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THE ROLE OF CUSTOMARY INSTITUTIONS IN DECIDING THE DISTRIBUTION OF COVID-19 TO THE LEHITU INDIGENOUS PEOPLE OF MALUKU REGENCY

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ABSTRACT

Aim: *To find out and analyze the Role of Customary Institutions in Deciding the Pandemic Spread of Covid-19 in the Lehitu Indigenous Communities of Central Maluku Regency. This research was conducted using a juridical approach to empperis which was a descriptive analysis of qualitative analysis. The research seeks to illustrate the Role of Indigenous Institutions in Deciding the Pandemic Spread of Covid-19 in the Lehitu Indigenous Peoples of Central Maluku Regency. The workings of the empirical juridical or sociological juridical methods in this research proposal are from the results of the collection and discovery of data and information through a literature study of the basic assumptions or assumptions used in answering the problems in this study, and then an inductive-verification test is carried out on the latest facts. Exist in the community. The results of the study get the answer that the existence of the Leihitu Latupati Institution in responding to such conditions is very necessary, because this institution has been recognized and has a positive influence on welfare and order in the customary law communities in the region. The existence of latupatti as a Customary Law Institution has its own influence on the outbreak of covid 19 indigenous countries and the role of latupati in its resolution. This influence by means of adat institutions issued new legal norms, namely the expansion of the norm Sasi was originally only sasi to natural resources, women sasi but with the existence of covid-19 sasi also expanded its legal norms by doing sasi to places with the potential coinfection transmission potential massively.*

Keywords: Role, Customary Institutions, Local Wisdom, Prevent, Covid 19.

INTRODUCTION

Traditional institutions as local wisdom are the legacy of the ancestors of the Indonesian people in a unified value system in the form of local wisdom, religion, culture and customs. In the development of the community, the Customary Institution adapts through its environment by developing wisdom in the form of knowledge or ideas combined with customary norms, cultural values and activities to manage the environment to meet their daily needs. If we look at the evolution of humans with nature in the past a harmonious relationship has been formed in which humans try to coexist peacefully with nature, in the view of humans that nature is large and sacred, it is necessary to live peacefully with nature so that no damage to nature will result in losses in humans themselves, in supporting this relationship humans create ethical acts and behave towards nature, most of the tribes in our country have rules that are called what is called local wisdom.

Customary institution as local wisdom is a unique local culture and only exists in the region. No one knows who started it and there is no historical record. Local people know it as a cultural hereditary and always adhered to today. Local wisdom is important because it is exclusive and down to earth. All local people believe it, if something is violated they believe something will happen to it. Likewise, the traditional institutions in the Lehitu Indigenous People of Central Maluku Regency, have their own traditional institutions or local traditional institutions with the same Saniri country.

Take for example the Nua Ja Indigenous Community in Nua Ja Village, Ende District, Ende Regency, East Nusa Tenggara (NTT) has been named a pilot community in the prevention and management of Covid-19 for other indigenous communities in Ende Regency. This decision was taken after a two-day visit made to each community to distribute mask assistance and conduct education to Indigenous Peoples, the NTT Covid-19 AMANkan Task Force found that the Nua Ja Indigenous Community really did the prevention and treatment of COVID-19 in accordance with fixed procedures (protap) World Health Organization (WHO) or World Health Organization and the advice of the Government of the Republic of Indonesia (Nua Ja Customary Community Becomes Example of COVID-19 Handling in Ende District.

This can be seen when arriving at the entrance gate to the village of Nua Ja. All vehicles that pass through this road are blocked and their KTP checked then registered. They were asked about the final destination and then given an educative explanation related to Covid-19. All visitors are required to wash their hands using antiseptic soap and hand sanitizer. All vehicles, both cars and motorcycles, are sprayed using disinfectants and must use masks. If you do not wear a mask, you will not be allowed to enter the village (Nua Ja Indigenous Community. Example of COVID-19 Handling in Ende District.

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For example, the Nua Ja Indigenous Community in Nua Ja Village, Ende District, Ende Regency, East Nusa Tenggara (NTT) has been named a pilot community in the prevention and management of Covid-19 for other indigenous communities in Ende District. The same thing is also an example to be followed by the Indigenous people of Lehitu, Central Maluku Regency, which has its own customary institutions and customs and customs, so that in preventing pandemic covid-19, it can use protocols that are in accordance with the decisions of the Saniri Negeri adat institutions in deciding the pandemic of spreading covid-19.

If the Saniri Negeri Adat institution has established covid-19 protocol in accordance with adat customs, then members of the legal community will abide by the rules or norms of customary law, of course members of the community or other community groups, by themselves will also comply. Based on the above background, the research team was intrigued to study more deeply about "The Role of Indigenous Institutions in Deciding the Covid-19 Distribution Pandemic in the Lehitu Indigenous Peoples of Central Maluku Regency. The formulation of the problem that will be examined in this study is How is the Role of Indigenous Institutions in Deciding the Covid-19 Spread Pandemic in the Lehitu Indigenous People of Central Maluku

Regency? The Urgency (Research Priority) yaiatu This research is important (urgent) in order to know and analyze the Role of Customary Institutions in Deciding the Pandemic Spread of Covid-19 Distribution in the Lehitu Indigenous Communities of Central Maluku Regency, the Kewang institution or other government institutions such as Raja and Saniri are very important and determine. Law enforcement requires several backs to be used to be meaningful or useful. The Kewang Institution, for example, must have the ability and power to enforce the law in the Lehitu District of Central Maluku District.

LITERATURE REVIEW

Theoretical Framework

To answer and at the same time become a problem analysis analysis of the problem in this study, researchers used two (2) theories, namely: (1) Legal Effectiveness Theory, (2) Theory of Law Supremacy.

Legal Effectiveness Theory

To maintain the effectiveness of the formulation of legal norms in this study, researchers used the theory of legal effectiveness proposed by Soerjono Soekanto. The theory of legal effectiveness according to Soerjono Soekanto, is that the effectiveness of a law is determined by five (5) factors, namely: (Sumarjono, Maria WS, 2001).

1. The legal factor itself (law).
2. Law enforcement factors, namely those who form or apply the law.
3. Factors of facilities or facilities that support law enforcement.
4. Community factors, namely the environment
5. Where the law applies or applies.
6. Cultural factors, namely as works, creations and tastes based on human initiative in life relationships.

These five factors are interrelated to one another, because they form the core of law enforcement, and are also benchmarks of law enforcement effectiveness. [6] Effectiveness can be interpreted as the process of achieving predetermined goals. A business or activity can be said to be effective if the business or activity has achieved its objectives. If the intended purpose is the institution's goal, the process of achieving that goal is the success in carrying out the program or activity in accordance with the authority, duties and functions of the institution. As for when we look at effectiveness in the field of law, (Ali, 2010), argues that when we want to know the extent of legal effectiveness, we must first be able to measure "the extent to which the rule of law is obeyed or not obeyed". Furthermore (Ali: 2010) states that: In general, many factors that influence the effectiveness of a law are the optimal and optimal implementation of the roles, authorities and functions of law enforcement, both in explaining the tasks assigned to themselves and in enforcing these laws.The five factors above are closely related, because they are the core of law enforcement, also a measure of the effectiveness of law enforcement (Masykuri, 2013). In the first element, which determines whether written law can function properly or not depends on the rule of law itself. According to (Soerjono Soekanto, 1983), measures of effectiveness in the first element are: (Soekanto, Soeryono, 1975).

1. Existing regulations concerning certain areas of life are quite systematic.
2. Existing regulations regarding certain areas of life are quite synchronous, hierarchical and horizontal, with no contradictions.
3. Qualitatively and quantitatively the regulations governing certain areas of life are sufficient.

Legal Kaida Theory

Next the third theory (3) in this study is the theory of Kaida Hukum. According to researchers to support the theory of legal effectiveness and Theory of Legal Norms mentioned

above must be supported by the theory of Kaida Hukum. The rules are divided into three types which are formulated as follows: (Theory Hutchinson, 2002).

1. The rule of law applies juridically, if the determination is based on a higher level rule or is formed on a predetermined basis.
2. The rule of law applies sociologically, if the rule is effective. That is, the rules in question can be enforced by the authorities even though they are not accepted by citizens (the theory of power) or the rules apply because of the recognition of the community.
3. The rule of law applies philosophically, in accordance with the ideals of law as the highest positive value.
4. If examined in depth, for the effectiveness of law in society to truly function, each rule of law must meet the three types of elements above, for the following reasons: [20]
    (1) If the rule of law only applies legally, there is a possibility that the rule is a rule of death;
    (2) If it only applies sociologically in the sense of a theory of power, then the rule becomes a rule of force;
    (3) If it applies only philosophically, it is likely that the rule is only the law aspired (ius constituendum).

Conceptual Framework

The conceptual framework used in this study are: Local Wisdom Concepts, Traditional Concepts, Customary Law and Covid-19 Pandemic. The use of the conceptual framework above to provide an overview of the terms in this study.

Local Culture

Local wisdom is the legacy of the ancestors of the Indonesian people in a unified value system in the form of religion, culture and customs. In the development of the community to adapt through its environment by developing wisdom in the form of knowledge or ideas combined with customary norms, cultural values and activities to manage the environment to meet their needs. If we look at the evolution of humans with nature in the past a harmonious relationship has been formed in which humans try to coexist peacefully with nature, in the view of humans that nature is large and sacred, it is necessary to live peacefully with nature so that no damage to nature will result in losses in humans themselves, in supporting this relationship humans create ethical acts and behave towards nature, most of the tribes in our country have rules that are called what is called local wisdom (Christeward Alus, 2014).

Local wisdom and Customary Institutions are something that human beings crave in this world. Wisdom starts from the ideas of individuals who then meet with other individual ideas, then in the form of collective ideas. This local wisdom is usually created and practiced for the good of the community that uses it. Local wisdom is also inseparable from the culture of the people who support it. Local wisdom, usually includes all elements of human culture, which includes: religious systems, language, economics, technology, education, social organizations, and the arts. Local wisdom starts from ideas or ideas, which are then applied in the stages of practice, and the creation of cultural material. Through this thesis, the author will describe several examples of local wisdom in the context of forming the character of the Indonesian nation (Christeward Alus, 2014).

The local wisdom in question could have originated from ethnic culture, or the nationalistic thinking of the Indonesian people, from a period of time. The sahu tribe that inhabits an institution called ji'o Japung Malamo (a region with extensive institutions) in West Halmahera Regency, North Maluku Province consists of two indigenous groups namely Tala'I and Padusua (Ji'o Tala'I re Padusua). These two groups of people have similarities in culture in the form of objects of human work/folk architecture called sasadu (traditional houses) but there

are differences in the dialectics of the language spoken of each group which is famous for the Sahu dialect of Tala'I and Sahu dialect padusua. Based on the above problem, the writer feels intrigued to further study the "role of traditional institutions in the prevention and treatment of Covid 19 in Indonesia.

Customary

Etymologically, in this case custom comes from Arabic which means habit, so etymologically custom can be defined as an act that is done repeatedly and then becomes a habit that is fixed and respected by people, then the habit becomes custom. Adat is a habit that grows and is formed from a community or region that is considered to have nails and is upheld and obeyed by the supporting community.

Understanding Adat is a rule, habits that grow and are formed from a community or region that is considered to have value and is upheld and adhered to by its supporting community. Adat is a normative custom and is validated by the community, so even though adat does not keep repeating, at certain times it will continue over and over (Hasven Stamadova Hermi Yanzi, Yunisca Nurmalisa, Role of Customary Figures in Maintaining Customary Waiting for Poles in Semendo Society).

Customs are social habits that have been around for a long time in society with the intention of regulating order. There are also those who bind norms and behavior in the community, so that in doing an action they will think of the impact of the results or the set of behaviors that have the highest position because they are eternal and very strongly integrated to the community that owns them.

Custom is a collection of behavior that has the highest position because it is eternal and very strong integrated to the people who have it: (Hasven Stamadova Hermi Yanzi, Yunisca Nurmalisa, Role of Customary Figures in Maintaining Customs to Hold a Hole in Semendo Society).

a. Customs are eternal and hereditary behaviors from other generations of generations as inheritance so that they are strongly integrated with patterns of community behavior (Big Indonesian Dictionary, 1988) b.
b. Customs are cultural behavior and rules that have been tried to be applied in the community.
c. Customs are a characteristic of an area that has been adhered to long ago in the people who did it. d.
d. Customs are a set of social rules that have long existed and have become a habit (tradition) in society.

Custom or habit can be interpreted as follows:

"Seseoarang's behavior is continuously carried out in a certain way and followed by outside communities for a long time". Thus the elements of the creation of adat are: Muhammad, Bushar, 1997 there is a person's behavior.

a. Done continuously
b. There is a time dimension.
c. Followed by other people / community.

Understanding the customs and attitudes related to the attitude and behavior of someone who was followed by another person in a process that is long enough, this shows the breadth of understanding of these customs. Each society or nation and state has its own customs, which one with the other is certainly not the same. Customs can reflect the soul of a community or nation and are a personality of a community or nation. The level of civilization, the modern way of life of a person can not eliminate the behavior or customs that live and are rooted in society.

Adat always adapts itself to the conditions and progress of the times, so that adat remains eternal, because adat always adapts to the progress of society and the will of the times. Customs that live in the community are closely related to the traditions of the people and this is the main source of customary law.

According to Kusumadi Pudjosewojo, said that adat is the behavior that the community adheres to. These customs are thick and some are thin and always thicken and thin out. The rules of behavior in this society are customary rules and not legal rules.

Understanding Customary Law

To get an idea of what is meant by customary law, it is necessary to examine some opinions as follows: (B. Ter Haar, 1985)

1. Mr. B. Terhaar Bzn
2. Customary law is the entire regulation that is incarnated in the decisions of customary leaders and applies spontaneously in the community. Terhaar is famous for the "Decision" theory which means that to see whether something is a customary law it is customary law, it is necessary to see from the attitude of the legal community's authority towards violators of customs and regulations. If the authorities impose sentences on violators, the customs are customary law.
3. Mr. Cornelis van Vollen Hoven
4. Customary law is the overall rules of community behavior that apply and have sanctions and have not been codified.
5. Sukanto
6. Customary law is a complex of customs that are generally not bible, not codified and are coercive, have sanctions so have legal consequences.
7. Hazairin
8. Customary law is a precipitate of decency in society that is the rule of ethics whose truth has received general recognition in the community.

Covid-19 Pandemic

Corona virus or severe acute respiratory syndromecoronavirus 2 (Sars-CoV-2) is a virus that attacks the respiratory system. This disease caused by a viral infection is called Covid-19. Corona virus can cause mild disturbances to the respiratory system, severe lung infections, to death (Corona Virus (Covid-19), Alodokter, Accessed May 27, 2020). Severe acute respiratory syndrome coronavirus 2 (Sars-CoV-2), better known as the Corona virus, is a new type of coronavirus that is transmitted to humans. Although more often attacks the elderly, this virus can actually affect anyone, ranging from infants, children, to adults, including pregnant women and nursing mothers.

Corona virus infection is called Covid 19 (Corona Virus Disease 2019) and was first discovered in the city of Wuhan, China at the end of December 2019. This virus is transmitted very quickly and has spread to almost all countries, including Indonesia, in just a few months. Coronavirus is a collection of viruses that can infect the respiratory system. In many cases, this virus only causes mild respiratory infections, such as flu. However, this virus can also cause severe respiratory infections, such as lung infections (pneumonia).

In addition to the Sars-CoV-2 virus or Corona virus, viruses that are also included in this group are the viruses that cause Severe Acute Respiratory Syndrome (Sars) and the virus that causes Middle-East Respiratory Syndrome (Mers). Although caused by a virus from the same group, namely coronavirus, Covid 19 has some differences with Sars and Mers, including the speed of spread and the severity of symptoms.

METHODS

This research was conducted using a juridical emperis approach that is descriptive qualitative analysis studies (Maria & Sumardjono, 2001). The study seeks to illustrate the Role

of Indigenous Institutions in Deciding the Pandemic Spread of Covid-19 in the Lehitu Indigenous Peoples of Central Maluku Regency. The workings of the juridical empirical or sociological juridical methods in this research proposal are from the results of the collection and discovery of data and information through a literature study of the basic assumptions or assumptions used in answering problems in this study, and then an inductive-verification test is carried out on the latest facts exist in the community. Thus the truth in a study has been declared reliable without having to go through the process of rationalization.

RESULTS AND DISCUSSION

Background of the Establishment of Customary Law

The background to the establishment of customary law is based on two factors namely; first, there are people who inhabit the area. Indigenous people are groups of people who have ancestral origins (hereditary) in certain geographical areas, and have their own value, ideological, economic, political, cultural and territorial systems. Understanding of the community in customary law is needed to see the role of the community in the application of customary law, as well as knowing whether the rules made by customary law can be accepted by the entire community or only a group of people who act on behalf of all people who inhabit the area (Dahlan Etlegar, 2013)

Community involvement in customary law is needed to maintain the continuity of customary law so that it still exists in natural resource management. In addition, the existence of the community can be one of the forces for customary law to apply strict rules and sanctions to violating communities. Second, there is recognition from the Government of local wisdom in traditionally managing forest resources. The change in development paradigm is driven by the fact that people still manage natural resources including hamlet resources. At present there are still a variety of community-based hamlet resource management practices and are proven to be able to save the hamlet from the threat of extinction. This is because the pattern of the relationship between the community and forest resources is still carried out according to environmental rules that prioritize natural harmony and balance over economic interests alone (Dahlan Etlegar, 2013).

The Role of Customary Institutions in Deciding the Distribution of Covid-19 to the Lehitu Indigenous Peoples of Central Maluku Regency

The determination of the village or customary country in accordance with Article 96 of Law number 6 of 2014 concerning villages states that the customary law community unit together with traditional rights are actually still alive whether territorial, geneological or functional in nature having certain areas, customary governance institutions, property rights and norms the law, the customary law institution (adat institui) in Leihitu District is Latupati. This institution is a union of kings in the District of Leihitu. This institution can also be found in other countries in Maaluku such as Haruku Island, Saparua and so on. An adat institution is a body or organization whose existence is to consolidate and process a set of values or norms held by a community for generations (DKK 2020 wance).

The last few months an event happened to this world where the condition experienced in the world including Indonesia was the outbreak of the corona 19 virus which was also felt in Maluku, Leihitu Subdistrict. Embarrassment for the death of a Covid patient 19. Of course this has caused tension in the community coupled with various restrictions by the government to enter the flow of people from one area to another in the region of Maluku. Therefore, a

traditional institution is needed to provide its function as a forum for the community to be able avoid entering and spreading this virus in its wilah. This research chooses more areas.

The existence of the Ambon City Latupati Council as an embodiment of the village or customary state institution is an institution that carries out the function of customs and is part of the original arrangement of the country that grows and develops on the initiative of the country. Latupati assemblies can become an indigenous consultative body that can facilitate the resolution of all forms of customary issues or disputes that cover the formulation of state regulations, determination of the origin rights of parents and soa parentahs based on legal straight lines and national boundaries, both administratively and administratively based on ulayat rights, the Latupati Delegation is expected to be able to contribute in any form in the good governance arrangement of the State Government in Ambon City, in the context of carrying out development, community development and empowerment of community development in order to realize the welfare of indigenous communities in Ambon City.

The existence of the Leihitu District Latupati Institution in addressing such conditions is very much needed, because this institution has been recognized and has a positive influence on welfare and order in the customary law communities in the region. the existence of latupatti as a Customary Law Institution has its own influence on the outbreak of covid 19 customary lands and the role of latupati in its formation The formation of the Latihit District Institution of Leihitu District cannot be separated from the emergence of migrants in the Leihitu Peninsula during the heyday of Islam from the 14th century by establishing a government called the Hitu government under the leadership of the "Four Prime" in carrying out the government of the Fourth Prime has appointed a prime as their leader namely Prime Jamilu who has the title "Nusatapi". After ± 1 century running the government, the Fourth Prime adopted the son of Prime Nustapi as the leader of the government of Hitu (Ulihalawang Republic), namely Abubakar, who held the title "Latu Sitanya" quite modern.

In carrying out their duties, Latu Sitanya is guided and protected by the four prime Hitu. Of the four Great Four descendants, many gave birth to Raja (upu latu), pati, and rich people in the Leihitu Peninsula and Central Maluku in general. It should be noted that the formation of this latupati institution is motivated by kinship relations, namely genealogical ties arranged in patriarchal lines, language equality, toritorial territory, customs and equality of habits. History records that this latupati institution has made many important contributions to the creation of national stability. The latupati conference of the Ambon region which took place in the Ambon Mangga Dua Governor Hall from 5-6 March discussed three main subjects, as follows:

1. Answering the development of the country today in terms of the renewal of the national community.
2. Solutions to economic difficulties that must be met by the people and government 3. National vigilance As a customary law institution, the position of latupati is very meaningful where they have ties in adat unity.

Furthermore, this institution also has a role in creating peace on Ambon Island. In carrying out its duties, the Latupati institution always prioritizes coordination and information in accordance with their sense of moral responsibility towards order and security in the territorial area, as well as upholding the values of togetherness, kinship and deliberation to reach consensus. Latupati as a customary law institution is a body where governments gather from countries in their working territories to deliberate on something related to adat. They can have an opinion about an issue, for example regarding a dispute between two countries or regarding the application of customary law. This institution cannot impose their opinions on other parties or

disputing countries, because this body does not have aministratic power over a country that is incorporated in it.

Thus, the work pattern of the latupati institution in resolving a problem depends on the form of the problem itself. The customary law community in Maluku was formed based on regional and hereditary factors (toritorial and genealogical) which greatly influenced the formation of customary law institutions that reflected the characteristics of the existence. At present the institution of latupati as one of the legal institutions (traditional institutions) in Leihitu District symbolizes the characteristics of the Moluccans who always uphold the values of togetherness and kinship regardless of social and religious background. Eko explained, at least, there were five specific roles of village officials in accelerating the handling of Covid-19 at the village level. Also read: Communities Encouraged by Covid-19 Response Volunteers in the First Village, village officials must process the data and information flow of all their citizens. Data and information cover the economic conditions of citizens, to maintain their quality of life and health during the outbreak. Second, village officials must be able to manage information controls related to Covid-19.

Do not let the majority of people worry in facing this plague because of unclear information. "It must be able to explain well that transmission and so on, prevention, etc. to the community," Third, village officials take initiatives to mitigate social and economic impacts of citizens. What is the social impact of Covid-19's emergency conditions on religious activities and culture? For example, the appeal temporarily suspends activities that gather many people. Fourth, village officials can create new social institutions in accordance with the needs in the village. This is to prevent social conflict during the pandemic. "For example the new rules for accepting guests, funerals, including security and environmental activities. It is regulated by the village head which is decided in the village regulation," Eko said. "So that there will be no more objections to the funeral, they will be given an understanding of that," what is also important is how the village administration can provide information about Covid-19 every day. For example by creating a WhatsApp group or the official village portal

CONCLUSION

The existence of the Leihitu District Latupati Institution in addressing such conditions is very much needed, because this institution has been recognized and has a positive influence on welfare and order in the customary law communities in the region. the existence of latupatti as an Adat Legal Institution has its own influence on the outbreak of covid 19 indigenous countries and the role of latupati in its resolution. This influence by means of adat institutions issued new legal norms, namely the expansion of the norm Sasi was originally only sasi to natural resources, women sasi but with the existence of covid-19 sasi also expanded its legal norms by doing sasi to places with the potential coinfection transmission potential massively.

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Komunitas Adat Nua Ja Jadi Contoh Penanganan COVID-19 Di Kabupaten Ende, Diakses Tanggal.

Pengertian Adat Istiadat Dan Contohnya.

Hasven Stamadova Hermi Yanzi, Yunisca Nurmalisa, Peranan Tokoh Adat Dalam Mempertahankan Adat Tunggu Tubang Pada Masyarakat Semendo.

Virus Corona (Covid-19). Alodokter, Diakses Tanggal.

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