



Community Empowerment in the Writing of Pararem in the Belatungan Traditional Village

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ABSTRACT

Traditional village is a traditional village in Bali which has been autonomous since its inception. Each traditional village has its own management and assets, and has the authority to make awig-awig. The situation of program partners does not yet have a pararem as a rule for implementing awig-awig. The aim of this program is to empower indigenous village communities so that they have a regulation in the form of pararem. The methods used in this service program are by: (1) giving lectures or legal counseling about the importance of a pararem in life in a traditional village, (2) carrying out focus group discussions (FGD) on pararem design, and (3) providing assistance in making traditional village pararem. The results of the program activities are the arrangement of a pararem awig enumerator with a total of 45 pawos (article).

Keywords: Awig-awig, Balinese customary law, Traditional village

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1. INTRODUCTION

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

In society, the term customary law at the beginning of its birth was not widely known, what was known was only custom, but in that term the meaning of law was concluded but in many circles who did not understand customary law in depth they always questioned that custom is just a habit without legal elements (Utomo, 2016).

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

There are special rules in each traditional village, the village in the customs of *krama* or people who have village awig-awig to find out how the rules and obligations of village manners are. Village manners are Hindu residents who are registered or registered as *krama* in one village. According to the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, it is explained that the traditional village as a unit of customary law community imbued with Hindu religious teachings and cultural values that live in Bali has a very large role in the religious and socio-cultural fields, so it is necessary to nurtured, preserved and empowered. The provisions of Article 1 number 10 of the Regional Regulation of the Province of Bali Number 4 of 2019 concerning Traditional Villages in Bali confirms that the manners of traditional villages are Balinese Hindu citizens who are similar and registered as members of the local traditional village.

Traditional village is a traditional village in Bali which has been autonomous since its inception. Each traditional village has its own administrator and assets. Each traditional village has the authority to make *awig-awig*, the purpose of which is to have an order in the life of its people. Initially, *awig-awig* was not written, but over time there have been efforts to make *awig-awig* written to make it easier to implement.

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

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

2. METHOD

The methods used in this service program are by:

a. Giving a lecture

The lecture was conducted in the form of legal counseling with material on the functions of *awig-awig* and *pararem* in preserving local wisdom. The lecture was attended by around 80 people from the Belatungan Traditional Village community, including the traditional leaders.

b. Carrying out Focus Group Discussion (FGD)

Focus group discussions (FGD) were conducted to get input from community leaders on matters that needed to be regulated in the *pararem*.

c. Doing assistance

As an effort to realize the ultimate goal of this program, the manufacture of *pararem* is carried out with assistance in the preparation of *pararem* so that it is in accordance with the rules and needs of the local community.

3. RESULTS AND DISCUSSION

3.1 Lecture

The lecture intended here is to provide legal counseling material about the importance of the existence of *awig-awig* and *pararem*. The lecture was intended to have adequate knowledge of customary law, especially regarding *awig-awig* and *pararem*.

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

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

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

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

Pararem penyahcah awig, is a *pararem* made to describe the contents of *awig-awig*, so it can be said as implementing regulations for *awig-awig*. *Pararem pangele* is a special rule as a decision of a meeting of traditional village residents that was made specifically because it has not been regulated in *awig-awig* and its

nature follows community developments. Meanwhile, the *pararem panepas wicara* are records containing the decisions of *prajuru adat* related to the handling of a case or customary dispute.

For customary manners, an *awig-awig* that has been passed over is considered a standard and sacred legal rule, so that if there is an act of criticizing *awig-awig* it will be considered a taboo (Windia, 2010).

3.2 Assistance in writing of *pararem penyahcah awig*

After conducting research on *awig-awig* in the Belatungan Traditional Village, there are 45 *pawos* (articles) that must be further elaborated through *pararem*, namely as follows: *sukerta tata pakraman* numbering 8 *pawos*, regarding *prajuru* there are 5 *pawos*, regarding *kukul* there are 2 *pawos*, regarding *paruman* there are 2 *pawos*, regarding *druwen desa* there is 1 *pawos*, regarding *pamitegep* there are 5 *pawos*, regarding religion there are 15 *pawos*, and regarding *pawongan* there are 7 *pawos*.

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

A. The results of the preparation of the *pararem* for the security sector are arranged as described below:

- 1). In *pawos* 8b: set two things, (a). Widows or widowers carry out the same obligations as ordinary citizens; (b) Widows or widowers when they are 65 years old are allowed to stop performing their obligations, then the obligations are carried out by their successors, namely their descendants who are 21 years old.
- 2). *Pawos* 8c: regulates widows or widowers if they are alone, then they are subject to the obligation of only half of ordinary citizens and lasts only until the age of 60 years.
- 3). *Pawos* 8d: If a resident leaves the meeting without asking permission, a fine of Rp. 25,000.00 (twenty five thousand rupiah).
- 4). *Pawos* 9b: Retirement means that there is no longer any obligation to the traditional village, that is, if you are 60 years old and there are no children to replace you.
- 5). *Pawos* 9c: A person who can replace the role of his parents in the status of a traditional villager when he is 21 years old.
- 6). *Pawos* 9d: If residents are unable to carry out their obligations, they will be subject to a replacement fund of Rp. 200,000.00 (two hundred thousand rupiah) every year, then 25% of the funds are deposited into the village treasury and 75% of the *banjar*.
- 7). *Pawos* 10a:
 - a. Residents who were warned after going through three stages of warning from the management did not receive services, especially those related to *Tirta Kahyangan Tiga*.
 - b. Residents who are warned are still allowed to pray at the *kahyangan tiga*.
 - c. If the warned residents do an event, they will not get three heavenly blessings.
 - d. If the sanctions have been implemented according to their mistakes, they will be accepted again as citizens.
- 8). *Pawos* 10b: People who are fired will not get a share of the property belonging to the *banjar* or the village property.

B. The results of the preparation of *pararem* regarding the *prajuru adat* can be arranged as follows:

- 1). *Pawos* 12.2:
 - a. Residents who serve as village administrators carry out their duties for five years;
 - b. If a resident serves as a *banjar* administrator, the obligation is for five years;
 - c. If residents are administrators at the village level, they are no longer allowed to serve at the *banjar* level.
- 2). *Pawos* 13.5:
 - a. Village/*banjar* administrators can be dismissed if there is sufficient evidence of committing adultery, stealing, violating *awig-awig* or *pararem*, abusing narcotics, corruption, polluting temples.
 - b. Managers who are dismissed are subject to sanctions for apologizing and paying compensation.
- 3). *Pawos* 14: Village administrators get income from village property, assistance from the government and the right to be free from fees.

C. The results of the preparation of *pararem* regarding *kulkul* are arranged as follows:

- 1). *Pawos* 17.2: Sounding the *kulkul* belonging to the village or the temple property which does not comply with the provisions is subject to sanctions for apologizing, performing rituals at the temple and a fine of Rp. 100,000.00 (one hundred thousand rupiah).
- 2). *Pawos* 17.3: The group *kulkul* and the *kulkul* in the hut may not match the size and procedure for ringing them, for those who violate are subject to a penalty of Rp. 100,000.00 (one hundred thousand rupiah).

D. The results of the preparation of *pararem* regarding *sangkep* can be arranged as follows:

- 1). *Pawos* 18.1: Community meetings are held every three months or as needed.
- 2). *Pawos* 18.2b: The big meeting begins with attendance, if there are residents who are not present they are subject to a fine of Rp. 25,000.00 (twenty five thousand rupiah).

E. The results of the preparation of *pararem* regarding *padruwen desa* and completeness, can be arranged as follows:

- 1). *Pawos* 23.1: Village-owned land if it wants to be managed by a third party, must be based on the decision of the management meeting, then informed to all residents.
- 2). *Pawos* 26.4: Owners of dangerous trees, if they fall and tear down other people's buildings and woodcutters who fall on other people's buildings will be penalized in the form of a fee equal to the damage to the building and accompanied by performing rituals according to the instructions of the management.
- 3). *Pawos* 27.2: If there is a building that crosses the boundaries of someone else's property, after being warned and reported to the village administrator, does not get a response, then there is a sanction of no service when holding the ritual.
- 4). *Pawos* 28.2: If a pet is released into someone else's yard or destroys the garden, it is obligatory to reorganize what was damaged and pay a fine according to the damage.

F. The results of the preparation of *pararem* regarding Religion can be arranged as follows:

- 1). *Pawos* 30: If someone steals a sacred object, he or she will be subject to a ritual sanction and a fine equal to the property damaged as a result of the theft. If the thief comes from outside the village, he is subject to a fine and also carries out rituals and is reported to the police.

G. The preparation of *pararem* regarding *panyangran desa* can be arranged as follows:

- 1). *Pawos* 31.b: Procedures for service by the *banjar*, including: regarding likes: it's up to the pattern to each *banjar*, but it must not conflict with customary village rules. Regarding grief, efforts are made to get service to completion.
- 2). *Pawos* 32.3: The ritual process at *Pura Puseh*, *Pura Dalem* and *Pura Prajapati* with small sequential patterns followed by large. Rituals at *Pura desa* are always patterned large.
- 3). *Pawos* 33.4b: If a stakeholder dies, the beneficiary procession is borne by the traditional village. This also applies to former stakeholders, except for stakeholders who are dismissed or resigned.
- 4). *Pawos* 35.1: Village celestial stakeholders earn income from village property.
- 5). *Pawos* 36.2: If a stakeholder is dismissed by a member of the public for misbehaving, he or she will be subject to an obligatory sanction for apologizing on a *sekala* and *niskala* basis.
- 6). *Pawos* 37.a: Anyone in a holy place who commits an oath, has sex, sleeps with a woman, urinates, arranges clothes, arranges her hair or undoes her hair, is subject to an obligatory sanction of apologizing.
- 7). *Pawos* 38.1: If someone is confused at the temple, it is proven that it was a fabrication and it is proven not to be true, they will be subject to a sanction to apologize.
- 8). *Pawos* 42.2.c.1: It is the duty of the residents if someone dies, that is, they are served by the *banjar*, each resident brings one kilogram of rice and Rp. 10,000.00.
- 9). *Pawos* 42.2.c.7: The procedure for implementing cremation can be done individually or in groups, group cremation is carried out every five years. If someone violates it, they cannot get services from the traditional village.
- 10). *Pawos* 46.4: The Nyepi Day process is carried out for a full day starting at 06.00 until 06.00 the next day, those who violate are subject to sanctions for apologizing and a monetary fine for the price of the ritual at the *banjar*.

H. The results of the preparation of *pararem* regarding *Pakraman* can be arranged as follows:

- 1). *Pawos* 46.7: The responsibility of the traditional village to the residents who organize the event is determined by the administrator.
- 2). *Pawos* 47.5 The procedure for carrying out a marriage must comply with the requirements in accordance with the provisions of national law.
If there are residents who marry outside the village, they must pay a fee of two hundred thousand rupiah)
- 3). *Pawos* 51.2: Adoption of a child must follow the process according to government regulations and rituals according to tradition, and announced to the community, if violated, he/she will be subject to an apology and a fine of one hundred kilograms of rice.
- 4). *Pawos* 52.2: Regarding inheritance, it follows the provisions of Balinese customary law, namely the *purusa* principle). Does not have the right to inherit, namely people who leave Hinduism, sons who are *predana* and *sentana rajeg* who marry out.

3.3. Assistance in the preparation of *Pangele's Pararem*

Pararem pangele is a *pararem* that contains decisions that have not been regulated in *awig-awig* but have the power to bind the community. *Pararem pangele* is made to anticipate the conditions of the rapid development of people's lives, especially to support matters related to government policies so that there is synergy between customary law and national law.

Based on the results of the FGD and mentoring, there are ten main materials that become the *Pararem pangele*, as follows:

1. If there are residents who are proven to have abused narcotics and illegal drugs, they will be subject to sanctions in the form of one hundred kilograms of rice.
2. Anyone who conducts business in the territory of a traditional village, must report and obtain permission from the traditional village administrator. The process of granting a permit is through a meeting of all villagers.
3. Anyone who keeps a dog is obliged to tie it up, if it is not tied and if it bites a resident, it will be subject to a sanction to pay for medical treatment from the victim.
4. Anyone who takes chicks that have a selling value and also garden produce without the owner's permission will be subject to a monetary penalty of ten times the value of the item taken.
5. During the Nyepi day, it is not allowed to violate the provisions of the panyepian, those who violate the sanction will be subject to an apology and replace the ritual costs that have been spent on holding the panyepian ritual.
6. If there are residents who die, they are allowed to bury them without a complete ritual, but after three days it is obligatory to carry out the *caru* ritual at the house of the deceased.
7. If the burial is carried out without ritual, it is not allowed to sound the *kulkul*.
8. Residents who are sure they will divorce, must process it through the courts, those who violate do not receive services at *kahyangan tiga* temple and must apologize to the villagers.
9. If there are residents who are married and divorced without going through a court process, they are not allowed to pray to the *kahyangan tiga* temple)

IV. CONCLUSION

As the end of this report, it can be concluded that the implementation of this community service program has succeeded in empowering the community and has been carried out properly. This is evident from the activities carried out in accordance with the stages that have been planned, namely legal counseling with the lecture method, conducting limited discussions (FGD), and mentoring. Based on the results of the assistance that has been carried out, Partners are finally able to realize *pararem* in the form of *pararem penyahcah awig* and *pararem pangele*.

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1. To the *prajuru adat* to immediately socialize the *pararem* that has been formed so that village manners can know about it and obey it;
2. The partner community is expected to respect and obey the *pararem* that has been formed in order to achieve a peaceful and peaceful life within the scope of the traditional village.

REFERENCES

- Anonymous, 2004. *Ajeg Bali*, Bali Post, Denpasar.
- Astiti, T. I. P. (2005). *Pemberdayaan Awig-Awig Menuju Ajeg Bali*. Lembaga Dokumentasi dan Publikasi Fakultas Hukum Universitas Udayana.

- Dewi, N. M. L. L. K. (2016). Peran Desa Pakraman Dalam Pembentukan Pararem Terkait Penyelesaian Sengketa Alih Fungsi Lahan. *Jurnal Magister Hukum Udayana*, 5(3), 435–446.
- Sudantra, I. K., & et. al. (2011). *Penuntun Penyuratan Awig –Awig*. Udayana University Press.
- Utomo, L. (2016). *Hukum Adat*. Raja Grafindo Persada.
- Windia, W. P. (2010). *Bali Mawacara, Kesatuan Awig-Awig Hukum dan Pemerintahan di Bali*. Udayana University Press.
- Windia, W. P. (2013). *Hukum Adat Bali Dalam Tanya Jawab*. Udayana University Press.
- Peraturan Daerah Provinsi Bali No. 4 Tahun 2019 Tentang Desa Adat di Bali.
- Awig-Awig Desa Adat Belatungan (1984).