



# Pararem Letter to Increase Community Legal Awareness in Apuan Traditional Village, Bali

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## ABSTRACT

In society, the term customary law at the beginning of its birth was not widely known, what was known was only custom, but in that term the meaning of law was concluded but in many circles who did not understand customary law in depth they always questioned that custom is just a habit without legal elements. It is undeniable that a traditional village is a traditional village in Bali which has been autonomous since its inception. Each traditional village has its own management and assets, and has the authority to make awig-awig. The purpose of this program is to empower indigenous village communities so that they have a regulation in the form of pararem. The methods used in this service program are by giving lectures or legal counseling about the importance of a pararem in life in a traditional village, carrying out focus group discussions (FGD) on pararem design, and providing assistance in making traditional village pararem. The result shows that the implementation of the community service program has succeeded in empowering the community and the program has been implemented properly. This is evident from the activities carried out in accordance with the stages that have been planned, namely legal counseling with the lecture method, conducting limited discussions (FGD), and mentoring. The assistance that has been carried out, partners are finally able to realize the pararem in the form of pararem penyahcah awig as many as 20 Pawos (articles). The success of this Pararem arrangement will indirectly increase public legal awareness.

**Keywords:** traditional village, Balinese customary law, awig-awig, pararem.

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## I. INTRODUCTION

Customary areas, generally located in forest areas, create conflicts. Source function continuity Forest resources need to be controlled through clarity of rights and access control which are strongly influenced by short-term and long-term goals (Kartodiharjo, 2016). Theoretically, the government can maintain the sustainability of forest functions through rights that have been legally established. However, in practice, it has been proven that it cannot answer this goal. (Surati, Sylviani et al., 2018). In Indonesia, customary law communities are also known by other names such as customary law alliances, indigenous peoples, even in Bali they are known as traditional villages (Dewi, 2016). The general public equates the terms between customary law, legal alliance, customary law alliance, customary law community unit, traditional community, village community.

In society, the term customary law at the beginning of its birth was not widely known, what was known was only custom, but in that term the meaning of law was concluded but in many circles who did not understand customary law in depth they always questioned that custom is just a habit without legal elements. This habit is made to serve as a guideline for community members to behave with the hope that their life goals are achieved, for example, their life goals are peace, order, order, welfare, the common good, or justice. If the habit is so good, noble, and has been realized, then more coercive means are needed.

There are special rules in each traditional village, the village in the customs of krama or people who have village awig-awig to find out how the rules and obligations of village manners are. Village manners are Hindu residents who are similar or recorded as krama in one of the villages.

According to the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, it is explained that the traditional village as a unit of customary law community imbued with Hindu religious teachings and cultural values that live in Bali has a very large role in the religious and socio-cultural fields, so it is necessary to nurtured, preserved and empowered. The provisions of Article 1 number 10 of the Regional Regulation of the Province of Bali Number 4 of 2019 concerning Traditional Villages in Bali confirms that the manners of traditional villages are Balinese Hindu citizens who are similar and registered as members of the local traditional village.

Traditional village is a traditional village in Bali which has been autonomous since its inception. Each traditional village has its own administrator and assets. Each traditional village has the authority to make awig-awig, the purpose of which is to have an order in the life of its people. Initially, awig-awig was not written, but over time there have been efforts to make awig-awig written to make it easier to implement. Traditional villages have their regional value according to their different geographical environment, natural resources and cultural heritage of different genealogy families, and with the increasing lying of villages with the outside world, the problem of hollowing out villages is becoming more and more serious, and the cultural heritage of traditional villages is under threat (Guo, 2018).

The writing of awig-awig at this time is not before, no awig-awig has been written. Writing awig-awig has several meanings, (1) it can mean writing awig-awig that was not previously written; (2) adapting the existing awig-awig language and systematics; (3) revise the written awig-awig provisions; and (4) can mean compiling a written book on awig-awig. (Sudantra, I Ketut, 2011)

The use of the term awig-awig began to rise since the existence of the Regional Regulation of the Province of Bali Number 06 of 1986 concerning the Position, Function and Role of Traditional Villages as Units of Customary Law Communities in the Province of Bali Province. Many terms were found in society before the regulation, such as pangeling-eling, paswara, geguwat, awig, pararem, gama, dresta, sima, cara, kerta, palakert (Windia, 2013).

Sometimes the written awig-awig are not able to anticipate the development of society, and it is not easy to include it in the awig-awig because it has been "pasupati" (religiously enforced), and this can be regulated through pararem. Making written pararem is also not easy for the community to do, including at the location of this service, so it is necessary to provide assistance in writing it. The purpose of this program is to empower indigenous village communities so that they have a regulation in the form of *Pararem*.

## **II. METHOD**

The methods used in this service program are by:

- a. Giving a lecture  
The lecture was conducted in the form of legal counseling with material on the functions of *awig-awig* and *pararem* in preserving local wisdom.
- b. Carrying out Focus Group Discussion (FGD)  
Focus group discussions (FGD) were conducted to get input from community leaders on matters that needed to be regulated in the *pararem*.
- c. Doing assistance  
As an effort to realize the ultimate goal of this program, the *pararem* is provided assistance in the preparation of the *pararem* so that it is in accordance with the rules and needs of the local community.

## **III. RESULTS AND DISCUSSION**

### **3.1 Lecture**

The lecture intended here is to provide legal counseling material about the importance of the existence of awig-awig and pararem. The lecture, which was attended by about 50 people from the Apuan Traditional Village community, including the traditional leaders, was intended to have adequate knowledge of customary law, especially regarding awig-awig and pararem. Awig-awig in Balinese society is very urgent because according to the history of the existence of traditional villages in Bali which were designed by Balinese ancestors, namely in the era of Empu Kuturan or also called Empu Raja Kerta. Where Master Kuturan arranges Balinese society that is so neat inherited by the

Balinese people until now which is very noble. Traditional villages in Bali are arranged with the basic concept of Tri Hita Karana, a concept which is very noble in which there are values of harmony in order to achieve the life goals of Hindu humans in Bali, namely "Moksartam Jagatdita Ya Ca Iti Dharma" which can be translated to achieve eternal and eternal happiness. In Tri Hita, Karana explained Parhyangan, which regulates human relations with Hyang Widhi Wasa / GodThe Almighty, Pawongan, who regulates human relations with humans, and Palemahan, who regulates human relations with humans themselves humans and their environment. If we pay attention to the basic concept and his philosophy is extraordinary and very noble because it teaches Hindu humans in this life to always strive for and maintain a harmonious life between humans and humans. God, humans with other humans and humans with their environment (Rindawan, 2017).

The provisions of Article 1 number 29 of the Regional Regulation of the Province of Bali Number 4 of 2019 concerning Traditional Villages in Bali, stipulates that awig-awig is a legal rule made by a customary village and or banjar adat which applies to krama desa adat, krama tamiu and tamiu. Furthermore, the provisions of Article 1 number 30 determine that pararem is a regulation or decision of the adat village community as the implementation of awig-awig or regulating new matters and or resolving disputes in traditional villages.

Based on this understanding of awig-awig, it can be said that the traditional village awig-awig are behavioral standards, both in written and unwritten form made by indigenous villagers. The awig-awig made by traditional villages are usually based on a sense of justice and propriety as well as the values that live in the local community in terms of manners with God, between fellow manners, or manners with the natural environment (Astuti, 2005).

In general, an awig-awig only contains the main points and more detailed matters are contained in a pararem which is the elaboration of awig-awig. Pararem can be interpreted as implementing regulations for an awig-awig or also as decisions resulting from traditional village manners meetings, and have binding power. Especially for pararem, it can be divided into three types, namely: (a) pararem penyahcah awig, (b) pararem pangele, and (c) pararem panepas wicara.

Pararem penyahcah awig, is a pararem made to describe the contents of awig-awig, so it can be said as implementing regulations for awig-awig. Pararem pangele is a special rule as a decision of a meeting of traditional village residents that was made specifically because it has not been regulated in awig-awig and its nature follows community developments. Meanwhile, the pararem panepas wicara are records containing the decisions of prajuru adat related to the handling of a case or customary dispute.

For customary manners, an awig-awig that has been passed over is considered a standard and sacred legal rule, so that if there is an act of criticizing awig-awig it will be considered a taboo (Windia, 2021).

### ***3.2 Assistance in Preparation of Pararem penyahcah awig***

After conducting research on the awig-awig of the Apuan Traditional Village, there are 20 pawos (articles) that must be further elaborated through the pararem penyahcah awig, namely as follows: sukerta tata pakraman there are 3 pawos, regarding prajuru there are 2 pawos, regarding kulkul there are 2 pawos, regarding paruman there are 2 pawos, regarding druwen desa there are 2 pawos, regarding pamitegep there are 2 pawos, regarding religion there are 5 pawos, and regarding pawongan there are 3 pawos.

After going through meetings with traditional community leaders and assistance in the preparation of the pararem, two pararems have been formulated, namely the pararem penyahcah awig. There are several things from the results of the Focus Group Discussion which were used as material to prepare the pararem penyahcah awig, which can be described in the following description.

#### ***a. The results of the preparation of the pararem in the Pakraman***

*Pawos 8 (2):* Every traditional villager who has a family aged between 7-15 years, is required to receive basic education and is obliged to attend school for a period of nine years until graduation and obtaining a certificate. If there are community members who refuse, they will be fined 50 kilograms of rice (can be cashed at standard rice prices) and must implement the government's provisions. This pawos provision is very supportive of the government's program in the context of the

success of nine years of basic education, so that all children will enjoy education and have a minimum diploma up to junior high school level.

*Pawos 9:* In relation to various activities in community life, it is possible for indigenous people to get dispensation. Residents are allowed not to carry out their obligations, but must report to traditional leaders. Residents can also release themselves from all obligations as traditional villagers forever, when they are 60 years old. Likewise, a person will be freed from all customary obligations if the person concerned is peranda, pemangku (ritual leader at the temple), and in a state that there is no longer a representative. This shows that in traditional community life, the term dispensation, retirement, or respect for noble professions is also known.

*Pawos 13 (1):* The obligation of the traditional village chief is to enforce and implement village awig-awig and pararem. This means that the duties, roles and functions of the traditional village head are in relation to the implementation of the rules contained in the awig-awig and pararem of the traditional village.

*Pawos 13 (2):* If a customary officer behaves in a manner that deviates from the legal norm, he will be subject to multiple sanctions according to his mistake and if proven guilty according to a court decision, he will be immediately dismissed. Customary soldiers who commit acts that are not in accordance with legal norms and other norms that are maintained in people's lives will be given multiple sanctions because they are supposed to set a good example for the community they lead.

*Pawos 14:* Sources of income for traditional prajuru are, among others, getting a share of 1.5 more than the residents' share, being free from all obligations as customary citizens, and other sources of income such as the percentage of LPD profits, government, a share of profits from BUMDES, and a share of "sarin canang". All rights and incomes received by prajuru adat are natural as a consequence of having carried out their obligations, namely serving the community, even though the working principle applied is "ngayah".

***b. The results of the preparation of pararem for the field of kulkul***

*Pawos 17 (2):* Village-owned or banjar-owned kulkul are prohibited from sounding carelessly without an order from traditional soldiers, unless there is an indication of danger. People who hit the kulkul carelessly without an order from the authorities are subject to a fine of 10 kilograms of rice. According to the rules in the traditional village, the officer authorized to beat the kulkul has been determined. The kulkul functions as a means of communication in community interaction, each sound of the kulkul has its own meaning which is very dependent on the rhythm.

*Pawos 17 (4):* The sound or size of the kulkul belonging to the group may not match the sound or size of the kulkul belonging to the traditional village, if violated a penalty of 10 kilograms of rice is imposed. This arrangement is important because in villages many people live in gardens by building huts and equipped with kulkul. The individual's kulkul is sounded as entertainment, people can be confused about the sound of the kulkul belonging to the traditional village/customary banjar.

***c. The results of the preparation of Pararem for the field of Paruman***

*Pawos 18 (2):* Every village meeting is held, it will begin with the attendance of residents according to a predetermined time. If anyone is late, they will be penalized with 3 kg of rice. The setting of sanctions for residents who attend late is an effort to discipline residents to respect time. Time is very valuable, so every activity that has been determined must be respected together.

***d. The results of the preparation of the pararem for the druwen desa field***

*Pawos 23 (6):* Residents who want to borrow credit at the LPD must have the permission of the customary bendesa adat and must use collateral. If there are non-performing loans, such as not paying credit installments for three consecutive months, the LPD must be reminded. If they still do not heed the warning, the LPD will hand over the matter to the bendesa adat.

*Pawos 26 (4):* If a neighbor's plant crosses the boundary of the yard and is dangerous, he can recommend cutting his twig or tree immediately. If the recommendation is not heeded, then you are welcome to report it to the prajuru adat to be handled. If there is an agreement to cut the tree in question, there needs to be appropriate compensation from the applicant.

Owners of trees that endanger and fall on other people's buildings will be penalized in the form of money equal to the damage done to the building. Meanwhile, if there are workers who cut or cut trees that hit other residents' buildings, they will be subject to sanctions for carrying out the ceremony according to the instructions of the *Prajuru Adat*.

***e. The results of the preparation of pararem for the field of pamitegep***

*Pawos 27 (2)*: If any part of the building crosses the boundaries of another person's property, after being warned and reported to the traditional officers, a sanction will be imposed to carry out the *pecaruan eka sata* ritual and the wall is demolished or at least a gutter is made above the boundary wall. This is important to regulate because many people also build houses over land boundaries and cause disputes.

*Pawos 29 (4)*: If someone insults or insults another person, a sanction is imposed in the form of performing a *prayascita* ritual with a *sesari* of Rp. 150,000 and sanctions for depositing 10 kilograms of rice. The Criminal Law (KUHP) has indeed regulated the substance of this matter, but if it is also regulated in customary law, it will be more effective, especially since there are two types of sanctions, namely ritual forms and property.

***f. Compilation of pararem for the field of dewa yadnya***

*Pawos 33 (5)*: In the customary village area, there are several temples that must be maintained and carry out rituals according to existing customs and literature. All temples in the customary village area are the responsibility of the traditional village to preserve and carry out ceremonies according to the teachings of Hinduism.

*Pawos 36*: *Pemangku*' income is from *sarin canang*, free from physical obligations, free from certain obligations as indigenous people, part of the *pelaba pura* getting full clothes every year. *Pemangku* as people who are sanctified by traditional villagers in their duties are based on the *ngayah* concept, meaning that their duty does not expect anything in return. However, the *pemangku* is also a human being, of course, it requires a living cost so that it is natural to be given a living or certain rights as a form of appreciation for him.

*Pawos 37 (2)*: If a *pemangku* is dismissed for misbehavior, he will be penalized by apologizing, performing the *prayascita* and *pecaruan rsi gana* rituals at the temple where he is assigned. Another sanction is to return all costs that have been spent when appointed as *pemangku*.

*Pawos 38 c*: People who enter the temple area do not wear clothes according to applicable norms, or behave inappropriately in the temple area, are subject to sanctions in the form of performing rituals according to the priest's instructions. This is more directed at maintaining the sanctity of the temple, so that the temples that are sanctified by Hindus are not easily polluted by unauthorized parties.

***g. The results of the preparation of Pararem for the Field of Pitra Yadnya***

*Pawos 43 (5)*: If there are residents who die and their bereaved families intend to use the *banjar adat* institution, there will be services from the *banjar*, namely each resident is obliged to deposit goods to the *banjar* in the form of 5 kilos of rice, 5 eggs, 5 coconuts, bamboo 5 sticks, 5 coconut leaves, and money Rp.100.000. If the deceased is from a temple holder, it is allowed to use core *banjar* staff from both *banjars* with services in the form of 1 kilo of rice, 1 egg, 1 coconut, 1 bamboo stick, 1 coconut leaf, and Rp. 50 in cash. 000., and handled by the group where the relevant stakeholder resides.

***h. The results of the preparation of pararem for the field of pawiwahan***

*Pawos 52 (1)*: Every married citizen is required to make a passbook at LPD Apuan and save a minimum of Rp. 100,000 and must keep it for a minimum of a year. The purpose of this provision is to give responsibility to newly married parties to participate in developing the business entity owned by the customary village.

*Pawos 54 (4)*: Every citizen who is about to get a divorce must go through an official procedure to the court so that there is evidence of his divorce. Based on the court's decision, then the customary village chief conveys to the residents about his status in the traditional village. Divorced

couples are subject to a monetary fine equivalent to the price of 100 kilograms of rice. Based on this provision, the customary village performs a synergy between state law and its customary law. What is even more important is that a divorce is threatened with a payment of Rp. 1,000,000 (one million rupiah), which is believed to be able to reduce the divorce rate.

***i. The results of the preparation of pararems for the sentana field***

*Pawos 61 (4)*: Customary officers immediately discuss and give a decision on the child adoption plan carried out by residents, taking into account several aspects, including: it has been approved by the male family, comes from a male family or female family, or an outsider as long as he is Hindu and the most important thing is according to the Desa Dresta, Kuna Dresta, Loka Dresta or Sastra Dresta. Adoption of a child must be followed up with a decision from the court as a form of synergy with state law.

#### **IV. CONCLUSION**

As the end of this description, it can be concluded that the implementation of the community service program has succeeded in empowering the community and the program has been implemented properly. This is evident from the activities carried out in accordance with the stages that have been planned, namely legal counseling with the lecture method, conducting limited discussions (FGD), and mentoring. Based on the results of the assistance that has been carried out, partners are finally able to realize the pararem in the form of pararem penyahcah awig as many as 20 pawos (articles). The success of this pararem arrangement will indirectly increase public legal awareness.

#### **ACKNOWLEDGMENT**

1. To the traditional prajuru adat to immediately socialize the pararem that has been formed so that village manners can find out about it;
2. The partner community is expected to obey the pararem that has been established for the sake of achieving a peaceful and serene life in social life.

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