1. The implementation of health services shall be carried out responsibly, safely, with quality, and evenly, without discrimination.
2. The government and regional governments are responsible for the provision of health services as referred to in paragraph (1).
3. Supervision of the provision of health services as referred to in paragraph (1) shall be carried out by the government, regional governments, and the community.

However, the legal regulation that is specifically used is the Minister of Health Regulation Number 23 of 2023 concerning Guidelines for Handling Corona Virus Disease 2019 (COVID-19).

Protection for the Sundanese Tribe in Naga Village and the Baduy Tribe in Kenekes Facing the Corona Virus Disease 2019 Disaster.

The legal provisions serve as the foundation for the certainty of legal protection and have been issued by the government in response to the Corona Virus Disease 2019 disaster. The provision

of health services mentioned above is regulated by the government, as explained in Law Number 23 of 1992 concerning Health, Article 54, which governs the provision of health services. Upon closer examination of these provisions, the most crucial aspect to uphold is the responsible, safe, quality, even, and nondiscriminatory implementation of health services.

Based on the explanation above, it means that the State has a legal responsibility. According to Abdulkadir Muhammad, the theory of liability in tortious acts can be divided into several theories:

1. Liability resulting from intentionally wrongful acts (intentional tort liability), where the defendant must have performed an act in such a way as to harm the plaintiff intentionally or knew that the defendant's actions would cause harm.
2. Liability resulting from negligent wrongful acts (negligence tort liability), based on the concept of fault related to moral and legally mixed concepts (Muhammad, 2010).

Prior to the government's responsibility, the Naga Village is situated in Neglasari Village, Salawu District, Tasikmalaya Regency, West Java Province. Located in a fertile valley spanning 1.5 hectares, Naga Village stands firm in its ancient beliefs. The village is nestled in a valley, opposite the Ciwulan River.

The livelihood of the Naga Village community revolves around cultivating rice fields using conventional irrigation methods and cultivating nutmeg orchards. The settlement pattern in Naga Village is highly unique, with distinctive house layouts and architecture surrounding terraced rice fields. Apart from farming, many residents of Naga Village migrate to major cities such as Jakarta, Bogor, Bandung, Bekasi, and others. Migrants from Naga Village often work as roving food vendors, selling specialties like bakso aci. In the past, there were rumors that Naga Village was closed to outsiders as they did not want their area turned into a tourist attraction. However, with the approval of the village elders (Kuncen - Traditional Leader, Punduh - Work Leader, and Lebe - Religious Leader), Naga Village has now become an open Tourist Village.

The Naga Village community refers to the history of their village as "Pareum Obor." When translated, "Pareum" means death or darkness in Indonesian, while "Obor" refers to illumination, light, or a lamp. In brief, it can be translated as the death of illumination. This term is related to the village's history, as they are not aware of its origin. The principles and simplicity of life in the Naga Village community are what enable them to withstand the impacts of crises, including in social, economic, health, and cultural sectors. Despite the significant impact of the Covid-19 pandemic on Naga Village tourism in the socio-economic sector, the community manages to live securely without facing severe shortages.

For the people of Naga Village, the Covid-19 virus only paralyzed visitor activities but did not shatter the economic activities of the indigenous community. This is due to the simple way of life they adhere to. The Naga Village community does not face shortages of staple foods because they have food reserves. Occasionally, they sell rice and nutmeg to meet their daily needs.

During the pandemic, the sesarehan ritual is still performed, but the descendants of Naga Village are absent, and the activities are limited. This sesarehan is a prayer for the safety of the Naga Village descendants to be protected from Covid-19. The ritual usually involves a tumpeng (cone-shaped rice dish) and is conducted in the mosque. For those who believe, the people of Naga Village already know when there will be an epidemic. Before the outbreak, the village elders are inspired through dreams or receive signs that there will be an epidemic. One of the customary practices done as a prayer for protection is the ritual of rejecting disasters and seeking the blessings of the Prophet. Many members of the Naga Village community have already been vaccinated. Out of 107 households (around 289 people), nearly 70% have received the vaccine (up to the second dose). The second dose vaccination was carried out at the end of November 2021. Vaccine hesitancy occurs in the elderly population, usually those with high blood pressure. In the vaccination process, the people of Naga Village go to the village health center. Visits from the Covid task force team of Neglasari Village to Naga Village are also frequently conducted. In addition, health assistance is coordinated by Himpana (Naga Village Tourism Association). The current members of Himpana number 18 individuals. Himpana is also responsible for restricting and limiting outsiders from visiting Naga Village during the pandemic.

Meanwhile, for the Baduy people residing in the interior of the Lebak region, Banten, as of the research conducted, it is known that only one person was exposed to Covid-19 in December 2021, and they have since recovered. This is attributed to the adherence to many ancestral traditions believed to protect the Baduy residents from disasters. Dr. Firman Rahmatullahami revealed that so far, only one positive case of Covid-19 has been found among the Lebak residents, which occurred due to visits from tourists. Subsequently, a lockdown policy was implemented, restricting the entry of outsiders into the village. This included a prohibition for the Baduy people themselves from leaving their village. To achieve this, they limited access to the village, instructed Baduy people outside the village to return, and confined daily activities within the village. Moreover, they prohibited contact with strangers and emphasized maintaining sanitation.

The considerations from Regional Regulation of Lebak Regency Number 32 of 2001 dated August 13, 2001, state that the Baduy community is recognized as an indigenous community bound by its customary legal order, forming a legal union that acknowledges and applies the provisions of its legal union in daily life. The Baduy people have customary territory and a connection with their territory. It is emphasized that the Baduy people's interactions with their territory are regulated and confined to their customary territory, warranting protection. To safeguard the rights of Baduy people over their customary land, it is deemed necessary to establish and regulate it through the Regional Regulation of Lebak Regency.

On the other hand, the Baduy Tribe is one of the ethnic groups that is not separate from the Unitary State of the Republic of Indonesia, with a geographical and administrative position around the Kendeng mountains in Kanekes Village, Leuwidamar District, Lebak Regency, Banten Province. They intentionally isolate themselves from the outside world, avoiding modernization, settling in and isolating themselves from external cultural influences considered negative. This is all done to fulfill the ancestral mandate and preserve the heritage of their ancestors, which instructs them to always maintain the balance and harmony of the universe. The term "Baduy" is used to

refer to people living around the foothills of the Kendeng mountains in Kanekes, characterized by unique traits distinct from those around them, as well as from other people in the Banten region.

Their uniqueness is evident in their way of dressing, uniformity in house forms, language use, beliefs, and customs. They are often referred to as the Kanekes people, and in certain references, they are called the Rawayan people. The Kanekes community recognizes two governance systems: the national system, following the regulations of the Unitary State of the Republic of Indonesia, and the customary system, adhering to the traditions believed by the community.

Both systems are merged or acculturated in such a way that there is no clash. Nationally, the Kanekes population is led by a village head called "jaro pamarentah," who is under the sub-district head (camat). Meanwhile, in terms of customs, they are subject to the highest Kanekes traditional leader, known as the "Puun." The highest traditional leader in the Kanekes community is the "Puun" in the three Tangtu villages. This position is hereditary, but it does not automatically pass from father to child; it can also go to other relatives. The term of the Puun's position is not specified and is based on an individual's ability to hold the position.

The day-to-day implementation of the traditional government of Kapuunan (Kepuunan) is carried out by Jaro, divided into four positions: Jaro Tangtu, Jaro Dangka, Jaro Tanggungan, and Jaro Pamarentah. Jaro Tangtu is responsible for the implementation of customary law for Tangtu residents and various other matters. Jaro Dangka is tasked with safeguarding, managing, and preserving ancestral trust lands both inside and outside Kanekes. There are nine individuals in Jaro Dangka, and when combined with three Jaro Tangtu members, they are referred to as Jaro Duabelas. The leader of Jaro Duabelas is called Jaro Tanggungan. As for Jaro Pamarentah, it traditionally serves as a liaison between the Kanekes indigenous community and the national government. In their duties, they are assisted by Pangiwa, Carik, and Kokolot Lembur, or Village Elders.

Jaro Dangka consists of nine individuals, and when combined with three members of Jaro Tangtu, they are referred to as Jaro Duabelas. The leader of Jaro Duabelas is known as Jaro Tanggungan. Meanwhile, Jaro Pamarentah, in accordance with tradition, serves as the link between the Kanekes indigenous community and the national government. In their duties, they receive assistance from Pangiwa, Carik, and Kokolot Lembur, or Village Elders.

The Existence of the Sundanese Community in Naga Village and the Baduy Tribe in Kenekes Facing the Dimensions of Modernization and the Corona Virus Disease 2019 Pandemic.

The existence of the Sundanese community during the pandemic, also known as the Covid-19 disaster, among the indigenous people of the Sundanese community in Naga Village and the Baduy tribe in Kenekes, is manifested in their cultural unity. Despite the challenges posed by Covid-19, these indigenous communities, united by their customs, continue to navigate the pandemic through cultural civilization and ideals. This ideal culture can be described as customary behavior, or simply put, customs in the specific sense, or pluralistic customs, and the term 'tata kelakuan'

denotes an ideal culture that functions as a code of conduct, guiding, controlling, and directing the behavior and actions of individuals within the community

It has been proven that they can overcome the challenges of the Corona Virus Disease 2019 disaster with all their wisdom and sustainable culture, forming a strong mentality. This is because it is part of their customs, creating a system of cultural values adopted by the Sundanese community in Naga Village and the Baduy tribe in Kenekes. These values are ingrained in individuals, making them less susceptible to the influence of political aspects and life's hegemony outside their environment. Even though development may tempt them to step outside their deeply rooted culture, the strong emotional elements, belief systems, ritual systems, and social unity shape a mentality with high cultural values.

CONCLUSION

The government's protection comes in the form of regulations, created as legal norms stemming from activities within a cultural framework. These regulations serve the social oversight function and possess authoritative attributes that determine cultural activities, referred to as laws. They are manifested through decisions, employing mechanisms empowered and influential in society to resolve social tensions caused by individual self-attacks, attacks against people's rights, and attacks against public security. In addition to issuing regulations, the government provides health assistance funds, health education, and even food and medication aid, delivering health services and facilities.

Meanwhile, the existence of the Sundanese community in Naga Village and the Baduy tribe in Kenekes facing the dimensions of modernization and the Corona Virus Disease 2019 disaster has proven to effectively address the challenges posed by the disaster. Their wisdom and sustainable culture have preserved a strong mentality, forming part of their customs and creating a system of cultural values embraced by the Sundanese community in Naga Village and the Baduy tribe in Kenekes. These values are deeply ingrained in individuals, rendering them less susceptible to the influences of political aspects and life's hegemony outside their environment. Despite the alluring temptation of development to pull them away from their rooted culture, the strong emotional elements, belief systems, ritual systems, and social unity shape a mentality with high cultural values.

The COVID-19 outbreak is a new disease that has had a significant impact on human life. This disease is considered highly dangerous and spreads very quickly. However, for the presence of the coronavirus among the Sundanese Tribe in Kampung Naga and the Baduy Tribe in Kanekes, the impact has been different. For the Kampung Naga community, the Covid-19 virus only paralyzed visiting activities but did not disrupt the community's economic activities. This is because of the simple lifestyle they practice. The Kampung Naga community does not lack staple foods because they have food reserves. They occasionally sell rice and nutmeg for daily necessities.

As for the form of government protection, it is in the form of regulations issued as legal norms created from activities within the framework of a culture that has a social control function and authority attributes that determine cultural activities referred to as law, such as decisions, through authorized mechanisms and influence in society to provide solutions to social tensions caused by individual attacks, attacks on people's rights, and attacks on public security. In addition to issuing regulations, the government also provided health assistance funds, health counseling, food aid, and medicine, as well as delivering health services and facilities.

Regarding the existence of the Sundanese Tribe in Kampung Naga and the Baduy Tribe in Kanekes in facing the dimensions of modernization and the Corona Virus Disease 2019 pandemic, they have proven to be able to overcome the disaster with their well-preserved wisdom and culture, forming a strong mentality. This is because it is part of their customs, forming a system of cultural values adopted by the members of the Sundanese Tribe in Kampung Naga and the Baduy Tribe in Kanekes, which is ingrained in individuals. They are not swayed by the influence of political aspects and the hegemony of life outside their environment, even though development is very tempting to invite them out of their deeply-rooted culture. However, the elements of emotion, belief systems, ritual systems, and social unity are very strong, forming a high cultural value mentality.

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