
Tri Hita Karana in Balinese Customary Law as a Basis for The Settlement of the Village Boundary Conflict in Bali

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Abstract

Tri Hita Karana in balinese customary law as a basis for the settlement of the village boundary conflict in bali is the title used in this research, to demonstrate that the philosophical Tri Hita Karana is an extraordinary thought to solve the problems of the Balinese people, especially to solve the problem of village boundaries in Bali. The technicalities of the philosophical Tri Hita Karana are *Parhyangan, Pawongan, Palemahan*, so that the Balinese only see three technicalities of Tri Hita Karana. The objectives of this study is to examine the real form of the concept of Tri Hita Karana in resolving village boundary conflicts, and to examine the role of Pekraman Village in implementing the Tri Hita Karana concept as the guardian of the life balance of the Krama/Villager of his village community. This research method uses normative methods, namely legal research that examines written law from various aspects. This research analysis used is the analytical approach to History (approach of Historical analysis). The results revealed that Balinese people in resolving their problems, especially related to village boundaries, must always hold on to the concrete steps of Tri Hita Karana, namely *Parhyangan, Pawongan, and Palemahan* to shape the behavior of Balinese people to bring about conflict resolution by means of family negotiations, and mutual respect and try to understand the problem by way of consensus agreement to achieve good together and create harmony.

Keywords: Customary Village, Tri Hita Karana, Conflict

I. INTRODUCTION

Bali as a place of world tourism, which has a lot of local wisdom in shaping the character of the Balinese people towards happiness and balance in life in the world. So that the Balinese are known as friendly and peace-loving people. Feelings of peace and love of the Balinese people can be seen in the Bali Bombings I and Bali Bomb II events, where the Balinese people at that time felt angry over the humanitarian disaster, but in reality the Balinese did not vent their anger to look for scapegoats for the incident, even the Balinese were more perform prostrations to God by increasing the ceremonies of security and belief in God Almighty. On the other hand sometimes in the life of the Balinese people also experience an Indigenous conflict which results in the peace felt by the Balinese people disturbed by the frequent emergence of security and order disturbances experienced by the people in Bali, namely one of the traditional conflicts caused by the seizure of village boundaries, as mentioned by the government of the Regency of Buleleng that, Overall in Buleleng there are 149 villages in 9 sub-districts. The settlement of the boundary has been carried out since 2016. During the 2 years of settlement, there have been 126 villages that have agreed with the village/kelurahan boundary. However, up to now there are still 23 villages spread across 6 subdistricts that are entangled in border conflicts. Only 3 districts namely Tejakula District, Buleleng District, and Busungbiu District have no villages in boundary conflict (Anonim, 2018). In addition to having an impact on horizontal conflict, the issue of village boundaries can also have an impact on cultural development, as is the case in Klungkung Regency, which is the realization of the development of a Balinese cultural center that is planned to be built in Klungkung Regency, which is constrained by village boundary issues (Mustofa, 2019).

Balinese who love the balance of life and love for peace should be able to avoid traditional conflicts, especially the issue of village boundaries, if they understand the philosophical aspects of Balinese society. One of the philosophies in Balinese society is Tri Hita Karana. Where Tri Hita Karana is a philosophical Balinese society that contains about three human relationships to achieve prosperity, namely human relations with God (*Parhyangan*), human relations with nature or the environment (*Palemahan*), and human relations with humans (*Pawongan*). In realizing the concept of Tri Hita Karana in community life, *awig-awig* was made, where *awig-awig* in Bali is based on the concept of Tri Hita Karana. *Awig-awig* is made by Pakraman Village.

Some similar studies with this present study have been conducted previously by some researchers such as, (Ketut Tomy Suhari, Saptari, Laksono, Saputra, & Gunawan, 2019) who conducted a research entitled Reflection of Tri Hita Karana Philosophy as A Local Wisdom of Bali Communities in Responding to Social Conflict in The Global Reform Era. This study aims to examine the implementation of “Tri Hita Karana” philosophy as the local wisdom of the Balinese people who can maintain harmony in living a society, nation and state in a pluralistic society and to examine how Tri Hita Karana as local wisdom of Balinese people in overcoming social conflict in the era of global reform. The results of this study showed that the implementation of the Tri Hita Karana philosophy as local wisdom of the Balinese can maintain harmony in the life of society, nation and state in a pluralistic Balinese society including; Tri Hita Karana as one of the local wisdoms of the Balinese community, Tri Hita Karana as philosophically universal for Balinese people, Tri Hita Karana as philosophical in maintaining harmony in a pluralistic society and Tri Hita Karana has been tested in the era of global reform and reflections on Tri Hita Karana's philosophy as a local wisdom of Balinese people in resolving social conflicts in the era of global reform. The cause of social conflict in Bali can be resolved by mutual consultation with the competent authorities. (Pemda, MDA.FKUB, Toga, Tomas. Todat, dsbnya). The implementation of overcoming social conflict in Bali tends to be resolved through traditional institutions before the enactment of Law No.7 of 2012 on Handling Customary Conflicts. Tri Hita Karana is still implemented as a local wisdom of Balinese society amidst the challenges of modern society in the era of global reform. Besides that, another similar study has been conducted by (Suhari, Saptari, Laksono, Saputra, & Gunawan, 2019) who carried out a research entitled “Implementation of 3D Cadastre with Indigenous Knowledge Concept of "Tri Hita Karana" in Bali Island, Indonesia”. The results of this study showed that Bali has a unique building structure in land use terminology. Generally, Balinese people use the concept of Tri Hita Karana (relationship of God, Human and Environment) for building their home. Beside, in Bali, there is a local rule that the high of building has limitation of 15 meters or it should have 5 floors. Therefore, this will impact the development future infrastructures such as to build bridge, toll road, apartment, railway and etc. Thus the big challenge in this area is to sustain local culture but technology can be implemented. So from the explanation above, the objectives of this study is to examine the real form of the concept of Tri Hita Karana in resolving village boundary conflicts, and to examine the role of Pekraman Village in implementing the Tri Hita Karana concept as the guardian of the life balance of the *Krama*/Villager of his village community.

II. METHOD

This research method uses normative methods, namely legal research that examines written law from various aspects, namely aspects of theory, history, philosophy, comparison, structure and composition, scope, and material, consistent, general explanation, and article by article, formality, and the binding power of a law, as well as the legal language used, but it does not study the aspects of applied or supplementation, so normative legal research is often called "doctrinal legal research" or "theoretical legal research" (dogmatic or theoretical law research) (Muhammad, 2004). This research analysis used is the analytical approach to History (approach of Historical analysis).

III. RESULT AND DISCUSSION

The existence of Tri Hita Karana in the Customary Law of Bali

Tri Hita Karana is a local genius, which as the author's knowledge that Tri Hita Karana was created by Mpu Kuturan, whose purpose is to create harmony of life for the Balinese. Based on the information obtained by the author on the Babad Bali.com site, that the cosmology of Tri Hita Karana (Tri = three,

Hita = prosperous, Karana = cause). In essence, Tri Hita Karana contains the understanding of three causes of well-being that stem from the harmony of a relationship made by humans in their lives. The three harmonious relationships consist of:

- a. Human and his God (*Parhayangan*) which means the creation of a harmonious relationship between Man and his God as creator;
- b. Human and his natural environment (*Palemahan*), which means the creation of a harmonious relationship between Man and his natural environment;
- c. Human with humans (*Pawongan*), which means the creation of a harmonious relationship between Humans and humans is called by the term of *Pawongan*.

In *Parhyangan*, the community is taught to serve and perform prostrations to God Almighty with humility and self-sincerity, namely by establishing a place of worship so that people feel close to their creator and do religious teachings as instructed by God in the scriptures, and accept the teachings of God with sincere good happiness or suffering felt in this life to create a happiness and calm in human life. In *Palemahan*, teaches the Balinese people how to create and run a life that is harmonious with the surrounding nature that is in the environment of human life, that is by arranging the use of territories both houses, rural environments, and cities so that in activities carried out by humans individually or in society the social life is always balanced with the existence of nature so that the benefits of nature will be felt in everyday life. Furthermore, in *Pawongan*, the Balinese are taught about creating and living a harmonious life in the relationship between humans and other humans. That teaches humans to have an attitude of tolerance, mutual ownership and mutual help between one individual with another individual, between one groups with another group, the relationship between one races with another race. If this has been carried out, a harmonious and harmonious relationship will be created between the people of the same religion or different religions. By maintaining good relations between people, these people will be able to create a safe, comfortable and peaceful atmosphere of life. Because of that, the aims of human life can be fulfilled properly, both in the relationships of individuals, families and communities.

In connection with this *pawongan*, the people in Bali are taught to *angawe sukaning wong lian*, which is to teach everyone to do happiness for others and *sagilik saguluk sarpanaya, salunglung sabayantaka paros*, which means sharpening, mutual, and caring that can realize mutual strength same in both joy and sorrow. So the cultural value contained in Tri Hita Karana is to create harmony that includes a whole person who is devoted to God Almighty, love for environmental sustainability and harmony and peace with fellow humans (Wiana, 2004). So the Tri Hita Karana teachings used as a guide by the Balinese in making *awig-awig*. Which means that the philosophical Tri Hita Karana is used as the basis of life by the Balinese people is realized or stated in the form of *awig-awig*.

Awig-awig itself which means a traditional law of the Balinese people, which is generally as far as the author's knowledge that the word of *awig-awig* comes from the word *wig* which means broken, while *awig* means not damaged or good. *Awig-awig* is a customary law in Bali, which is a living law and is developed and made by the Balinese themselves for the interests of the Balinese people and of course based on the philosophical Tri Hita Karana. Because it is based on the philosophical Tri Hita Karana, that is the typical form of *awig-awig* made by people in Bali.

If seen based on the view of Friedman (1975) who said about the components of the legal system, namely the legal substance, legal structure, and legal culture (Friedman, 1975). So in the Indigenous Village in Bali has a component as stated by (Friedman, 1975) namely the Legal Substance is *awig-awig* while the Legal structure component is *Pecalang* / Village Police, the legal culture is the indigenous people in Bali.

Tri Hita Karana is also set forth in the Regional Regulation of the Province of Bali Number 4 of 2019 Concerning Customary Villages in Bali, where in considering this regulation reads that the Customary Village as a customary law community unit is based on Tri Hita Karana's philosophy which is rooted in the local wisdom of *Sad Kerthi*, with souls. Hindu religious teachings and cultural values as well as local wisdom that lives in Bali, play a very large role in the development of society, nation, and country so that they need to be protected, nurtured, developed, developed and empowered to realize the Balinese life that is politically sovereign, independent economically and culturally.

In Article 1 paragraph 27 of the Regional Regulation of the Province of Bali Number 4 of 2019

concerning Indigenous Villages in Bali, provides an understanding of Tri Hita Karana, namely the three causes of happiness, namely a balanced or harmonious life attitude between serving God, serving the fellow human beings, and love the environment based on sacred sacrifice (*yadnya*). Then further in Article 6 of the Provincial Regulation of the Province of Bali Number 4 of 2019 Concerning Customary Villages in Bali, stating the main elements of traditional villages consists of Parahyangan, Pawongan, and Palemahan which is an embodiment of the philosophy of Tri Hita Karana. Furthermore, Article 6 of the Provincial Regulation of the Province of Bali Number 4 of 2019 Concerning Indigenous Villages in Bali, said that the Tri Hita Karana includes Balinese devotion to God, implementing togetherness, care and solidarity between Balinese people and others and creating harmony, harmony, as well as the compassion of the Balinese people towards nature and the environment. Further in Article 6 of the Provincial Regulation of Bali Province Number 4 of 2019 concerning Traditional Villages in Bali Tri Hita Karana originates from the values of Balinese local wisdom, namely 6 (six) main sources of welfare and happiness in Balinese life or known by the name *Sad Kerthi*, namely: purification of the soul or known as *atma kerthi*, purification of the sea or known as *segara kerthi*, purification of water sources or known as *danu kerthi*, purification of plants or known as *wana kerthi*, human purification or known as *jana kerthi* and the cleansing of the universe, known as the *jagat kerthi*.

Related to the actual implementation of the existence of Tri Hita Karana by the Balinese, there are strategic things that must be done by villages related to *Parahyangan*, *Pawongan*, and *Palemahan* including organizing the Customary Villages, the Customary Villages development planning, the implementation of the Customary Villages cooperation, management of *Padruwen Desa Adat*, decision making on investment plans in Customary Village, formation and management of LPD, formation and management of BUPDA, addition and release of *Padruwen Desa Adat* both movable and immovable, construction of facilities and infrastructure of customs, religion, traditions, arts and culture, as well as local wisdom, the development of education in the form of *Pasraman*, preservation and empowerment of the rights of origin, customary values, religious values, traditional values, artistic and cultural values, as well as local wisdom and other things to follow the culture/*Dresta*.

Tri Hita Karana as the Basis of Resolution in solve Village Boundary Conflicts in Bali

Tri Hita Karana which is a very basic thought in the life of the Balinese people that can be used as a guide in a harmonious life in Bali. Related to village boundary conflicts in Bali, it should be resolved with Tri Hita Karana concept, namely conflict resolution to create balance and harmony. Tri Hita Karana consisting of *Parhyangan*, *Pawongan* and *Palemahan*, can be a reference in resolving village boundary conflicts in Bali. Likewise, *Parhyangan* is the relationship between humans and God manifested by the devotion of the Balinese people to worship God as a shared idol that is manifested in daily actions and behavior. hence from this, before the Balinese settle the conflict, both discussing and deciding in order to resolve the village boundary, the Balinese must pray with their beliefs so that whatever outcome is discussed is the will of God, and of course before deciding to get peace of mind, issuing an opinion so that the atmosphere in the discussion of village boundary conflict resolution becomes harmonious.

In the case of *Pawongan*, which is a harmonious relationship between humans and humans. This can arise with an attitude of mutual tolerance between religious people, mutual respect and mutual assistance with everyone. If this has been carried out, a harmonious and harmonious relationship will be created between the people of the same religion or different religions. By maintaining good relations between people, these people will be able to create a safe, comfortable and peaceful atmosphere of life. So that the purpose of human life can be fulfilled properly, both in the relationships of individuals, families and communities. so in the case of *Pawongan* this is related to the settlement of village boundaries rather than the humanist approach in resolving boundary issues, not using violence especially to the point of death. Settlement of village boundaries through *Pawongan* should be done by means of family negotiations, and mutual respect and try to understand the problem by way of consensus agreement to achieve good together and create harmony in resolving Indigenous conflicts, especially conflicts on village boundaries in relation to human relations with humans and human relations in social life.

Then if it is further understood that Tri Hita Karana provides an understanding of the harmonious relationship between humans and humans or Pawongan which in Bhagavad-Gita III.10 which is an element of Tri Hita Karana states:

Sahayajnah prajah sristwa pura waca prajapatih anena prasawisya dhiwan esa wo'stiwistah kamadhuk,

Even though the book is not named Tri Hita Karana, it is stated in the book that God (*Prajapati*) has intended to create the universe with all its contents. Because it is human (*Praja*) should be devoted to God (*Prajapati*), to fellow human beings (*Praja*) and to their environment (*Kamadhuk*). Then as understood by the Balinese people contained in the "*Lontar Buana Kosa*" mentioned that the human body was created by the Almighty from the elements of the universe called *panca mahabhuta*, namely: *pertiwi, apah, bayu, teja, and akasa*. In Mpu Kuturan's thoughts are: the human body as a palace of sanghyang atma (*Brahman*) is sacred and must be properly guarded and maintained. Thus, the universe must also be maintained and maintained, because the human body (*bhuana alit*) is also the universe (*bhuana agung*). So if you understand the above principles, it can be interpreted that Tri Hita Karana especially about *Pawongan* will be more understandable, that all humans are palaces for the sacred rays of God Almighty, and humans are the embodiment of a small universe or called *Bhuana alit*, then the Balinese should life and harmony and harmony, and village boundary conflicts will not occur until there are casualties and property losses.

In the case of the *Palemahan* which means the human relationship with the natural environment associated with the settlement of the village boundary, is to determine the territorial area of a traditional village that has been definitively determined by its territorial boundaries with a religious ceremonial ceremony. Normally village boundaries can be seen through the flow of rivers, mountains, hills, forests, trees, a large rock, which forms of these boundaries are usually highly respected by the Balinese people and embodied in Balinese respect through traditional ceremonies or giving offerings in the form of canang or offer it, so there is a belief in a noetic or supernatural nature, which should be the belief of the Balinese people so that it does not become a conflict in determining village boundaries.

Of the three embodiments of *Tri Hita Karana* namely *Parhayangan, Pawongan, and Palemahan* is the best step as a guideline in resolving the problem of boundary conflicts both whose purpose is to create a harmonious life in the lives of Balinese people. The philosophical existence of *Tri Hita Karana* provides a way to resolve the problem of village boundaries that are full of harmony which results from the settlement of village boundaries creating a stronger sense of brotherhood and friendship from conflicting villages, so as not to cause casualties, property victims and a sense of revenge that sustainable only because of village boundary issues.

IV. CONCLUSION

Based the results described above, thus it can be concluded that *Tri Hita Karana* as a philosophical found in every customary law in Bali as a foundation in the lives of Balinese people in their daily lives to achieve life balance. Balinese people in resolving their problems, especially related to village boundaries, must always hold on to the concrete steps of *Tri Hita Karana*, namely *Parhayangan, Pawongan, and Palemahan* to shape the behavior of Balinese people to bring about conflict resolution by means of family negotiations, and mutual respect and try to understand the problem by way of consensus agreement to achieve good together and create harmony.

REFERENCES

- Anonim. (2018). 23 Desa di Buleleng Masih Terbelit Konflik Tapal Batas. Retrieved from Nusa Bali website: <https://www.nusabali.com/berita/41650/23-desa-di-buleleng-masih-terbelit-konflik-tapal-batas>
- Friedman, L. M. (1975). *Legal System, The: A Social Science Perspective*. Retrieved from <https://www.jstor.org/stable/10.7758/9781610442282>
- Muhammad, A. (2004). *Hukum dan Penelitian Hukum*. Bandung: Citra Aditya Bakti.
- Mustofa, A. (2019). Duh, Realisasi Pusat Kebudayaan Bali Terganjil Penetapan Batas Desa. Retrieved from Radar Bali website: <https://radarwali.jawapos.com/read/2019/06/04/140250/duh-realisasi-pusat-kebudayaan-bali-terganjal-penetapan-batas-desa>
- Suhari, K. T., Saptari, A. Y., Laksono, B. E., Saputra, N. R. M., & Gunawan, P. H. (2019). Implementation of 3D Cadastre with Indigeous Knowledge Concept of "Tri Hita Karana" in Bali Island, Indonesia. *International Archives of the Photogrammetry, Remote Sensing and Spatial Information Sciences - ISPRS Archives, 42 (XLII-4/W16)*, 615–619. <https://doi.org/10.5194/isprs-archives-XLII-4-W16-615-2019>
- Suhari, Ketut Tomy, Saptari, A. Y., Laksono, B. E., Saputra, N. R. M., & Gunawan, P. H. (2019). Implementation

of 3D Cadastre with Indigeous Knowledge Concept of “Tri Hita Karana” in Bali Island, Indonesia. *The International Archives of the Photogrammetry, Remote Sensing and Spatial Information Sciences*. Retrieved from <https://doi.org/10.5194/isprs-archives-XLII-4-W16-615-2019>

Wiana, I. K. (2004). *Bagaimana Umat Hindu Menghayati Tuhan*. Jakarta: Pustaka Manik Geni.