



Writing Awig-Awig Pangkungkarung Gede Traditional Village, Tabanan, Bali

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Abstract

The situation at the Mitra location does not yet have awig-awig as mandated by Bali Provincial Regulation Number 4 of 2019. The aim of this program is to empower the Traditional Village community so that they have a rule in the form of awig-awig. The method used in this service program is by: (1) giving lectures or legal counseling about the importance of awig-awig in life in Traditional Villages, (2) carrying out focus group discussions (FGD) about the design of awig-awig, and (3) provide assistance in the preparation of awig-awig of Traditional Villages. The results of this program activity are the formation of an awig-awig with a total of 59 Pawos (articles).

Keywords: Awig-awig writing; order; traditional village; Balinese customary law.



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Introduction

In Indonesia, customary law communities are also known by other names such as customary law associations, traditional communities, and even in Bali they are known as traditional villages (Dewi, 2016). The general public equates the terms between customary law, legal association, customary law association, customary law community unit, traditional community, village community. In Bali, there are two types of villages, namely Traditional Villages and Service Villages (commonly called *Prebekelan*). Traditional Villages are traditional villages in Bali that have been autonomous since their inception. 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 applies to *krama desa*, *krama tamiu* and *tamiu*. (Article 1 number 29 of Bali Regional Regulation Number 4 of 2019).

In society, the term customary law was not widely known at the start of its birth, what was known was only custom, but within that term the meaning of law was implied, but in many circles who did not understand customary law in depth, they always questioned that custom was just a habit without any legal elements. This habit was created to serve as a guide for members of society to behave in the hope that their life goals are achieved, for example their life goals are peace, order, order, prosperity, 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, villages have customs regarding manners or communities that have village *awig-awig* to know the rules and obligations of village manners. *Krama desa* are Hindu residents who belong to or are registered as *krama* in one of the villages. According to Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, it is explained that Traditional Villages are units of traditional legal communities that are imbued with the teachings of Hinduism and the cultural values that live in Bali, which play a very large role in the religious and socio-cultural fields so that it is necessary protected, preserved and empowered. The provisions of Article 1 number 10 of Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali emphasize that traditional village manners are members of the Balinese Hindu community who are members of the local Traditional Village and are registered as members of the local Traditional Village.

Traditional Villages are traditional villages in Bali that have been autonomous since their inception. Each Traditional Village has its own management and assets. Each Traditional Village has the authority to make *awig-awig*, the aim of which is to create order in the lives of its people. At first, *awig-awig* was not written, but over time there were efforts to make *awig-awig* written in order to make it easier to implement.

The writing of *awig-awig* at this time is not that before there were no *awig-awig* that had been written. Writing *awig-awig* contains several meanings, (1) it can mean writing *awig-awig* that was not previously written; (2) adapting the existing language and systematics of *awig-awig*; (3) revise the *awig-awig* provisions that have been written; and (4) could mean compiling a book about written *awig-awig*. (Sudantra, et al. 2011:1) The program in this activity is included in the classification of revising the *awig-awig* provisions that have been written.

The use of the term *awig-awig* began to emerge since the existence of Bali Provincial Regulation Number 06 of 1986 concerning the Position, Function and Role of Traditional Villages as Customary Law Community Units in the Level I Regional Province of Bali. Many terms were found in society before the existence of these regulations, such as *pangeling-eling*, *pasmara*, *gegumwat*, *awig*, *pararem*, *gama*, *dresta*, *sima*, *cara*, *kerta*, *palakerta*. (Windia, 2013)

In accordance with the development of society, as regulated in Article 13 paragraph (4) *Awig-Awig* Traditional Villages must be made in writing. It is true that the *awig-awig* that is written is sometimes unable to anticipate developments in society, which are changing more quickly and

including it in the *awig-awig* is not easy because its validity has already been validated. Making written *awig-awig* is also not easy for the community to do, including in the Pangkungkarung Gede Traditional Village location, so assistance.

Method

The forms of activities implemented in this service program are as follows:

a. Give a lecture

Lecture with legal education material about the function of *awig-awig* and *pararem* in preserving Balinese local wisdom values.

b. Carrying out Focus Group Discussion (FGD)

Focus group discussion (FGD) was carried out to obtain input from community figures regarding matters that need to be regulated in the *awig-awig* revision process.

c. Provide assistance

As an effort to realize the ultimate goal of this program, perfecting the *awig-awig*, assistance is provided in its preparation so that it is in accordance with the rules, developments of the times and the needs of the local community.

Results and Discussion

Lectures

The lecture intended here is to provide legal education material about the importance of the existence of *awig-awig* and *pararem*. The lecture, which was attended by around 40 people from the Pangkungkarung Gede Traditional Village, was intended to provide adequate knowledge about customary law, especially regarding *awig-awig* and *pararem*.

Based on the provisions of Article 1 number 29 of Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, *awig-awig* are legal rules made by Traditional Villages and/or Traditional Banjars which apply to *kama desa*, *krama tamiu*, and *tamiu*. Furthermore, the provisions of Article 1 number 30 determine that a *pararem* is a rule or decision of a traditional village to implement *awig-awig* or regulate new matters and/or resolve disputes in a traditional village. This means that the creation of the Traditional Village *awig-awig* is intended to regulate the internal relations of Traditional Village manners and/or with Traditional Villages, as well as the relationship of Traditional Villages with *tamiu* and *tamiu* manners.

If we look closely at the meaning of *awig-awig*, it can be said that the *awig-awig* of Traditional Villages are standards of behavior, both in written and unwritten form, made by residents of Traditional Villages. The *awig-awig* made by Traditional Villages is usually based on a sense of justice and propriety as well as the values that live in the local community in their relationship with God, between people, or with the natural environment. (Astuti, 2005).

In general, an *awig-awig* only contains the main things and more detailed things are contained in a *pararem* which is an elaboration of the *awig-awig*. *Pararem* can be interpreted as implementing regulations for an *awig-awig* or also as decisions resulting from traditional village etiquette meetings, and have binding force. For Traditional Village etiquette, an *awig-awig* that has been adopted is considered a standard and sacred legal rule, so that if an act of criticizing an *awig-awig* occurs, it will be considered taboo (Windia, 2010). Specifically for *pararem* as regulated in the provisions of Article 18 paragraph (2) of the Bali Regional Regulation Number 4 of 2019, it is

divided into three types, namely: (a) pararem penyahcah awig, (b) pararem pangele, and (c) pararem panepas wicara. Pararem for interpreting awig-wig, is a pararem created to explain the contents of awig-awig, so it can be said to be a regulation for implementing awig-awig. Pararem pangele is a special rule as a decision of a meeting of Traditional Village residents which was made specifically because it has not been regulated in the awig-awig and its nature follows community developments. Meanwhile, the speech pararem panepas are notes containing the decisions of prajuru adat regarding the handling of a customary case or dispute.

Assistance in Preparing Awig-Awig

After going through a Focus Group Discussion with community leaders from the Pangkungkarung Gede Traditional Village, the materials used to compose the awig-awig have formulated an awig-awig as a law that binds the traditional community of the Pangkungkarung Gede Traditional Village, which consists of 9 sargahs (chapters) and 59 pawos (article). The nine core awig-awig sargahs (chapters) are the results of service activities as in the following description.

1. *Prathamah Sargah* (first chapter/1) entitled *Aran, Wawidangan, lan Kecapin Desa*

Aran means name, the name of the Traditional Village in question, for the Pangkungkarung Gede Traditional Village then in the *awig-awig* it is written "Puniki Mewasta Traditional Village Pangkungkarung Gede Traditional Village", while *Wawidangan* village means the traditional village area, whose boundaries are usually determined according to the village. (according to the four cardinal directions), namely the *lor/kaler* side (north direction), the *kulon/kaub* side (west direction), the *kidul/kelod* side (south direction), the *wetan/kangin* side (east direction). The mention of boundaries, for example, the Pangkungkarung Gede Traditional Village has territorial boundaries, written in *awig-awig*:

- a. side *lor/kaler* side: "kelod side of Selingsing Traditional Village"
- b. side *wetan/kangin*: "sisi kauh tukad Yeh Nu"
- c. side *south/kelod*: "side Kaler Banjar Seronggo Pondok"
- d. side *kulon/kaub*: "side kangin Tukad Yeh Nusa"

Kecapin (a term/type of village), is a classification of traditional villages based on their conditions or history, which are generally divided into three types, namely: *Baliaga* (*Balimula/tua*), *Apanaga*, and *desa anyar* (new traditional villages).

2. *Dwityas Sargah* (chapter two/2) entitled *Pamikukuh lan Patitis*

Pamikukuh means basis, basis/foundation used in implementing *awig-awig* in Traditional Villages. In general, the basis for implementing *awig-awig* is *Pancasila*, the 1945 Constitution, *Tri Hita Karana*, Human Rights, and also Regional Regulations that regulate Traditional Villages. *Patitis* means goal, namely the purpose for which *awig-awig* is made. The aim of creating *awig-awig* in Traditional Villages is to uphold religion (Hinduism), implement religious teachings (Hinduism), and realize the welfare of Traditional Villages and their residents on a grand scale (physically and spiritually).

3. *Trityas Sargah* (chapter three/3) entitled *Sukerta Tata Pakraman*

Sukerta Tata Pakraman means social life, which consists of:

This regulation regarding population contains the classification of the population in the Traditional Village area, which is grouped into three types, namely: *krama desa* (customary residents), *krama tamiu* (Hindu residents but not traditional residents), and *tamiu* (non-Hindu guests/residents), with their respective obligations and rights.

2. Palet 2 (part 2) Indik prajuru lan kertha desa (regarding traditional village administrators and village justice)

The Traditional Village Management is led by the traditional village village and assisted by the patajuh (deputy chairman), panyarikan (secretary), patengen (treasurer), and kasinoman (messenger to traditional residents). The village court is intended to resolve or adjudicate any violations, cases or disputes that occur within the Traditional Village environment.

3. Palet 3 (part 3) Indik Kulkul (about *kentongan*)

The function of the gong is as a means of conveying messages, where the procedures for sounding it are regulated in such a way. Ringing the *kulkul* must be under the mandate of the village officer and you cannot ring the *kulkul* carelessly because you will be threatened with sanctions.

4. Palet 4 (part 4) Indik Paruman (regarding the meeting)

The structure of the meeting in the Pangkungkarung Gede Traditional Village has several types of depending on its purpose, namely: *paruman kerama*, *paruman padgatakala*, *paruman kerama banjar*, *paruman prajuru/kertha desa*, and *paruman sekaa*.

5. Palet 5 (part 5) Indik Druwen Desa (regarding traditional village property)

The assets belonging to the Traditional Village include: temple, wantilan, market, setra, pelaba pura, Village Credit Institution (LPD), lekita-lekita (awig-awig, pararem, certificate).

6. Palet 6 (part 6) Indik Panyanggran Banjar (regarding services by banjar)

Banjar residents are required to be involved in joyful and sad activities led by their respective banjar administrators.

4. Caturthas Sargah (chapter four/4) entitled Sukerta Tata Agama

Sukerta Tata Agama means life in the field of religion, which consists of:

1. Palet 1 (part 1) Indik Dewa Yadnya (regarding rituals/relationships with God)

The relationship with God here is regulated by the types of holy places, the leaders of each holy place, the procedures for selecting their leaders, the obligations and rights of the leaders of the holy places, until the end of their duties; provisions for entering holy places and things that are prohibited from doing in holy places.

2. Palet 2 (part 2) Indik Rsi Yadnya (regarding rituals for people who are purified)

Regarding the ritual for the coronation of a sulinggih (a person who is being purified), he must follow the existing provisions and must report to the Traditional Village management and be witnessed by Parisada Hindu Dharma Indonesia.

3. Palet 3 (part 3) Indik Pitra Yadnya (regarding rituals for the dead)

Every resident is obliged to be involved in activities if a resident dies, with duties regulated and determined by the management.

4. Palet 4 (part 4) Indik Manusa Yadnya (regarding rituals towards humans)

Every citizen is obliged to participate in welcoming events related to rituals in human life, from conception to death.

5. Palet 5 (part 5) Indik Bhuta Yadnya (regarding rituals for bhuta)

This activity can be carried out within the community and within the village by Traditional Villages, such as in the Tawur kesanga before Nyepi Day.

5. Pancamas Sargah (chapter five/5) entitled Sukerta Tata Pawongan

Sukerta Tata Pawongan means life as a human, which consists of:

1. Palet 1 (part 1) Indik Pawiwahan (regarding marriage)

In relation to marriage, matters are regulated regarding the mechanism for carrying out a marriage, conditions for marriage, the validity of marriage, and prohibitions on marriage.

2. Palet 2 (part 2) Indik Nyapihan (regarding divorce)

If a resident intends to divorce, they must report it to the traditional administrator and mediation efforts must be made to prevent the divorce from occurring. If mediation efforts fail, the couple is obliged to continue the process to court until there is evidence in the form of a court decision.

3. Palet 3 (part 3) Indik Sentana (regarding heredity)

Offspring are grouped into two, namely: biological children and adopted children. The adoption of a child must follow procedures according to custom (there is a ritual, witnessed by the traditional administrator, and announced to the community) and state legal provisions (supporting documents are prepared as evidence).

4. Palet 4 (part 4) Indik Warisan (regarding inheritance)

Inheritance is not only in the form of rights, but also in the form of obligations (which relate to divinity, social and individual relations). Traditional administrators must be involved in inheritance issues and parties who will carry out inheritance distribution must report to the Traditional Village administrator.

6. Sasthas Sargah (chapter sixth/6) entitled Sukerta Tata Palemahan

Sukerta Tata Palemahan means the environment of human life, which consists of:

1. Palet 1 (part 1) Indik Karang, Tegal, and Carik (regarding yards, gardens and ricefield)

There are several provisions contained in awig-awig, as follows:

- a) Every resident is obliged to build a house boundary fence;
- b) There must be no yard where there is no access to the outside;
- c) There must be no shifting of ownership boundaries.

2. Palet 2 (part 2) Indik Papayonan (about plants/trees)

Regarding these plants/trees in the awig-awig are regulated as follows:

- a) Pay attention to the planting distance from the boundary fence to other people;
- b) Existing plant branches must not cross the boundary.

3. Palet 3 (part 3) Indik Wawangunan (regarding buildings)

Buildings in awig-awig are regulated in such a way that they are separated from the boundary fence with other people;

- a) Building must not cross boundaries;
 - b) Water flowing from the roof must not exceed the boundary.
4. Palet 4 (part 4) Indik Wawalungan (about pets)

In relation to these domestic animals, the awig-awig stipulates that domestic animals such as pigs, cows and so on must be kept in cages, so that they must not disturb plants or enter other people's yards.

5. Palet 5 (part 5) Indik Bhaya (regarding distress)

The dangers referred to in awig-awig are fires, floods, earthquakes, angry people, and the like. If anyone finds out about this incident, they should immediately sound the gong as a sign of a disaster and immediately report it to the traditional administrators.

7. Saptamas Sargah (chapter seven/7) entitled Wicara lan Pamidanda

Wicara lan Pamidanda means violations/cases/disputes and sanctions, which consist of:

1. Palet 1 (part 1) Speech Indic (concerning cases/disputes/violations)

If a case/dispute occurs within the Traditional Village environment, the authority to resolve it is the traditional administrator. The procedure for resolving the problem must be based on three things, namely the presence of witnesses, evidence and statements/letters.

2. Palet 2 (part 2) Indik Pamidanda (regarding sanctions)

Traditional villages have the authority to impose sanctions on residents who are proven guilty, which are carried out by traditional administrators. There are various sanctions regulated in awig-awig, including: fines, holding rituals, apologizing in front of residents, confiscation, excommunication, and being dismissed as indigenous people.

8. Astamas Sargah (chapter eight/8) entitled Nguwah-Nguwuhin Awig-Awig

Nguwah-nguwuhin awig-awig means changing the awig-awig, to change the awig-awig it must be based on a recommendation from residents or administrators, implemented through a community meeting and approved by the majority villagers.

9. Nawamas Sargah (chapter ninth/9) entitled Samapta

Samapta means closing, which contains the name/title of the awig-awig, the entry into force, the determination of the date and the official who ratified it, as well as the witnesses.

These are the contents of an awig-awig which is generally made by every Traditional Village in Bali to organize its citizens with the aim of achieving order and peace in social life.

Conclusion

The implementation of the community service program in the Pangkungkarung Gede Traditional Village succeeded in empowering the community to create an awig-awig. This is evident from the activities carried out in accordance with the planned stages, namely legal counseling using the lecture method, holding limited discussions (FGD), and *awig-awig* writing assistance. Based on the results of the assistance that has been carried out, Mitra has been able to realize *awig-awig* with a total of 59 *pawos* (article). With this *awig-awig*, the community will be wiser in acting and behaving in relationships in society so that an atmosphere of order and peace can be created.

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