
The Tradition of Ngerampag Traditional Village of Subagan Karangasem Bali in Criminal Law Perspective

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Abstract

In Bali Province, there are various kinds of unique traditions that have been preserved from the past until now, one of which is the Ngerampag Tradition which is found in the Subagan Traditional Village, Karangasem Regency, Bali. However, in its implementation, this tradition has received complaints from some migrant communities who live in the Subagan Adat Village area, because this tradition takes natural products and pets without the knowledge and permission of the owner. The formulation of the problem in this research is how the implementation of the Ngerampag Tradition in the Subagan Traditional Village in the perspective of criminal law and how are the sanctions for people in the Subagan Traditional Village who commit the Ngerampag Tradition whose actions are considered contrary to criminal law in Indonesia. The method used in this research is empirical legal research method, namely a research method through interviews conducted through direct observation. The implementation of the Ngerampag Tradition in the Subagan Traditional Village is basically an activity that violates the law because in its implementation it takes the natural contents of residents other than those mentioned in awig-awig without the permission or the knowledge of the owner. These activities are expressly prohibited in the positive law (KUHP) Articles 362-367 concerning theft. So that in its implementation the Ngerampag Tradition sometimes creates misunderstandings, especially for immigrants who live in the Subagan Village area. However, the problem did not go to court, because the customary village side resolved this problem by means of mediation.

Keywords: Ngerampag Tradition; Penalty; Criminal law.

I. INTRODUCTION

The state of Indonesia as a rule of law must have the goal of realizing a safe, peaceful, prosperous and orderly state life in which the legal position of every citizen is guaranteed, so that harmony, balance and harmony can be achieved between individual interests and the interests of society. From this explanation, we can see that law has a vital position as one of the foundations for carrying out aspects of life such as education, politics, economy, social and culture.

In Indonesia, culture is regulated in Law Number 5 of 2017 concerning the Advancement of Culture. This law was born in the framework of protecting, utilizing and developing Indonesian culture. The definition of culture according to the Law on the Advancement of Culture is everything related to creativity, taste, initiative, and the work of society. Culture has become the root of our education, therefore the Law on Cultural Advancement needs to emphasize protection, development, utilization, and fostering so that Indonesian culture can grow resiliently. The Law on Cultural Advancement is an inter-ministerial initiative, led by the Ministry of Education and Culture ([Departemen Pendidikan dan Kebudayaan, 1991](#)). The appointment of the Ministry of Education and Culture as inter-ministerial coordinator or leader is based on the letter of the President of the Republic of Indonesia number R.12 / Pres / 02/2016, dated February 12, 2016, regarding the Appointment of Representatives to Discuss the Draft Law on Culture. Other ministries included in the team are the Ministry of Tourism, the Ministry of State Apparatus Empowerment and Bureaucratic Reform, the Ministry of Religion, and the Ministry of Law and Human Rights.

In Bali Province, there are various kinds of unique traditions that have been preserved from the past until now. Tradition comes from the word "traditium" basically means something that is inherited from the past. Traditions are noble habits that are passed down from generation to generation in society. In everyday use, people usually synchronize the definition of culture with tradition (tradition). Tradition, in this case, is defined as the general ideas, attitudes and habits of society that appear from daily behavior that becomes the habit of groups in society (Arka, 2016). One of the traditions in Bali related to this research is Ngerampag. The Ngerampag tradition is found in the Subagan Traditional Village, Karangasem District, Karangasem Regency which is located in the eastern part of Bali Island. The Ngerampag tradition is a tradition of taking everything within the Subagan Traditional Village within the framework of Usabha Kasa.

Usabha is a form of human activity in order to connect oneself with a Creator which is manifested in the form of parties, banquets, and offerings in every area of the village. Usabha brings nuances of chastity and joy (Supartha, 2010). Sasih is a period which means moon. In a year it consists of 12 periods. There are various types of Usabha, including the Usabha Kasa in the Subagan Traditional Village. Despite its various forms, the purpose of performing Usabha remains the same, namely to connect oneself with the Creator. Where in the implementation of Usabha Kasa requires a lot of facilities and infrastructure in carrying out the ceremony and requires a lot of money. In an effort to deal with this, the Subagan Traditional Village held a tradition, namely the Ngerampag Tradition where in fulfilling the facilities and infrastructure of the ceremony, the villagers take natural products that are in Subagan Traditional Village area.

As for the philosophy of implementing the Ngerampag Tradition, which is to remind villagers of the boundaries of the village area, as well as to collect upakara facilities and infrastructure, this tradition is also carried out as a manifestation of the gratitude of the people of Subagan Village to God Almighty for the abundant natural products found in Subagan Village. By holding a Usabha ceremony at Sasih Kasadi Pura, Subagan Village. In addition, this tradition is carried out as a request so that the natural products produced in the next planting season will be abundant and the rice being planted will produce good and superior rice seeds.

However, in practice, this tradition has received complaints from some migrant communities who live in the area of the Subagan Adat Village, because it is done by taking natural products such as bananas, coconuts, sugar cane and janur, as well as pets such as chickens without the knowledge and permission of the owners. Based on this explanation, if a person's action fulfills the elements of theft, then that person may be subject to criminal threats. So that based on the description of the background above, several problems can be formulated, including what is the meaning of the Ngerampag Tradition in the Subagan Traditional Village, Karangasem Regency, Bali and what are the sanctions for people in the Subagan Traditional Village who practice the Ngerampag Tradition whose actions are considered contrary to criminal law in Indonesia.

II. METHOD

The author uses this type of empirical legal research. Empirical legal research is a legal research method that uses empirical facts obtained from interviews conducted through direct observation of the Ngerampag tradition, which is a tradition of taking everything in the Subagan Adat Village environment in the context of the Usabha Kasa ceremony requirement, without the knowledge and permission. owners so that it is felt to be contrary to positive law, especially criminal law in Indonesia.

III. RESULT AND DISCUSSION

Meaning of Ngerampag Tradition in Subagan Traditional Village, Karangasem Regency, Bali.

Everything on earth has a function or use. The implementation of yadnya by Hindus cannot be separated from the use of the ceremony (Tim Penyusun, 2017). Stating that the ceremony is a way for Hindus to manifest their sincere sacrifices. Meanwhile, the Upakara-Yadnya book states that the ceremony is the equipment needed during the ceremony (Putra, 2010). In the Subagan Traditional Village there is a Ngerampag Tradition which functions to provide ceremony materials used in Usabha Kasa. In addition, there are other functions of the implementation of that tradition. As for this research, the functions of the Usabha Kasa Ngerampag Tradition in the Traditional Village are: (1) religious

functions, (2) social functions; and (3) the function of cultural preservation.

Religious Functions of the Ngerampag Tradition

The term religious according to the Big Indonesian Dictionary, means: "having the character of diversity". Hindus have various forms of carrying out religious ceremonies, one of which is Usabha Kasa in the Subagan Traditional Village. The Usabha requires various kinds of ceremonies made from various agricultural products. Teruna and krama murwa have traditions that aim to provide materials for the ceremony, namely the Ngerampag Tradition. Materials or crops taken during the Ngerampag Tradition are in the form of crops that can be used as ingredients for ceremonies. The crops are in the form of bananas, coconuts, sugar cane, bamboo and banana leaves. The bananas that are obtained will be used as ingredients for offerings, such as: sesayut, saudan, pajatian, and Suci. Coconut fruit is divided into two types, namely klungah nyuh ivory which is used as a prayascita offering and ripe green coconut which is used as: processed banten paenak, complement to daksina, and complement to penjor. Sugarcane can be used as tegegen-tegegen, canang sari, and gebogan. Bamboo is used as the main material for the grill, penjor, rebuttal, and klatkat. Meanwhile, banana leaves are used as aledan processed by banteng in panyineban ceremonies.

Subagan then added that the Ngerampag Tradition was carried out as a form of gratitude and gratitude for the fertility that Ida Sang Hyang Widhi Wasa had given to the village land. All the plants that thrive in all parts of the village are a gift from the Creator who helps people to make ends meet. Therefore, these natural products must also be presented to Ida Sang Hyang Widhi Wasa in his manifestation as Ida Bhatara Lingsir during Usabha Kasa in Subagan Traditional Village.

Based on the explanation above, it can be emphasized that the Ngerampag Tradition in the Subagan Traditional Village has a religious function as a provider of materials used as ceremonies in the implementation of Usabha Kasa. In addition, this tradition is also a way for the village community to express gratitude and gratitude for the natural products that Ida Sang Hyang Widhi Wasa has given, and ask for a smooth harvest to sasih katiga and kapat.

Social Functions of the Ngerampag Tradition

The word social according to the Big Indonesian Dictionary means: "something relating to society". The Ngerampag tradition involves many community members, namely cadets and krama murwa in the Subagan Traditional Village. There are fifty-four active members of the troupe teruna-teruni. Then, the krama murwa numbered two hundred and seventy families. However, the active Krama murwa numbered one hundred and seventy families. Meanwhile, the rest are passive krama students because they live in other areas and cannot always participate in village activities.

The implementation of the Ngerampag Tradition is impossible if it is done by a few people. The smooth running of this tradition really depends on all cadets and krama murwa. All officers work hand in hand to get and bring the rampagan to Bale Agung Temple. There are officers who are tasked with climbing and picking coconuts, picking bananas, pulling sugarcane, cutting bamboo, picking banana leaves, tying rampagan produce, carrying rampagan produce, and transporting them to the bales of the Bale Agung temple, Subagan Adat Village. The division of tasks in the implementation of Ngerampag shows that officers are aware of their nature as social beings, that is, humans in their lives cannot separate themselves from other humans and need help from others to achieve a goal. In addition, in the division of tasks, mutual cooperation between officers was also seen. Officers work hand in hand with each other so that this tradition can run effectively and efficiently.

Karang added that the Ngerampag Tradition serves to establish good communication between officers, including with all people who live in the Subagan Traditional Village. The communication of all components of the Ngerampag officers was visible from the village and cadets' ranks. Followed by notification and understanding to all villagers. On the day of the implementation of the tradition, there was good communication between officers in taking natural products, as well as coordination by keliangg teruna, keliangg gede ngepat, and keliangg high. Based on the explanation above, it can be seen that the Ngerampag Tradition in Usabha Kasa in the Subagan Traditional Village has a social function as a vehicle for mutual cooperation, establishing good communication between all components of Ngerampag officers, and establishing good communication between officers and all residents of the

Subagan Traditional Village.

The function of preserving the culture of the Ngerampag tradition

The Ngerampag tradition is one of the cultural forms found in the Subagan Traditional Village. Culture is a way of life that develops, is shared by a group of people, and is passed down from generation to generation. Culture has forms, such as: religious systems, political systems, customs, languages, tools, clothing, buildings, and works of art (Ratna, 2010). From this opinion, it can be concluded that culture is both material and non-material. In the implementation of the Ngerampag Tradition, there is a culture that is both material and non-material. Culture is in the form of material, namely: kulkul, traditional clothes used by officers, cutting tools, and ropes. While culture in non-material forms, namely: village sangkepan, Ngerampag rules, dedosan system, group system, mutual cooperation activities, and language.

This tradition lasts from generation to generation. However, some aspects are adapted to the times. Like the material for rampagan several years ago in the form of various types of wood for the construction of temples, now they are bananas, coconuts, sugar cane, bamboo, and leaves, because they are needed in the implementation of Usabha Kasa today. In addition, the results of the rampagan in the past were taken to Pura Bale Agung on foot, meanwhile, now the results are transported by car on the basis of krama volunteerism. In line with the above opinion, the implementation of traditions is adjusted to the times, but still maintains the values in them. There are concerns that this tradition will be forgotten by the younger generation. Therefore, village cadets are involved in its implementation as a form of cultural inheritance as early as possible. Ceremony materials are easily available in the market, but what is emphasized in this tradition is sincere sacrifice as a form of gratitude and application to Ida Sang Hyang Widhi and His manifestations. Based on the above opinions, it can be seen that the Ngerampag Tradition in Usabha Kasa in the Subagan Traditional Village functions as a cultural preservation that is adapted to the times without forgetting the values in it. This culture is preserved as a form of devotion to Ida Sang Hyang Widhi Wasa and its manifestations. Cultural preservation is carried out by involving cadets in implementation.

Sanctions for people in the Subagan Traditional Village Who Practice The Ngerampag Tradition.

Adat Sanctions in the Ngerampag Tradition.

Based on the data obtained by researchers, in carrying out research on the Ngerampag Tradition in Subagan Village, it is known that there are rules that have been established in the implementation of this tradition. These regulations are stated in the Awig-Awig Desa which is usually referred to as the Awig Paican Dalem. Where the Awig Pican Dalem is in the form of lontar and copied using letters to make it easier to read. This awig-awig contains regulations regarding the Ngerampag tradition, namely: that the rerampagan material in the Ngerampag Tradition in the Subagan Traditional Village is in the form of agricultural products used as upakara materials, for example: bamboo, banana, coconut, and leaves by teruna, and bananas, coconuts and sugar cane by krama murwa. In one plot of moor, officers are only allowed to take one type of material. In one plot of the moor, officers can only cut one tree.

The Awig-Awig does not explain the customary sanctions for indigenous peoples who violate the rules in the implementation of the Jagampag Tradition. As stated in the Awig-Awig (Awig Paican Dalem) which is used as a guide in the implementation of the Ngerampag Tradition. Based on the description above, it can be emphasized that there are rules regarding the Ngerampag Tradition in Subagan Village which are listed in Awig-awig (Awig Paican Dalem). However, this regulation does not include the customary sanctions imposed on villagers who carry out the Ngerampag Tradition which is not in accordance with the rules stated in the Awig-Awig (Awig Paican Dalem).

Implementation of the Ngerampag Tradition from the Perspective of Actions against the Law.

Ngerampag is defined as seizing or confiscating what is done by the village of the residents' assets in the form of: leaves, fruits, and wood in the village area. The Ngerampag tradition is a tradition of taking everything within the Subagan Traditional Village within the framework of Usabha Kasa, without the knowledge and permission of the owner. Based on the data obtained by the author, the implementation of the Ngerampag Tradition by taking other people's items without the permission of the owner is

expressly said to violate the law and is prohibited by the Positive Law (KUHP). The Ngerampag tradition is said to violate the law because it fulfills the elements of theft and violates the provisions of the criminal code Article 362-367. In Articles 362-367 it is stated that:

Article 362. Anyone who takes property, wholly or partly belonging to another person, with the intention of being illegally owned, is punished for theft, with a maximum imprisonment of five years or a maximum fine of sixty rupiahs.

Article 363.

(1) By a maximum imprisonment of seven years:

theft of livestock;

theft in the event of fire, flood eruption, earthquake, or sea earthquake, volcanic eruption, shipwreck, shipwreck, train accident, riot, rebellion or the danger of war;

theft at night in a house or a closed plot where there is a house, which is committed by a person whose presence there is unknown or unwanted by the rightful;

theft committed by two or more people in an alliance;

theft, which is to enter the place of committing a crime, or to arrive at the goods taken by him, is done by destroying, cutting or climbing or by using false keys, false orders or fake office clothes (Moeljatno, 2018).

(2) If the theft described in the 3rd is accompanied by one of the 4th and 5th, then the maximum imprisonment is nine years.

Article 364. Actions described in Article 362 and Article 363-4 are similar to those described in Article 363-5, if they are not committed in a house or closed compound where there is a house, if the price of the stolen goods is not more than twenty. five thousand rupiahs, is liable, due to minor theft, a maximum imprisonment of three months or a maximum fine of sixty rupiahs.

Article 365.

By a maximum imprisonment of nine years, theft which is preceded, accompanied or followed by violence or threats of violence, against a person, with the intention of preparing or facilitating theft, or in the case of being caught red-handed, allows the escape of himself or other intimates or to keep control of the items that were stolen.

By a maximum imprisonment of twelve years shall be punished.

- if the act is committed at night in a house or closed compound in which there is a house, on a public road, or in a running train or tram;
- if the act is committed by two or more people in an alliance;
- if entry into the place of committing a crime, by damaging or climbing or by wearing palsy keys, false orders or fake office clothing;
- if the act resulted in serious injuries.

If the act results in death, then a maximum imprisonment of fifteen years is imposed.

punishable by death or life imprisonment or for a specified period of time at most twenty years, if the act results in serious injury or death and is committed by two or more persons in association, also accompanied by one of the matters described in no. 1 and 3.

Article 366. In conviction for one of the acts described in articles 362, 363 and 365, the revocation of that right in article 35 no. 1 - 4.

Article 367.

If the maker or assistant of one of the crimes in this chapter is the husband (wife) of the person affected by the crime, and does not have separate tables and beds or separate assets, then criminal prosecution is not possible for said act or servant.

If he is a husband (wife) who has separate tables and beds or separate assets, or if he is a family by

blood or by blood, either in a straight line or a second degree deviant, then prosecution is only possible against that person, if there are complaints that have been subject to crime.

If according to the matriarchal institution, the father's power is exercised by someone other than the real father, then the rule mentioned in the above paragraph shall also apply to that person.

In the description above, it is clearly seen that the activities in the Ngerampag Tradition in the Subagan Traditional Village contain elements of actions that are against the law and cause harm to the community because in their implementation the activities carried out in the implementation of this tradition are by taking other people's property without the permission or knowledge of the owner.

Bendesa adat of the subagan village stated that, prior to the implementation of this tradition the village had given a notification in the form of a circular which was addressed to all Keliang Banjar, Head of Karangasem Sub-District, Danramil of Karangasem Regency, Head of Karangasem Sector Police, Chair of the Karangasem District Traditional Village Council, Head of Subagan Village, Bimas Subagan Village, Babin Kamtibmas Subagan Village, Bendesa Adat Penyanding, Head of Government Organization/Agenc /Office/School, as well as the Head of the Environment, in order to minimize misunderstandings that occur in Village residents. Furthermore, in the implementation of this Ngerampag Tradition, sometimes it creates misunderstandings between residents of Subagan Village and migrants who live in the area of Subagan Village. that this misunderstanding sometimes does occur, this is because there are some immigrants who live in the Subagan Village environment who have not registered as residents in the Subagan Village. Therefore, the residents do not know about the implementation of the Ngerampag Tradition. If there is a misunderstanding or problem that occurs as a result of the implementation of this Ngerampag Tradition, the customary village party resolves it by means of mediation, which is accompanied by related parties such as the customary village and security forces so that this problem does not continue to the court process, because the village party adat resolves this problem through mediation.

IV. CONCLUSION

The implementation of the Ngerampag Tradition in Subagan Village, Karangasem District, Karangasem Regency, is defined as seizing or confiscating because what is done by the village to the assets of its residents is by taking the natural contents of the villagers without the permission and knowledge of the owner, which are used as materials for the Usabha Kasa ceremony, namely: bamboo, bananas, coconuts, and leaves by teruna, and bananas, coconuts, and sugar cane by krama murwa. In one plot of moor, officers are only allowed to take one type of material. In one plot of the moor, officers can only cut one tree. If you take items other than those that have been regulated in awig-awig, then the act of taking the property of another person without the permission of the owner can be said to be against the law.

The rules regarding the Ngerampag Tradition in Subagan Village are listed in Awig-awig (Awig Paican Dalem). However, this regulation does not include the customary sanctions imposed on villagers who carry out the Ngerampag Tradition which is not in accordance with the rules stated in the Awig-Awig (Awig Paican Dalem). Meanwhile, in the applicable National Law in Indonesia, the implementation of the Ngerampag Tradition violates the laws listed in the Criminal Code, namely Articles 362-367 concerning the crime of theft. So that in its implementation, in the Ngerampag tradition, if you take other people's property without the permission of the owner, it can be said to violate the criminal law (KUHP) sometimes causing misunderstandings, especially for immigrants who live in the area of Subagan Village. However, the problem was resolved through mediation by the customary village. It is recommended to all village officers and the community of Subagan Village, Karangasem District, Karangasem Regency to first inform the immigrant community about the Ngerampag tradition in the village. This is seen as important to synchronize the laws that grow in society as well as applicable national laws.

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