



The Urgence of Writing Awig's Pararem in Increasing Community Legal Awareness in Traditional Village Pelem Gede, Tabanan

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ABSTRACT

Desa Adat 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 rules, known as awig-awig and/or pararem. It turns out that the program partners do not yet have pararem panyahcah awig as rules for implementing awig-awig. By providing accessible and relevant information about legal rights, responsibilities, and processes, "Pararem Panyahcah Awig" equips community members with the knowledge they need to navigate legal matters effectively. s to emphasize the importance and necessity of documenting and disseminating the local customary laws, known as Awig's Pararem, within the context of the Traditional Village Pelem Gede in Tabanan. The method used in this service program is by: (1) giving lectures or legal counseling about the importance of a pararem panyahcah awig in life in a traditional village, (2) carrying out focus group discussions (FGD) on pararem drafts, and (3) provide assistance in making traditional village pararem. The result of this program activity is the compilation of an awig pararem with a total of 42 Pawos, in accordance with the awig-awig mandate set forth in Pawos-Pawos (article). With the pararem panyahcah awig, the community will be wiser in acting and behaving in their association in society. Therefore, it will indirectly increase legal awareness.

Keywords: Customary Law, Legal Awareness, Pararem Panyahcah Awig, Traditional Village.

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1. INTRODUCTION

Traditional village in Bali which has been autonomous since its inception (Windia, 2017). Each Traditional Village has its own management and assets, and has the authority to make rules, known as awig-awig and/or pararem. Awig-awig is a rule that binds krama desa, tamiu krama, and tamiu (Perda. Bali Number 4 of 2019).

In Indonesia, customary law communities are also known by other names such as customary law associations, indigenous peoples, and even in Bali they are known as traditional villages (Dewi, 2016). The general public equates the term between customary law, legal alliance, customary law alliance, customary law community unit, traditional community, village community.

In the social order, at the beginning of its birth, the term customary law was not widely known, what was known was only custom, but in that term, the meaning of law was embodied, but in many circles who did not understand customary law in depth, they always questioned that custom is just a habit without a legal element.

This habit is made to serve as a guideline for community members to behave in the hope that their life goals will be achieved, for example their life goals are peace, order, order, prosperity, the common good, or justice. If the habit is so good, noble, has been realized then, more coercive means are needed.

There are special rules in each traditional village, villages in customs for krama or people who have village awig-awig to find out what the rules and obligations of krama desa are. Krama desa are Hindu residents who belong to or are registered as krama in one of the villages. According to the Regional Regulation of the Province of Bali 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 field of religion and socio-culture so it is necessary nurtured, preserved and empowered. The provisions of Article 1 number 10 of the Bali Provincial Regulation Number 4 of 2019

concerning Traditional Villages in Bali emphasize that customary village residents are Balinese Hindus who have a conscience and are registered as members of the local Traditional Village.

Desa Adat is a traditional village in Bali which has been autonomous since its inception (Utomo, 2016). Each Traditional Village has its own management and assets. Each Traditional Village has the authority to make awig-awig, the purpose of which is to maintain order in the lives of its people. At first, the awig-awig was not written down, but over time, efforts have been made to make the awig-awig easier to implement.

The writing of awig-awig at this time is not that before there were no written awig-awig. Writing awig-awig has several meanings, (1) it can mean writing awig-awig which was not previously written; (2) adjusting the language and systematics of the existing awi-awig; (3) revise the written awig-awig provisions; and (4) can mean compiling a book about written awig-awig (Sudantra, et al. 2011:1).

The use of the term awig-awig began to rise since the Bali Province Regional Regulation No. 06 of 1986 concerning the Position, Function and Role of the Traditional Village as a Customary Law Community Unit in the Province of Bali. Many terms were found in society before the existence of these rules, such as pangling-eling, paswara, geguwat, awig, pararem, gama, dresta, sima, cara, kerta, palakerta (Windia, 2013: 28).

The awig-awig that is written is sometimes unable to anticipate the development of society, and to include it in the awig-awig is not easy because it has been "pasupati" (legalized by religion), and this can be regulated through the creation of pararem. Making written pararem is also not easy for the community to do, including at this service location, so assistance is needed in writing it. Related study was conducted by Putra (2022) that community legal awareness and customary sanction to prevent littering: How Penglipuran village in Bali make efforts? The efforts of Penglipuran Village to tackle littering problems are overseeing and maintaining the sanctity, sustainability, cleanliness, and orderliness of the area of the village. Another study was conducted by Sukadana dkk (2022) about pararem letter to increase community legal awareness in apuan traditional billage, Bali. Thus, the aim of this study is to emphasize the importance and necessity of documenting and disseminating the local customary laws, known as Awig's Pararem, within the context of the Traditional Village Pelem Gede in Tabanan.

2. METHOD

The method employed in this study involves a multi-faceted approach to legal education. The legal counseling sessions were organized systematically to ensure effective dissemination of legal knowledge among the community members (Rahardjo, 2000). The sessions were designed to cover a range of topics relevant to local regulations, traditional norms, and contemporary legal matters. These topics were strategically chosen to provide a holistic understanding of legal issues that directly impact the residents of Pelem Gede. The method used in this service program is by:

a. Give lectures

The lecture was carried out 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 obtain input from community leaders regarding matters that need to be regulated in the pararem panyahcah awig

c. Doing assistance

In an effort to realize the ultimate goal of this program, pararem is made, assistance is provided in the preparation of pararem panyahcah awig so that it is in accordance with the rules and needs of the local community.

3. DISCUSSION

3.1 Traditional Village Membership and Obligations

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 around 25 people from the Pelem Gede Traditional Village community including their traditional leaders, was intended to have adequate knowledge about customary law, especially regarding awig-awig and pararem panyahcah awig.

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, stipulate that awig-awig is a legal rule made by a Traditional Village and/or Banjar Adat which applies to krama Desa Adat, krama tamiu and tamiu. Furthermore, the provisions of Article 1 point 30 determine that pararem is a rule or decision of the customary village's Paruman as the implementation of awig-awig or regulating new matters and or resolving disputes in the traditional village.

Based on the definition of awig-awig, it can be said that the awig-awig of the Traditional Village is a standard of behavior, both written and unwritten, made by the people of the Traditional Village. The awig-awig made by the Traditional Village is 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 their natural environment (Astiti, 2005: 19).

In general, an awig-awig only contains the main points and more detailed matters are contained in a pararem which is the elaboration of the awig-awig. Pararem can be interpreted as implementing regulations for an awig-awig or also as decisions resulting from the customary village council meeting, and have binding power. Specifically, for pararem as stipulated in the provisions of Article 18 paragraph (2) Bali Regional Regulation Number 4 of 2019, it is divided into three types, namely: (a) pararem Panyahcah awig, (b) pararem pangele, and (c) pararem panepas wicara.

The pararem for the awig-awig is a pararem made to describe the contents of the awig-awig, so it can be said to be the implementing regulations for awig-awig. Pararem pangele is a special rule as a meeting decision of the Indigenous Village residents which is made specifically because it has not been regulated in the awig-awig and it follows the development of the community. Meanwhile, the pararem panepas speech are notes containing the decisions of prajuru adat regarding the handling of a case or customary dispute.

For customary krama, an awig-awig that has been replaced is considered a standard legal rule and is sacred, so that if an act criticizing an awig-awig occurs, it will be considered a taboo (Windia, 2010: 25).

3.2 Assistance in the preparation of Awig's pararem

After conducting research on the awig-awig of the Pelem Gede Traditional Village, there are 41 pawos (articles) that must be further elaborated through the awig pararem, namely as follows: sukerta customary law with indik krama of 8 pawos, regarding prajuru there is 1 pawos, regarding kulkul There are 3 pawos, regarding Paruman there is 1 pawos, regarding Druwen Desa there is 1 pawos, regarding pamitegep there are 6 pawos, regarding banjar/village census there is 1 pawos, regarding religion there are 19 pawos, and regarding pawongan (pawiwahan there is 1 pawos and inheritance is 2 pawos).

After going through meetings with local traditional community leaders and assistance in the preparation of the pararem panyahcah awig, a pararem was formulated, namely the awig pararem. There are a number of things from the results of the Focus Group Discussion that are used as material for compiling the awig pararem, as a law that binds local indigenous peoples, as follows:

1. The process and procedures for becoming a member of the Traditional Village are as follows: come from the Pelem Gede Traditional Village, upon request, be at least four months old, and pay for a sum of goods in the form of 100 kilograms of rice). If the person is from another village, it must be ensured that the person behaves well, has a request, has a place to live, pays for an amount of goods in the form of 150 kilograms of rice.
2. Likewise, the conditions for a person to be involved as krama desa (traditional citizen) have been determined, namely if they are married, exactly 3 (three) days after the marriage ritual is carried out.
3. In relation to the status of core citizens, they can be released from obligations, if it is confirmed that they are in the following conditions: a chronic illness that cannot be cured; and has a disability that causes it to be unable to work.
4. If a krama desa is no longer active due to age and still has children who are teenagers, the full obligation is imposed and the child must join the village youth organization, while the child is subject to half of the obligation.
5. Widows or widowers who are not yet 55 years of age have teenage children, are subject to full obligations according to status, teenagers are subject to half contributions.
6. Community participation when the Traditional Village constructs buildings, residents are subject to the following obligations: (1). dues with the same amount according to Pararem; (2). Donations based on the ownership of garden land or paddy fields, other businesses; and (3). Voluntary donations.
7. Another matter that also regulates procedures regarding changing customary obligations due to status as a government employee or private employee, or because working outside the village is determined to be equal to other residents, unless conditions are not possible.
8. Provisions for residents who leave the customary village membership, namely when they are even 55 years old. Provisions for residents who are free from obligations, namely occupying positions determined at the Village meeting.
9. In addition to village officials who are certain to be free from obligations are: (1). sadaka (holy men); (2). ceremonial workers; (3). people who are chronically ill cannot recover; (4). people who are disabled so

- that they cannot move; 5. A person who is still a teenager does not have parents until he is 18 years old. If he is over 18 years old, a contribution must be imposed, provided that he is not currently studying.
10. Next, even though the customary apparatus is based on dedication, in awig the income of the Prajuru Desa is also regulated, including being free from dues and belongings, getting one and a half shares from ordinary citizens, and other income, which is 30% of profits.
 11. Those who beat a kentongan belonging to a traditional village without an order from the prajuru desa must immediately report the purpose of hitting the kentongan.
 12. The group's kentongan or the kentongan in the garden cannot match the size and special code of the kentongan belonging to the customary village. If you violate it, you will be punished by 10 kilograms of rice.
 13. Participating in traditional village meetings, you must wear traditional clothing, at least use selempod, if you violate it you will be warned by Prajuru.
 14. Village officials have the authority to regulate income from burial land and also belong to the village at the same time.
 15. If there is land that has no exit access, try to find a solution in such a way, for example by exchanging or buying.
 16. The counterparty who does not exchange/buy, thus violating a village decision, must be subject to a sanction in the form of 10 kilograms of rice.
 17. If a resident narrow down the public road leading to a garden or rice field, or takes temple land, cemetery land and so on as his personal property, then that person is obliged to return it and is subject to sanctions for holding rituals and holding rituals.
 18. The party subject to the penal sanction and costs; a. the party who owns the plant (timber) which is dangerous, if it collapses on another resident's building; b. Workers who do pruning, or cut wood, and fall on other residents' buildings.
 19. If a building crosses the boundaries of another person's property, after being reprimanded and it continues to be reported to customary officials, sanctions must be imposed and the owner dismantles the wall, and no compensation is received.
 20. If someone's actions violate a holy place, they will be subject to sanctions for holding the prayascita and caru ekasato rituals.
 21. The work that is the responsibility of Desa Adar is: a. funerals; b. affixing ceremony; c. all rituals; and others determined at the village meeting.
 22. Mangku is dismissed if it is proven that behavior deviates from social norms, religious norms, moral norms, and legal norms.
 23. The procedure for replacing Mangku is as follows: 1). 2). through nyanjan; 3). appointed by the Traditional Village, and 4). Using another ritual.
 24. If there is a pregnant woman who is not married, this brings disgrace to the Traditional Village, then certain rituals must be performed.
 25. The obligations of the Bandesa Adat are to uphold and implement village awig-awig and pararem. This means that the duties, roles and functions of the adat village chief are in relation to the implementation of the rules contained in the awig-awig and pararem of the adat village.
 26. If a traditional leader behaves in a way that deviates from legal norms, 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.
 27. Traditional leaders 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 these traditional leaders should set a good example for the community they lead.
 28. The source of income for prajuru adat is, among other things, obtaining a share of 1.5 more than the share of the community, being free from all obligations as indigenous people. government assistance.
 29. All rights and income received by prajuru adat is a natural thing as a consequence of having carried out the obligation to serve the community, even though the work principle applied is "ngayah".
 30. If a neighbor's plant crosses the boundary of the yard and becomes dangerous, he can recommend cutting his branches or trees immediately. If the recommendations are ignored, then you are welcome to report to the prajuru adat to be handled. If there has been an agreement to cut the tree in question, there needs to be reasonable compensation from the applicant.
 31. If there is a part of the building that crosses the boundary belonging to another person, after being warned and reported to the prajuru adat, they are subject to the sanction of carrying out the ritual of exorcism and

dismantling the wall or at least making gutters above the boundary wall. This is important to regulate because many people build houses across land boundaries and cause disputes.

32. If someone insults or insults another person, they will be subject to sanctions in the form of performing the prayascita ritual with a sesari Rp. 150,000 and the penalty for depositing 10 kilograms of rice. The Criminal Code (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 given, namely in the form of rituals and property.
33. Within the territory of a traditional village there are several temples that must be maintained and carry out rituals in accordance with existing customs and literature. All temples in the area of the adat village are the responsibility of the adat village to preserve and carry out ceremonies according to the teachings of Hinduism.
34. Mangku's income is from "sarin canang", free from physical obligations, free from certain obligations as a traditional citizen, part of the pelaba pura, gets complete clothing every year.
35. Stakeholders are people who are purified by traditional village residents in carrying out their duties based on the concept of ngayah, meaning that they serve without expecting anything in return. Even so, Mangku are also humans, of course they need living expenses so it is reasonable to be given a living or certain right as a form of respect for themselves.
36. If a Mangku is dismissed for bad behavior, he is subject to an apology, performs the prayascita ritual and caru rsi gana which is performed at the temple where he is assigned. Another sanction is returning all costs that have been spent at the time of being enthroned as mangku.
37. Anyone who enters the temple area does not wear clothes according to the norms in force, or behaves impolitely in the temple area, is 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 temple which is consecrated by Hindus is not easily polluted by parties who have no interest.
38. If a resident die and the bereaved family intends to use the Traditional Village institution, they will receive banjar services, namely each resident must deposit goods at the banjar in the form of 1 kilo of rice, 2 coconuts, and money Rp. 5.000.
39. If the deceased is from the Mangku community, it is permissible to use banjar workers with services in the form of 1 kilo of rice, 1 egg, 1 coconut, 1 bamboo stick, 1 coconut leaf, and money Rp. 50.000., as well as being handled by the group where the concerned stakeholder resides.
40. Every citizen who is going to get a divorce must go through official procedures to the court so that there is evidence about the divorce. Based on the court's decision, the traditional village chief then conveyed to the residents his status in the traditional village.
41. Divorced couples are subject to a monetary fine equivalent to the price of 100 kilograms of rice. Based on this provision, customary villages synergize between state law and customary law.
42. More importantly, divorce is threatened with the payment of Rp. 1,000,000 (one million rupiah), it is believed that this will reduce the number of divorces.
43. Customary officials as soon as possible discuss and give a decision on plans for adopting children carried out by residents, taking into account several aspects including: it has been approved by the male's family, comes from a male or female family, or outsiders as long as they are Hindus and most importantly is according to desa dresta, kuno dresta, loka dresta or sastra dresta. Child adoption must be followed up with a court decision as a form of synergy with state law.

4. CONCLUSION

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 planned stages, namely legal counseling using the lecture method, focus group discussions (FGD), and assisting in writing pararem panyahcah awig. Based on the results of the assistance that has been carried out, Partners were finally able to realize pararem in the form of awig enumeration pararem as many as 42 articles. With the pararem panyahcah awig, the community will be wiser in acting and behaving in their association in society. Therefore, it will indirectly increase legal awareness.

SUGGESTION

1. To the prajuru adat to immediately socialize the pararem panyahcah awig that has been realized so that village residents can find out about it;
2. Partner communities are expected to comply with the pararem that have been established in order to achieve a peaceful and peaceful life in social life.

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