

REVIEW ARTICLE

AWIG-AWIG AND LEGAL
AWARENESS OF COMMUNITY: HOW
DOES CUSTOMARY LAW PROVIDE
SECURITY FOR LOCAL PEOPLE AND
ALIENS?

Dewa Ayu Agung Intan Pinatih

Faculty of Political and Social Sciences, Universitas Udayana,
Indonesia

Malik Akbar Mulki Rahman*

Faculty of Law, Universitas Negeri Semarang, Indonesia

E-mail: mr.malikakbar@students.unnes.ac.id

Bali is referred to as an area with high legal obedience and awareness by its people, this does not arise solely in other legal rules having large penalties, but because of the awig-awig (customary regulations) made by the Pakraman Village by involving the community. , management and chairman to formulate research rules with the title The Influence of Awig-Awig on the Legal Awareness of the People of Pakraman Village, Batuan Kaler, Sukawati District, Gianyar Regency. national level, as well as to find out the existence of awig-awig and Desa Pakraman in Balinese society. The literature review used in this study is the understanding of awig-awig and awig-awig in the Batuan Kaler Traditional Village. This study uses a qualitative descriptive approach with direct observation techniques on the object of research and uses a literature review. After collecting data, the next stage is data analysis, namely the decomposition of a subject on its various parts and the study of the part itself. The results of this study are divided into several sub-

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discussions starting from the general description of awig-awig, the influence of awig-awig and Pakraman villages on the behavior of Balinese people, which includes the existence of awig-awig in Batuan Kaler village and the function of awig-awig in law enforcement. The results of this study indicate that awig-awig has an important role in the lives of Balinese people, including Batuan Kaler Village, Sukawati District, Gianyar Regency. From this study it can be concluded that the existence of awig-awig (customary law) in Bali has a very important role in shaping the behavioral patterns of behavior of the indigenous people of Pakraman Village.

Keywords: *Awig-Awig; Customary Law; Adat Village; Batuan Kaler Village*

I. INTRODUCTION

Humans in carrying out life interactions need norms to regulate life between individuals with individuals, individuals with groups and groups with groups. These norms can be in the form of religious norms, moral norms, norms of decency and legal norms. These norms or regulations have become national, regional and local agreements, so that if they violate these norms, they will be subject to sanctions in the form of customs or national legal sanctions.

Legal norms that apply in society can be in the form of administrative, civil and criminal norms that have sanctions if violated. These legal norms have become a reference for people in Indonesia in their behavior, there are written and unwritten norms called customary law. Customary law is a law that lives and develops in a society that is upheld and respected so that it is preserved from generation to generation and applies only in its autonomous region.

The existence of customary law within the unitary state of the Republic of Indonesia is recognized by the constitution, which is contained in Article 18 B paragraph 2 of the 1945 Constitution of the Republic of Indonesia which reads "*The state recognizes and respects customary law community units along with their traditional rights as long as they are still alive and in accordance with community development and principles. The Unitary State of the Republic of Indonesia, which is regulated by law*" and strengthened by Article 28 I paragraph (3) which reads "*Cultural identity and rights of traditional communities are respected in line with the development of times and civilizations*".

Law No. 17 of 2007 concerning long-term national development in 2005-2007 also states that one of the focuses of national development is

the existence of customary law. Customary law as the original law that arises and develops in the Indonesian state is included in the local culture that must be respected, preserved and upheld, the existence of customary law in Indonesia is recognized nationally and used as a basis for making laws.

Bali Province is a province that has its own uniqueness and characteristics, where the Balinese people have their own characteristics and identity in carrying out social interaction activities but are still under the unity of Tri Hita Karana.¹ The existence of customary law (awig-awig) in Bali is highly respected by the Balinese people, because customary law is used as the main basis in society for social interaction, the output of Balinese customary law is to instill behavior that is obedient to national law, so it is only natural that Balinese people have a high level of legal awareness. Therefore, it is very interesting to analyze the existence of awig-awig on the legal awareness of the Balinese people, especially in Desa Pakraman Batuan Kaler. This paper analyzes why awig-awig (customary regulations) affect the behavior of the Balinese people, especially Batuan Kaler village, and wants to find out why Pakraman Village affects the legal awareness of Balinese people, especially Batuan Kaler village and why awig-awig and Desa Pakraman are highly respected. in Bali.

This study uses descriptive qualitative research methods to provide an overview of the phenomena experienced by the research subjects such as behavior, perceptions, motivations, actions, etc. The data collection technique used in this study is a direct technique with observation and literature review. review) through print media such as books and journals as well as electronic media such as the internet, internet journals, and news. After data collection, the next stage is data analysis, namely the decomposition of a subject from its various parts and a study of the parts themselves and the relationships between parts to obtain a quick understanding and understanding of the meaning of the whole. This stage is the final stage before drawing conclusions from the results of the study. The processed data will provide an overview of the research results.

II. LITERATURE REVIEW

A. Definition of Awig-Awig

Awig-awig linguistically comes from the word wig which means damaged while awig means not damaged or good, awig-awig which means good is used as a concept by the customary village community (Desa Pakraman) Batuan Kaler as a rule in the village. Every traditional

¹ Ketut, Artadi, *Hukum Adat Bali dengan Aneka Masalahnya*. Bali: Pustaka Bali Post, 2021, pp. 55-57.

Balinese village has awig-awig (customary rules) in Balinese society which is highly upheld and respected so that if they violate the customs, they will be subject to customary sanctions that apply based on the results of the customary agreement. Awig-awig is a Balinese traditional rule, both written and unwritten, which is used to regulate the organizational structure of the social community in Bali which aims to maintain common life in the Traditional Village so that it is harmonious, orderly, and peaceful, as well as efficient and effective in accordance with the principles of *gilik saguluk*, *paraspar*, *salunglung sabayantaka*, *sarpana ya*. Examples of such arrangements include subak, Pakraman village, sekaa, dadia and so on.²

In addition, awig-awig was strengthened by the enactment of the Bali provincial regulation number 3 of 2001 article 1 number 11 concerning the Pakraman Village and renewed by the local regulation number 3 of 2019 concerning traditional villages in Bali. Awig-awig is a rule made by the krama of Desa Pakraman Village and or krama banjar of Desa Pakraman which is used as a guide in the implementation of the *tri hita karana*, in accordance with the mawacara village and religious dharma in the respective Pakraman village/Pakraman village banjar.³

In an effort to realize the above common goals, indigenous peoples in Desa Pakraman Batuan Kaler are obliged to obey and uphold awig-awig and participate in drafting rules in making policies in a meeting (*paruman*) which aims to ensure the unity and security of the village of its Pakraman Village. Each village of Desa Pakraman has different awig-awig because at the time of its manufacture it was adjusted to the needs of the people living in Desa Pakraman, but still based on Tri Hita Karana to achieve balance and harmony. If there is an imbalance, then the community of Desa Pakraman Village will carry out restoration and balancing which will be carried out by *sekala* and *niskala*.

Therefore awig-awig is a unified set of customary laws that grow and are made by the community in the Pakraman Village (custom) to regulate the order of daily life accompanied by sanctions and implementing rules and are used by the Prajuru (devices) of the Pakraman Village to maintain harmony and protect and protect the residents of the Pakraman Village which apply to the local residents of the Pakraman Village which are binding and must be obeyed. Therefore, awig-awig located in the village of Desa Pakraman an Batuan Kaler

² IGP Bagus Suka Arjawa, and IGA Mas Rwa Jayantiari. "Democratic values in Balinese traditional society: Analysis of the making and the content of Desa Pakraman's awig-awig." *Masyarakat, Kebudayaan dan Politik* Vol. 30 No.4, 2017, pp. 428-436. See also I. Nyoman Alit Putrawan, et al. "Penerapan Ajaran Tri Hita Karana Dalam Penyusunan Awig-Awig Sekaa Teruna Taman Sari di Banjar Lantang Bejuh Desa Adat Sesetan." *Jurnal Penelitian Agama Hindu* Vol. 5 No. 2, 2021, pp. 98-105.

³ *Ibid.*

applies in the territorial area of Desa Pakraman only who is sovereign over the power within it who has the right to regulate the people who are in it.

B. Awig-Awig Pakraman Village Batuan Kaler

Awig-awig in Desa Pakraman Batuan Kaler, Sukawati Subdistrict, Gianyar Regency in general have the same similarities with awig-awig in other (custom) Pakraman Villages, ranging from banjar arrangements, subak etc. However, what makes awig-awig with other Pakraman Villages lies in the dress code, the style of the temple and the way in solving problems and the size of the fine.

The specificity contained in the awig-awig of Desa Pakraman Batuan Kaler is found in the arrangement of the community in worshipping in the sophisticated Puseh temple. Batuan Kaler Village is a Pakraman Village which has the oldest temple and has become a nature reserve and tourist spot so it is natural to have special rules in maintaining and preserving the heritage of valuable ancestral sites.⁴ So that awig-awig that there is a prominent difference is in the arrangement of the procedures for worshipping at the temple. People who are in Puseh Canggih Temple must be actively involved in maintaining the temple, such as maintaining the cleanliness of the temple, fully clothed when going to pray to the temple and being holy before entering the temple. This is done in order to maintain order and harmony between God, humans and nature.

III. VILLAGE OVERVIEW DESA PAKRAMAN BATUAN KALER

A. A Brief History of Pakraman Village Batuan Kaler

Pakraman Batuan Kaler Village, Sukawati District, is 16 km from the center of Gianyar Regency. (Source: Monograph Data of Batuan Village, 2014: 4). Desa Pakraman Batuan Kaler is a relic village during the Warmadewa Dynasty in Bali, Batuan Village as Batuan Village.⁵ The name Batuan was finally called Batuan, which came from the city of Batu, because this area is a rocky area, then because of changes in everyday pronunciation it is more popular as Batuan Village. Desa Pakraman Batuan Kaler has 8 Banjars (hamlets), besides that Desa Pakraman Batuan Kaler is included as a traditional village not as an administrative village. A traditional village is a village that stands on the

⁴ Ujianto Singgih Prayitno, "Ajeg Bali dan Modal Sosial: Studi Sosiologi terhadap Perubahan Sosial Masyarakat Bali." *Aspirasi: Jurnal Masalah-masalah Sosial* Vol.7 No.2, 2019, pp. 113-126.

⁵ *Website Desa Batuan Kaler*, 2014.

basis of a tribe that has a customary-based government system with a village leader, namely the customary leader and the sanctions are also customary sanctions, while the administrative village is a village that has a budget plan and is guided by government rules, the administrative village is led by an elected village head through the election. Every Pakraman Village in Bali has Kahyangan Tiga Temples such as Desa, Puseh and Dalem Temples. So, it is not surprising that the island of Bali is also known as the island of a thousand temples or the island of the Gods.

In Desa Pakraman Batuan Kaler, there is an oldest temple on the island of the gods, namely Pura Pusseh sophisticated. This temple is a temple that is often visited by foreign tourists, seen by the many visitors who are in the temple. Puseh Canggi Temple is very interesting so it is in great demand by tourists, this temple according to the author is an ancestral heritage that has a high historical value where its large shape and coupled with charming carving ornaments make it an attraction for foreign tourists who want to learn history and enjoy the beauty of the temple and its natural surroundings.⁶

As for the way to get to Puseh Canggi Temple from Denpasar city, you can use online transportation or the Sarbagita bus, the travel time is approximately 30 minutes, when entering the temple the entrance ticket is free but there is a place for sincere donations as income for temple maintenance. Before entering the Puseh Canggi Temple, tourists are required to use kamen and scarves that can be purchased at the Sukawati market as a condition for entering the temple, and women who are unable to enter the temple are prohibited from entering the temple because they can disturb the sanctity of the temple. The rules that apply strictly are nothing but to protect and preserve the temple so that it can be seen by future generations.⁷

B. The Existence of Desa Pakraman Batuan Kaler in the Tri Hita Karana Concept

Desa Pakraman Village is an indigenous community unit that inhabits a geographical area that has written and unwritten rules (awig-awig) as a reference in carrying out social activities. The concept of Tri Hita Karana in influencing the making of awig-awig plays an important role. Tri Hita Karana is a series of three words which include: Tri ati is three, Harta means prosperity and Karana means cause. Thus Tri Hita Karana means three causes of prosperity. According to I Ketut Suda Sugira, "Tri Hita Karana are three elements of balance that can bring

⁶ Sumarjo Sumarjo. "Eksistensi Awig-Awig dalam Menjaga Harmonisasi Desa Adat Tenganan Pegringsingan, Kabupaten Karangasem, Bali." *Habitus: Jurnal Pendidikan, Sosiologi, & Antropologi* Vol.2 No.1, 2018, pp. 27-39.

⁷ *Ibid.*

prosperity to the happiness of human life both internally and externally so that the goal of life is realized according to Hindu teachings, namely "*Moksartham Jagadhita*", the happiness of living in this world and the hereafter.⁸

Tri Hita Karana literally comes from Sanskrit which has a regulatory focus on human relations with God, human relationships with others and human relationships with nature. So awig-awig must refer to and be based on Tri Hita Karana in formulating customary rules. So that with the existence of Desa Pakraman (custom) which has binding awig-awig (rules) for its citizens, they can realize and implement the concept of Tri Hita Karana which is the highest basic philosophy of Balinese indigenous peoples.⁹

IV. THE EFFECT OF AWIG-AWIG AND PAKRAMAN VILLAGE ON THE BEHAVIOR OF THE BALI COMMUNITY

A. The Existence of Awig-Awig in Desa Pakraman Batuan Kaler

The community in Desa Pakraman Batuan Kaler is a civil society, the life of the people there is very peaceful and harmonious. In addition to being religious, the people there are very polite and kind. While in Desa Pakraman Batuan Kaler, the writer jumped in and mingled directly with the indigenous people in Desa Pakraman Batuan Kaler. The author feels comfortable when he is in the observer area, besides the beautiful and beautiful environment-friendly community adds to the author's sense of comfort while living in the village. The author observes that the people in Desa Pakraman Batuan Kaler are very pious and uphold religion. In the morning, afternoon and evening people will go to Puseh Canggih Temple.

Puseh Canggih Temple is a protected cultural heritage site and is included in a nature reserve. Puseh Canggih Temple is also the third oldest temple on the island of the gods, it is only natural that the temple should be preserved and cared for as a form of ancestral heritage. As the oldest and respected temple, the procedure for entering the temple is very important. Starting from the prohibition of entering the temple for those who are menstruating, even prayer equipment such as udeng, kamen, scarves and jasmine flowers must be used for prayer. People in Desa Pakraman Batuan Kaler come to the Vanggih Temple every morning at

⁸ I Ketut Suga Sugiara, *Tri Hita Karana Dalam Pembangunan Berwawasan Masyarakat Bali*, 2002

⁹ *Ibid*, p. 34.

06.00 WITA, in the afternoon at 12.00 WITA and in the afternoon at 18.00 WITA.

If in the morning we go out and walk around the village then we will see beautiful scenery and will breathe fresh and cool air because the nature around the temple is still very beautiful and awake. There is one thing that I rarely encounter in areas in Indonesia except on the island of the gods, namely the residents of Desa Pakraman Batuan Kaler which is dominated by children will gather around the temple, after praying at the temple the children will together to clean the temple, The division of cleaning time is divided into men in charge of cleaning around the temple and women in charge of sweeping the temple clean. After conducting interviews with some of the children, they thought that the activities they carried out were routines aimed at fostering mutual cooperation, independence, cleanliness and the implementation of Tri Hita Karana.

B. The Function of Awig-Awig in Law Enforcement

The village of Pakraman Batu Kler which was arranged by the master of the king of Kerta in the Warmadewa Dynasty in Bali which is very neat and harmonious, has made Bali at this time in the era of globalization become an international tourist spot with the number one number of foreign visitors in Indonesia, not infrequently tourists Foreigners think that Bali is the capital city of Indonesia. With the existence of Pakraman Village which maintains customs, culture and nature, it has a positive impact where in the era of modern life Bali is able to maintain its culture. This has a positive impact on tourism in Bali which can be an attraction for foreign tourists to visit the island of the gods.¹⁰

The maintenance of nature on the Island of the Gods does not escape the influence of Awig-awig or Balinese customary rules. Awig-awig should regulate parhyangan beside temples (mosques, churches, monasteries, etc.), pawongan beside village manners and *krama tamiu* (tamiu and tamiu-type organizations), and palemahan in addition to village land (land of other institutions and state land). With the existence of awig-awig which regulates the manners of social life in a good society, it creates a stable life order in society.¹¹

In awig-awig, the rights and obligations of krama in traditional villages are regulated, accompanied by strict sanctions, more real and usually in written form. Awig-awig becomes a guideline/benchmark, or limits on what is allowed and what is not to be done, while also having a role in determining the form of reaction for violators. Talking about awig-awig found in traditional villages is an embodiment of customary

¹⁰ I Ketut Rindawan, "Peranan Awig-Awig dalam Melestarikan Adat dan Budaya di Bali." *Widya Accarya* Vol.7 No.1, 2017.

¹¹ *Ibid.* p. 8.

law, plays an important role in regulating life/as a filter for negative influences on society in the fields of religion, blindness, and socio-economics.¹²

With the existence of awig-awig which regulates indigenous peoples in Desa Pakraman Village which forces all community members within the territory of the region to uphold and obey awig-awig as the basis for carrying out daily interactions. The existence of awig-awig that is obeyed by the community in Desa Pakraman makes and fosters a sense of obedience for its citizens so that other regulations outside of awig-awig are easily obeyed by the Balinese people. Thus making Bali an orderly area with a high level of legal awareness of the influence of awig-awig (customary law).

V. CONCLUSION

The existence of awig-awig (customary law) in Bali has a very important role in shaping the behavioral patterns of behavior of the indigenous people of Pakraman Village. Bali is referred to as an area with high legal obedience and awareness by its people, this does not arise solely in other legal rules having large penalties, but because of the awig-awig (customary regulations) made by the Pakraman Village by involving the community, management and chairman to formulate rules. It is these rules that must be obeyed by all residents in the territorial area, thus the people in Desa Pakraman Village are accustomed to submitting to the awig-awig. So that the resulting output is very positive in the form of high legal awareness by the Balinese people, both aware under national and local laws. This study confirms and suggests that the existence of customary law in Bali has reflected the success in managing the community in Desa Pakraman (adat) in carrying out social interactions. So that the original law that grows and develops and is made by the Indonesian people with mutual agreement is very effectively applied in order to achieve order and social awareness.

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¹² *Ibid.* p. 10.

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