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THE EXISTENCE OF TRADITIONAL VILLAGES IN THE STATE CONSTRUCTION OF THE REPUBLIC OF INDONESIA

By:

I Gusti Ngurah Sudiana¹, I Nengah Alit Nuriawan²
Universitas Hindu Negeri I Gusti Bagus Sugriwa Denpasar^{1,2}
nsudiana@yahoo.com¹, wanalit.nuri@uhnsugriwa.ac.id²

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Abstract

This study aims to analyze the existence of the Traditional Village in the Provincial Government of Bali. This research was conducted in two districts in Bali, namely Bangli and Karangasem. Data collection in this study was carried out through observation, in-depth interviews, and documentation studies. Based on the research conducted, it was found that, the differences in the structure of traditional village leaders can be described in two types, namely the traditional village version of the leadership structure of the Bali Aga traditional village and the version of the Balinese Majapahit traditional village. The Bali Aga traditional village referred to in this study is the Tenganan Pagringsingan Traditional Village, Manggis sub-district, Karangasem district, and the Batur Traditional Village, Kintamani Bangli, representing the Bali Aga Traditional Village. Meanwhile, the Kubu Traditional Village, Bangli District, Bangli Regency, and Karangasem Traditional Village, Karangasem District, Karangasem Regency, represent the Balinese Majapahit/apanage traditional village. Bali Aga traditional villages are found in the mountainous areas of the Bangli, Karangasem, Tabanan, and Singaraja districts. Regarding the term Bali Mula Traditional Village or Bali Aga, Balinese customary law experts still do not have an agreement as a unified word term for the name of the Traditional Village whether it is Bali Aga/Bali Mula, Bali Apanaga, and so on. In this research, the name used for the term Balinese Traditional Village as it is found in the area mentioned above is the Bali Aga Traditional Village. Meanwhile, villages other than Bali Aga Village are called Bali Apanaga.

Keywords: Existence, Traditional Village, Unitary State.

I. INTRODUCTION

The village is a community of customary law and religion (Hindu Law) in Bali, which has existed since ancient times, starting in 1908 when Dutch colonialism began in Bali, new constitutional units were formed called Desa Dinas, while the old village was called Desa Adat. Religious and customary affairs are handled by the Traditional Village while administrative/governmental affairs are carried out by the Desa Dinas. The function of the Desa Dinas is in general administration except for custom and religion, while irrigation or agriculture is managed by subak.

The title "Adat" for a new village appeared during the Dutch colonial administration in Bali as a comparison with village government (Government Desa's and Adat Desa's) whereas previously the term "pakraman" was known which was started by Mpu Kuturan, as well as "krman" as contained in several inscriptions or there is also written "thani" or "wanua". As for what underlies the Traditional Village, since Mpu Kuturan's "Pakraman", nothing else is marked by the presence of parhyangan, namely kahyangan tiga (Pura Puseh, Pura Desa, Pura Dalem), Pawongan, namely "krama desa" (village members, as the founder/opener of the forerunner of the village) and weakening, namely village territory consisting of yards/village fathers. This foundation is then called the term "Tri Hita Karana" meaning three causes (Merta Sutedja, 1971: 10). While the basic components can be referred to in religious literature, namely Chapter III.10 Bhagawadgita. Tracing the type of village with its structure known as "Bali Age", Bali Apanage, and mixed. For villages belonging to the Bali Age followers, which are often identified with mountain villages, it seems that the followers of Dang Hyang Markandya from the Aga village around Mount Raung, East Java opened the forest around Sarwa-ada village (now Taro Village). Regarding the leadership structure of the mountain village, it is a collective called "paduluan" with a "kiwa-tengen" structure. In this way, the village is considered a body bestowed upon by members of the left hand (tengen and kiwa) and is truly very democratic with a "run list" system (maulu apad term) and

nothing but religious activity (is it not possible for this assembly to operate *Parisadha traditionally*?). Furthermore, regarding the Bali Apanage Village (Bali Mainland Village), think about the case of Mpu Kuturan, where the mainland villages stand majestically and are arranged with the traditional architecture of the third *kahyangan*. With a single leadership structure called *Bendesa/Kelurahan Desa Adat* along with the nature of the officers, which are considered "paduluan, maybe pamucuk, (Jambrana area), *Paruman Pangamong adat*, "pengelingsir desa" (Villages in Bali) or sabha desa (Gianyar Traditional Village). Regarding mixed villages, it was found that in Suwug Village, Sawan Buleleng District where the structure of Its leaders includes the Sudaji traditional village leaders and their officers from the Sinabun traditional village.

Research on the existence of traditional villages in Bali in the Republic of Indonesia constitutional system will not research the 1493 traditional villages in Bali but will take two districts as samples, each representing ancient Balinese traditional villages and mainland Balinese traditional villages, which is a study that has never been done before. carried out by researchers. Bali consists of 9 districts and cities and in each of these areas, there are traditional villages. If you look at the constitutional structure of the Republic of Indonesia. In other provinces, there is only one village within the village administration, namely the official village, except in the nagari where the conditions are different from Balinese customs. In Bali, there are not only official villages but also traditional villages, so in Bali, there are two villages, namely the Traditional Village and the official village. These two villages are recognized by the state but their functions and positions are different from one another. The official village functions to regulate and organize the administration of its relations with the government of the Republic of Indonesia. Meanwhile, the Traditional Village organizes and regulates administration related to issues related to religion, customs, and traditions of Hinduism in Bali. Accountability is also different,

namely the Desa Dinas are responsible for the government, while the Desa Pakraman is responsible for Indigenous people. The birth of traditional villages and official villages in Bali has a different history. If the historical service village was born, it was very clear in terms of administration, but there are two traditional birth villages based on history and based solely.

With the social dynamics that are very fast, it is feared that the history of Pakraman Village will disappear by itself. If no inventory and recording are carried out systematically through research. Moreover, nowadays the influence of modernization is very fast, generally, anything that is not recorded in Pakraman Village will be easily forgotten and even lost. If it is left as it is then its existence will be recorded in the Desa Dinas. Moreover, Pakraman Village only deals with matters of custom and culture, while everything related to government funds and programs falls to the official village. If you pay close attention, there have been several histories of the birth of the Dinas village being mixed with the birth of the Traditional Village. So it is not clear which is the history of the birth of traditional villages and which are official villages, both from the point of view of and from the history.

In the current reality in Bali related to desa pakraman affairs with the service, especially regional and population issues and organization has become a very crucial problem. For example, the problem of the Pakraman Village area can be obscured by the Desa Dinas area because the one that is officially recognized by the government is the Desa Dinas. So that the boundaries of the area can be explained through the official village map, while Pakraman Village does not yet have a clear map of the area. How to mark the boundaries of its territory still uses traditional symbols such as rivers, ravines, mountains, hills, forests, rice fields, roads, and so on. Whereas the Desa Dinas already has a monograph and its territorial boundaries have been clearly defined and organized. Apart from the area, history, and organizational structure, Pakraman village is far behind Dinas village, as well as funding issues and bargaining power for investor intervention, immigrant residents, and operational support are also quite weak.

Administration and population management are still much weaker than in Dinas village. Likewise, the problem of the leadership structure, the official village is determined by the government, while the traditional village is determined by the residents. Because it is determined by the residents, the leaders are prioritized by citizens who have charisma compared to other requirements.

Meanwhile, the Village Service prioritizes professionals. The requirements for professional leadership are that recording and administration are the main tasks, while in the Traditional Village, these two things are still weak. This is the underlying reason why research is urgently needed to analyze the problem of the existence of traditional villages in Bali within the Republic of Indonesia constitution. Because in Bali there are two villages, namely the official village and the traditional village and these two villages have their characteristics and existence. The traditional village functions more dominantly for indigenous people who are Hindus and the service village is related to its function as a public service both across customs, ethnicities, religions, and groups. In the constitution of the Republic of Indonesia, the official village has a very clear existence as an extension of the state at the lowest level, while the traditional village in Bali is the same or different from the official village in the state administration of the Republic of Indonesia. This is what needs to be investigated in depth.

II. METHOD

Bali consists of nine urban districts, but in this study, the focus of the research location was carried out in Karangasem Regency and Bangli Regency because, in these two districts, there are two research objects in the form of two villages, both Bali Aga and Bali Apanaga villages. In Bangli Regency, Batur Kintamani Traditional Village and Bangli Traditional Village were chosen. Meanwhile, in Karangasem Regency, the Traditional Village of Tenganan Pagringsingan and the Traditional Village were selected. The two villages have represented Bali Aga and Bali Apanaga respectively. The techniques used to collect

data are observation, in-depth interviews, and documentation studies.

The results of the research are presented in an analytical descriptive manner. That is, the data and information that have been collected are then classified and interpreted according to scientific principles to be presented in the form of a report.

III. RESULTS AND DISCUSSION

The Existence of Traditional Villages in the Government of the Province of Bali

The Provincial Government of Bali is an extension of the central government in the regions with the sole authority to regulate the area. On the other hand, there is the Traditional Village as the oldest legal community institution and entity that is original. The authenticity of the village lies in its autonomy and governance authority, which is regulated and managed based on the rights of origin and local customs which are legally recognized by the 1945 Constitution based on Article 18B paragraph (2), making fundamental changes is recognizing and respecting customary law community units along with their traditional rights as long as they are still alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia. As the oldest institution, it can be found in the administration of traditional villages in Bali Aga, such as Batur and Tenganan Pagringsingan and Bali Apanaga in Kubu Traditional Village and Karangasem Traditional Village.

Traditional villages in Bali are included as a form of customary institution. Definition of Customary Institutions Customary institutions are words that come from a combination of the words institution and the word adat. The word institution in English is called institution which means establishment, institution, custom, and habit. From the definition of the literature, the institution can be interpreted as a term that refers to established patterns of human behavior consisting of social interactions that have a structure within a framework of relevant values. So that customary institutions are established patterns of behavior of indigenous peoples consisting of social interactions that have a structure within a framework of relevant

customary values. According to cultural studies, customary institutions are defined as a form of customary organization that is relatively fixed on patterns of behavior, roles, and relationships that are directed and bind individuals, have formal authority and have customary law sanctions to achieve the basic needs of the Provincial Government of Bali. is the representative of the central government in the area of Bali from the provinces, and districts to villages. Governor as the sole authority in the region.

On the other hand, there is the customary village as a unit of indigenous peoples that is autonomous. What is the relationship between traditional villages and the provincial government of Bali? Discussing the relationship between the Traditional Village and the Service to the Provincial Government should start from the acknowledgment of customary community units as mandated by the constitution. Subjects that are recognized are traditional villages as customary law community units and their traditional rights, namely rights as legal subjects, rights to customary administration, children to the application of customary law, rights to territory, and rights to customary assets. As a right, the customary village has a basis for demanding recognition, respect, protection, and fulfillment, on the other hand, the state must recognize, respect, protect, and fulfill it.

The state, especially the government, is said to have violated these rights when the state fails to carry out its obligations. For example, the state forces the substance of legal norms to be included in the set of customary law norms, so the state has failed to carry out the obligation to respect the rights to enforce the customary law of a traditional village. When the state allows other parties to force the substance of legal norms to be contained in customary law norms, the state has failed to carry out its obligation to protect the rights to the enforceability of customary law in a traditional village. Failure to carry out this obligation causes the state to be in a position to violate the rights of customary law community units.

As described by Wijaya (2020) 192) the relationship between the Traditional Village

and the Traditional Village Assembly (MDA) and the provincial government of Bali. Regarding the Traditional Village Assembly first, is not a customary law community unit in Bali, but rather it was formed by the Traditional Village as pesikian or Traditional Village union. The main task of traditional villages is to protect (protect) traditional villages and assist traditional villages in Awig-Awig and Pararem correspondence (Articles 72 and 76 of Bali Regional Regulation 4/2019). This task must be understood within the framework of thinking about the relation of rights and obligations mentioned above.

The main task of the government of the Province of Bali is to provide advice, suggestions, and opinions or consideration regarding issues of custom and local wisdom. This task is also carried out by Regency/City Governments in Bali, as well as various parties, whether individuals, groups, or institutions, not subordinates, but partners with the Regional Government (Provincial Government of Bali as well as District Governments and City Governments in Bali) according to level, in the fields of custom, tradition, culture, socio-religious, local wisdom, and customary economy (Articles 72 and 76 Bali Regional Regulation 4/ 2019). So, even though it was formed by order of the Bali Regional Regulation 4/2019, it is an institution that has independence in carrying out its duties and authorities.

Next, Bali Regional Regulation 4/2019 determines the duties of the Provincial Government for customary villages, namely forming regional apparatuses that handle the affairs of Traditional Villages. This regional apparatus shall be established no later than 6 (six) months after the promulgation of this Regional Regulation. The formation of this Regional Apparatus is by the provisions of Legislation (Article 96 Bali Regional Regulation 4/2019).

Further regulated by Regional Regulation Number 10 of 2016 concerning the Formation and Composition of Regional Apparatuses as amended by the Regional Regulation of the Province of Bali Number 7 of 2019 concerning Amendments to Regional Regulation Number 10 of 2016 concerning the Formation and

Composition of Regional Apparatuses (hereinafter referred to as the Bali Regional Regulation 10/2016). The regional apparatus referred to as the "Indigenous Peoples Promotion Service, Type A administers government affairs in the field of Traditional Village Development in Bali" (Article 3 paragraph (1) letter d number 15 Bali Regional Regulation 10/2016).

Apart from the institutional aspect, the duties of the Bali Provincial Government toward traditional villages can be observed from a budgetary perspective. Article 97 Bali Regional Regulation 4/2019 stipulates that the Provincial Government is obliged to allocate a budget for Traditional Villages in Bali in the Regional Revenue and Expenditure Budget (APBD). In terms of the responsibility of the state, especially the government, the provisions regarding the budget reflect the state's responsibility to fulfill the rights of Traditional Villages by allocating budgets for Traditional Villages.

Traditional Village income is not only in the form of budget allocations in the APBD but also from other sources. Governor of Bali Regulation Number 34 of 2019 concerning Financial Management of Traditional Villages in Bali (hereinafter referred to as Pergub Bali 34/2019). The source of traditional village income comes from: a. the original income of the Traditional Village; b. management results of traditional village padruwen; c. Provincial APBD allocation; d. Regency/City Government assistance; e. Central Government assistance; f. non-binding third-party grants and donations (punia funds); and g. other legitimate Village Customary income (Article 4 of Bali Governor Regulation 34/2019).

Traditional Village income in the form of legitimate Traditional Village income is income obtained by Traditional Village, consisting of: a. stands from Krama Tamiu and Tamiu; and b. the result of cooperation with third parties outside the customary village padruwen. Procedures for collecting and using stands are regulated by the Pararem of the Traditional Village and facilitated by the Regional Apparatus that handles the Traditional Village (Article 13 of Pergub Bali

34/2019).

Making the Pararem for the Traditional Village should be done by involving krama tamiu and tamiu who are the targets of the pararem, especially regarding the size of the stands. So, a public participation or public consultation mechanism is needed in making pararem so that it can support the effectiveness of pararem implementation.

Once again the seat is a mandatory contribution from Krama Tamiu and Tamiu (Article 1 number 22 Pergub Bali 34/2019). Both Hindu Balinese and non-Hindu Balinese are subject to a seat as long as they are krama tamiu and tamiu. Traditional Village Krama are not subject to a seat but is subject to contributions or contributions. Paturunan is the original income of the Traditional Village (Article 4 and Article 7 of the Bali Governor Regulation 34/2019) (in Windia, 2020: 192).

Next, the relationship between the Provincial Government of Bali and Bali can be observed from Article 80 of the Bali Regional Regulation 4/2019 which determines that the Regional Government is obliged to: a. allocate the budget in the Regional Revenue and Expenditure Budget (APBD); b. holding a secretariat, and c. facilitating facilities and infrastructure. What is meant by Regional Government is the Provincial Government of Bali and Regency/City Governments in the Province of Bali (Article 1 number 5 of Bali Regional Regulation 4/2019). So, the obligation to allocate a budget, procure secretariat staff, and facilitate facilities and infrastructure is borne by the Provincial Government of Bali and the Regency/City Governments in the Province of Bali. Legally, the imposition of this obligation on the Regency/City Governments in the Province of Bali could potentially not be implemented considering that Law 23/2014 has divided the affairs that fall under the authority of the Central Government, Provincial Governments, and Regency/City Governments. Based on the whole description, it is then repeated to emphasize several important statements regarding the meaning of the Traditional Village, the implications of recognizing KMHA, the inauguration of the Traditional Village as KMHA, and the

relationship between the Traditional Village and the Provincial Government of Bali.

First, etymologically the term adat village is formed from the word "village" which comes from Sanskrit and means an area or part that is independent or autonomous, and the word "adat" which was originally said to come from Arabic which dares to custom and then it appears that the word adat comes from Sanskrit which means immaterial. From an intangible meaning, it develops into managing society. Etymologically, an adat village means an autonomous region that regulates its citizens, both non-material and material. Legal terminologically, the meaning of customary village is found in Article 1 number 8 of the Bali Regional Regulation 4/2019 which reveals the distinctive elements of customary law community units in Bali, namely the existence of a sacred place bond (kahyangan tiga or kahyangan desa). The village kahyangan includes the village temple, Puseh temple, and Dalem temple.

Second, regarding the recognition of KMHA, specifically regarding the existence of a set of customary law norms, the state must acknowledge its existence in the state legal system, on one hand, and it is a right for KMHA to enforce the set of customary law norms, on the other hand. In the implementation of customary law norms, which are rights and also have obligations in them, namely the obligation for customary law community units to maintain their customary law so that: a. does not conflict with human rights; and b. accordance with and not contrary to laws and regulations. The consequence of not fulfilling this obligation is in the form of a lack of recognition of the enforceability of customary law.

Third, there are 3 (three) models for strengthening customary law community units, namely: a. model Regional Regulation which is stipulation (beschikking); b. model regional regulations that are regulatory in nature (regeling) in which there is a stipulation article (shirking); and c. model Regent/Mayor Decree (beschikking). The strengthening of traditional villages as customary law community units in Bali is in the second model.

Fourth, the relationship between the Traditional Village and the Bali Provincial Government must be within the framework of the KMHA recognition relation, that the Bali Provincial Government respects, protects and fulfills the rights of traditional villages and their existence as KMHA in Bali, on the one hand, and on the other hand, Traditional Villages have a position to demand respect, protection, and fulfillment of the rights of Traditional Villages and their existence as KMHA in Bali.

Talking about Bali, people usually remember and at the same time mention the existence of its people who are mostly Hindu, its strong customs and customary laws, its unique culture, and famous tourist attractions in Indonesia and the world. Rarely mention the Traditional Villages in Bali, the Provincial Government of Bali, Parisada Hindu Dharma Indonesia (PHDI), the Council of Trustees of Traditional Institutions (MPLA), the Council of Traditional Villages (MDP), and (). Even though in reality the coordination between the Provincial Government of Bali, PHDI, MPLA, MDP, and MDA plays a very, very strategic role in efforts to strengthen Traditional Villages in Bali and promote Balinese culture. If the Province of Bali is known as a tourist attraction in Indonesia and even in the world, it is none other due to good coordination between elements of the institution or institutions.

Regarding the uniqueness of Balinese culture, there is no need to mention and exaggerate, because it is not the monopoly of Bali but "belongs" to Indonesia. Judging from the aspects of ethnicity, custom, and culture as well as religion, Indonesia is a country with a pluralistic society. This pluralism is not by design, but by the grace of God Almighty. Therefore, it must be maintained and cared for properly by all components of the Indonesian nation and society. One of the components of the nation that is still intact and has shown its ability to maintain pluralism in the struggle to build the nation and state is the customary law community unit which in Bali is called the Traditional Village.

Understandably, the existence of the Customary Law Community Unit (KMHA) in Indonesia cannot be ruled out because it is protected by the

constitution. That the State recognizes and respects its existence. This recognition and respect are stated in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. "The state recognizes and respects customary law community units as long as they live by the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in the law - law", it reads. KMHA in Bali is called Desa Adat which still exists and plays a major role in efforts to preserve and strengthen the implementation of Hindu religious teachings as well as the uniqueness of Balinese customs and culture. What is meant by Traditional Village is "a unit of customary law community in Bali that has territory, position, original structure, traditional rights, own wealth, traditions, social manners of the social life of the community from generation to generation in the bond of a sacred place (kahyangan tiga or kahyangan desa), duties and authorities as well as the right to regulate and manage their household. (Article 1 number 8 of the Bali Provincial Regulation on Traditional Villages in Bali).

This main spirit is by Article 18B paragraph (2) of the 1945 Constitution which states that "The state recognizes and respects customary law community units along with their traditional rights as long as they are still alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia which regulated in the law." This means that the existence of customary law community units must still be recognized and given guarantees for their survival within the Unitary State of the Republic of Indonesia. Likewise, Article 281 paragraph (3) of the 1945 Constitution emphasizes that: "Cultural identity and traditional community rights are respected by the development of times and civilization".

Traditional village regulations in Bali are prospective, even progressive. Some of the main points and principles that have just been regulated in the Regional Regulations on Traditional Villages in Bali, among others, are as follows.

- 1) Change of name from Desa Pakrama to Desa Adat, with the affirmation in

Article 101, that "all documents proving ownership of assets (padruwen) that were previously in the name of Desa Pakraman are declared to remain valid as documents on behalf of Desa Adat by the name Desa Pakraman stated in the document." In addition, for the first time, an existing Traditional Village is recognized and established as stated in the Appendix which is an integral part of this Regional Regulation on Traditional Villages in Bali (Article 99).

- 2) Position of Traditional Villages in the Province of Bali (Article 4) - not in the Regency/City area as stipulated in Article 5 of Law Number 6 of 2014 concerning Villages. This is based on the philosophical considerations that Traditional Villages in Bali are a cosmological unit of Balinese nature, sociologically it is factual that several areas of Traditional Villages are located across districts/cities, many of which overlap (in and out of each other) regions, krama (traditional people), and domicile of manners; and the law is also Balinese customary law, so it must be managed in a unified area so that Balinese custom becomes a strong identity unit.
- 3) Traditional villages have the status of legal subjects in the government system of the Province of Bali (Article 5), in the sense that traditional villages in Bali have the same rights and obligations as other legal subjects, and can act independently both inside and outside the court.
- 4) Traditional Villages are categorized into two, namely Old Traditional Villages (Bali Mula and Bali Aga which generally existed during the Ancient Bali period, before the Majapahit era ruled Bali starting in the 14th century) and Apanaga Traditional Villages (generally Traditional Villages that existed after the Majapahit era in Bali, including the new Traditional Village). The old customary village is characterized by a collective government system (ulu apad) which is determined based on the line of descent or in order (ririgan, ketekan). In this regard, traditional villages that are included in the category of old traditional villages are given full authority to carry out organizational and institutional arrangements following the original arrangement, as well as local dresta (Article 53).
- 5) Indigenous Villages are explicitly stated to have 15 main tasks (Article 22), 13 authorities based on origin rights (Article 24) and 14 customary village-scale local authorities (Article 25), which substantially confirms that traditional villages in Bali are in authority/authoritative over their territory/wewidangan and therefore also have the authority to participate in making decisions and carrying out developments in customary village wewidangan
- 6) Making the Traditional Village an institutionalization of the Balinese people's life order by Sad Kerthi's local wisdom.
- 7) 2 clear arrangements regarding the category of Krama along with their respective swadharma (obligations) and swadikara (rights), which consist of Krama Desa Adat, namely Balinese Hindus who are MPIL and registered in the local Traditional Village; Krama tamiu, namely members of the Balinese Hindu community who are not Mipil but are registered in the local Traditional Village; and Tamiu, namely people other than Krama Desa Adat and Krama Tamiu who are in Wewidangan Desa Adat temporarily or live and are registered in the local Desa Adat (Articles 8-9).
- 8) Changes in the status of rights and functions over the land of the Adat Village must be made based on an agreement through the relevant Paruman Desa Adat/Banjar Adat (Article 11).
- 9) Clarify the categories and governance of customary law) (Articles 13-20) as

- well as governance of the Traditional Village Government which consists of Prajuru, Sabha Desa, and Kertha Desa (Articles 28-42).
- 10) Traditional Village Heads or other designations are chosen by the Customary Village Krama using deliberation for consensus (Article 29 paragraph (2)).
 - 11) Prajuru Desa Adat can appoint general administrative and financial staff as needed (Article 29 paragraph (7)).
 - 12) Traditional Villages have Traditional Institutions which include: Paiketan Stakeholders; Serati Paiketan; Paiketan Wredha; Pacalang; Yowana Traditional Village; Paiketan Krama Wife Traditional Village, Pasraman; and Sekaa and other Customary Institutions (Article 43).
 - 13) Traditional Villages organize Hindu religious education in the form of Pasraman, starting from kindergarten/PAUD to tertiary level, which can obtain education budget assistance in the APBN from the Ministry of Religion of the Republic of Indonesia and the Regional (Provincial and District/City) Government APBD. Pasraman is needed for the development of identity, moral integrity, and the quality of competency of Krama Desa Adat (Article 50).
 - 14) regulate Padmwen and Utsaha Traditional Villages. Padruwen Traditional Village includes all assets belonging to the Traditional Village, both immaterial and material. Utsaha Desa Adat consists of Labda Pacingkreman Desa (LPD) in the financial sector, and Baga Utsaha Padruwen Desa Adat (BUPDA) in the real sector, which is regulated by separate Regional Regulations and established a separate authority institution that functions to carry out guidance and supervision of the Balinese traditional economy (Articles 55-63).
 - 15) Land belonging to the Traditional Village is registered in the name of the Traditional Village land and Padruwen Traditional Villages that do not have a commercial function are exempt from the tax burden (Article 58).
 - 16) The Regional Government can grant assets belonging to the Regional Government in the Traditional Village of Wewidangan to the Traditional Village (Article 56).
 - 17) Regulating the Traditional Village Expenditure and Income Budget which includes: revenue share; part of spending, and financing of Traditional Villages. The Revenue Budget for the Traditional Village comes from (1) the original income of the Traditional Village; (2) the results of the management of Traditional Village Padruwen; (3) the allocation of Provincial Regional Revenue and Expenditure Budget; (4) Regency/City Government assistance; (5) Central Government assistance; (6) non-binding third party grants and donations (punia funds); and (7) other legitimate Village Traditional income (Articles 64-71).
 - 18) The budget for Traditional Villages from the Provincial Government is allocated directly by the Regional Apparatus Organizations that handle Traditional Villages, no longer through Special Financial Assistance (BKK) to Desa Dinas (Article 68).
 - 19) Change of name of the Pakraman Village Council (MDP) to (MDA), each of which is at the Provincial, Regency/City, and District levels. MDA according to the level is formed directly by the Traditional Village-not a representative. Provincial MDA in resolving traditional speeches/cases is final and binding (Articles 72-79).
 - 20) The Provincial Government is obliged to allocate a budget in the APBD for Traditional Villages and Villages, organize MDA secretariat staff, and facilitate MDA facilities and infrastructure (Article 80).
 - 21) Arrangements for the relationship and

- cooperation of the Traditional Village with other Traditional Villages, Villages/Kelurahan, and other parties in the authoritative, coordinative, and consultative categories (Articles 81-86).
- 22) The Provincial Government forms a Regional Apparatus Organization that specifically handles the affairs of Traditional Villages (Article 96). This regional apparatus organization has been formed under the name of the Indigenous Peoples Promotion Service based in the Province of Bali.
- 23) For the first time, the existing Traditional Villages totaling 1,493 Traditional Villages are recognized and stipulated directly in this Regional Regulation, the names of which are included in the Appendix to this Regional Regulation on Traditional Villages in Bali, according to the serial number of the respective District and District (Article 99).).
- 24) All documents proving ownership of assets (padruwen) that were previously declared in the name of Pakraman Village remain valid as documents in the name of Traditional Villages by the name of Pakraman Village listed in the document (Article 101).
- 25) Land and Padruwen Traditional Villages that do not function commercially are exempt from the tax burden by the provisions of the Laws and Regulations.
- 26) With the enactment of the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, the Bali Regional Regulation Number 3 of 2001 concerning Pakraman Village, is repealed and declared invalid (Article 102).

The Regional Regulations on Traditional Villages in Bali were formed by the provisions of Article 236 paragraph (4) of Law Number 23 of 2014 concerning Regional Government, that Regional Regulations can contain local content material by statutory provisions. This means that the region as a single unit of society that has autonomy has the authority to regulate and manage the area according to the aspirations and

interests of the people as long as it does not conflict with the national legal order and the public interest. To provide wider space for the regions to regulate and manage the lives of their citizens, the Central Government in forming policies must pay attention to local wisdom, and vice versa, the Regions when forming Regional policies both in the form of Regional Regulations and other policies should also pay attention to national interests. Thus a balance will be created between national interests that are synergistic and still pay attention to conditions, peculiarities and local wisdom in the administration of the government as a whole. This shows clearly that although it is realized that in a unitary state, there needs to be homogeneity, the Unitary State of the Republic of Indonesia still provides recognition and guarantees for the existence of customary law community units and their traditional rights.

Based on the authority regulated in the provisions of Article 236 paragraph (4) of Law Number 23 of 2014 concerning Regional Government, the Regional Regulation on Traditional Villages in Bali also defines Traditional Villages in Bali differently from the definition of Traditional Villages in Article 1 point 1 of the Village Law. In Article 1 number 1 of the Village Law, it is stated that "Villages are villages and traditional villages or what is called by other names, hereinafter referred to as Villages are legal community units that have territorial boundaries that are authorized to regulate and manage government affairs, the interests of the local community based on community initiatives. , origin rights, and/or traditional rights that are recognized and respected within the system of government of the Unitary State of the Republic of Indonesia".

The Regional Regulation on Traditional Villages in Bali defines in Article 1 point 8, "A Traditional Village is a unit of customary law community in Bali which has territory, position, original structure, traditional rights, own assets, traditions, manners of the social life of the community from generation to generation. hereditary within the bounds of a holy place (kahyangan tiga or kahyangan

desa), duties and authorities as well as rights to regulate and manage their household".

The phrase "in Bali" in the title of the Regional Regulation on Traditional Villages in Bali emphasizes that Traditional Villages in Bali have specificities and/or differences compared to Traditional Villages in other regions in Indonesia, and therefore the definition of Traditional Villages in Bali is different from the designation of Traditional Villages in the Village Law. . The most principle specificity and/or difference is that the Traditional Village in Bali has social life manners of the community that have been passed down from generation to generation in the bonds of sacred places (kahyangan tiga or kahyangan desa).

The existence of traditional villages in Bali cannot be separated from one traditional village to another. They are diverse in one unit (bhinneka Tunggal Ika). As a form of diversity, the Traditional Village grows and develops according to the rules of Mawacara Village (the dynamics of interaction between village/space, time/time, and palm/person). However, as a form of unity, they are bound in a single cosmological conception of Kahyangan Jagat Padma Bhuwana which is united by a single ulu unit: Besakih Temple as phallus (Purusha) and Ulun Danu Batur Temple and Beratan as yoni (Pradhana). This bond of one cosmological conception of unity was later called Bali Mawa Cara. What is meant by "Bali Mawacara" is the similarity of customary law and/or dresta that applies in Bali (Sastra Dresta and Loka Dresta), both written and unwritten. As for what is meant by "Mawacara Village" is customary law that applies only in the local Traditional Village (Dresta Village), both written and unwritten.

The logical consequence of the diverse conception of "Mawacara Village" in a single "Bali Mawacara" unit is the implementation of governance of Traditional Villages in Bali at two levels, namely: (1) governance of Traditional Villages at the micro-level (micro-governance) in each Village Adat in Bali which is based on the diversity of "Mawacara Villages" now totals 1,493 Traditional Villages throughout Bali; and (2) governance of traditional villages at the supra-village level (macro-governance) which is based on the

singularity of "Bali Mawacara" which is currently represented in the regional regulations for traditional villages in Bali (MDA) Bali as a single organ starting from MDA at the provincial level, Bali, MDA at the Regency/City level, and MDA at the Kecamatan level (Chapter XII, Articles 72-80). Linear and consistent with these two levels of governance, Article 4 of the Regional Regulation on Traditional Villages in Bali stipulates that a Traditional Village is domiciled in the province of Bali. This is based on the reality of the Traditional Village as a cosmological unit of Balinese nature which is socio-religiously bound to the Heaven of the Universe, especially Pura Agung Besakihs as purusa (masculine/mother power). Apart from that, geographically several areas of the Traditional Village are also located across districts/municipalities, as well as Krama's mobility and domicile which are unavoidably intersecting (overlapping). This confirms that Balinese Adat should indeed be managed in one unified area of Bali, and cannot be managed partially per district/city area, so that Balinese Adat becomes a strong unit of identity for the Balinese people. It is appropriate that the legal family of traditional villages in Bali is also called Balinese customary law.

With the stipulation and promulgation of the Regional Regulations on Traditional Villages in Bali, this means that in Bali officially a co-existent dual system applies, namely an official system based on citizens as residents and a collective customary system based on customary Village manners. This co-existent dual system is Balinese local wisdom that should be appreciated and maintained for its continuity and sustainability.

The existence of the Traditional Village in the constitution of the Republic of Indonesia has a very clear position in which the traditional village is recognized as a customary law community unit that is sheltered by the state as stipulated in the 1945 Constitution. This is related to the principle that in a unitary state, all state affairs are not divided between the central government and regional governments so state affairs in a unitary state remain unanimous and are held by the central

government. Law is a reflection of history for the formation of a nation, the development of a country can be described in line with the development of its legal system by observing the legal system, and the intellectual, social, economic, and political conditions that are in the midst of society can be observed at the same time. This shows that the law has a close relationship closely related to the condition of the community where the law is enforced. According to Ranto Lukito, it has become a general belief that law has a close relationship with the ideas, aims, and objectives of the community in which it is implemented. paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Given the existence of Article 18B paragraph (2) which regulates the recognition of the existence of indigenous peoples units apart from the arrangements regarding the division of Indonesian territory based on Article 18 paragraph (1), it can be said that the position of the village of 4Ratno Lukito, the Sacred Law and Secular Law, (Tangerang: Pu staka Alvabet, 2008), page 1. are outside the composition of the Unitary State of the Republic of Indonesia which is only divided into provincial areas and provincial areas are divided into regency/city areas.

Legally reaffirmed that customary villages are recognized as independent based on their rights of origin so that they are allowed to grow and develop outside the structure of the State. This is strengthened by the principle of recognition, in which the village is recognized by the state as a government organization that already existed and was carried out in indigenous peoples' units before the birth of the Unitary State of the Republic of Indonesia. This shows that as a unit of indigenous peoples, the village is recognized by the State as the smallest unit of government and contributes to the formation of the State so that the village is allowed to grow and develop outside the composition of the State. In Indonesian society, three normative traditions are well-known in their legal culture, including indigenous customary law, Islamic law, and Dutch civil law. These three normative traditions have made Indonesia familiar with legal pluralism, namely the condition in which residents know and practice more than one

applicable law. Among the three normative traditions. It is the law of Dutch inheritance that dominates the legal system in force in Indonesia. Dutch law or what is often referred to as modern law which is now in effect in Indonesia is a new thing. Long before the Dutch colonial era, community units in Indonesia already had traditional customs that were continuously maintained and believed to be able to create harmony in society. These habits are the embryos of the birth of customary law. As a country that has hegemony in language, ethnicity, culture, and religion, Indonesia is a very interesting place to be the object of customary law research.

Customary law is a tradition that continues to be carried out by indigenous peoples and is formed from normative values that are rooted in society and fulfill a sense of justice and harmony in society. Based on Ter Haar's opinion which later gave birth to decision theory (Besslisinger), customary law is defined as a decision of legal officials, both village judges, village councils, religious officials, and also village officials who have authority and are obeyed immediately by the customary law community. The decisions of the village officials also have spiritual (magical-religious) values and also have societal values which then live and grow amid society. Indigenous peoples are an autonomous community unit, that inhabits a territorial area where they regulate their life systems, develop, and are cared for by the community itself. Indigenous peoples are community groups that have ancestral origins, have been hereditary inhabit certain geographical areas, and have their value system, ideology, economy, politics, culture, society, and territory. (Hendra nurtjahjo and Fokky, 2010: 10 7).

Applying customary law values. How is a law very closely related to the government system, law, and government both aim to integrate and direct people's lives by legal ideals so that as an area that continues to maintain the preservation of customary law, Tanah Karo also has a unique and neat customary government system The existence of the traditional village of Dokan provides a different atmosphere at the level of the

traditional village government system in Bali, which does not occur as in other regions in Indonesia. The Balinese Traditional Village seems to be a unique formula for the village government system. Adat is appropriate in other regions that run the adat village government system. Along with this, Bali runs the service government system.

IV. CONCLUSION

Traditional villages in Bali have much uniqueness, one of which is related to their leadership structure. Even though the names are the same as the traditional village, when viewed from the governance structure there are many differences from one another, this is caused by depending on the identity of the traditional village itself. Traditional village leaders in Bali are generally called Prajuru Desa, Jro kubayan, or other names. Prajuru of the Traditional Village, if in awig-awig awig, serves as the administrator of the Traditional Village. For example, in the wig-a-wig customary village of Kubu, Bangli district, the problem of perjury is contained in the sukerta for the management of the Pawongan Palette 2. Indik Prajuru Lan Dulun Desa, Pawos 10. Desa Pakraman Kubu Kaenter Antuk Bandesa. Meanwhile, in the Tenganan Pagringsingan Traditional Village, as contained in the Decree (MDA) of the Province of Bali No. 086/SK/MDA-P Bali/2021) Regarding the establishment and recognition of Prajuru Traditional Village of Tenganan Pagringsingan, Manggis District, Karangasem Regency, Bali Province in 2021, the apparatus of the Traditional Village is called the Paduluan. Whereas in the Bali Regional Regulation No. 4 of 2019 ((Article 1 Number 15. According to Article 29 of the Regional Regulation on Traditional Villages in Bali 2019, Prajuru Traditional Villages consist of:

1. Bandesa Adat or other names;
2. Patajuh Bandesa Adat or Pangliman or other names;
3. Panyarikan or clerk or other designations; And
4. Patengen or Mercury or other names

In this study, the differences in the structure of traditional village leaders can be described in two types, namely the traditional village version

of the leadership structure of the Bali Aga traditional village and the version of the Balinese Majapahit traditional village. The Bali Aga traditional village referred to in this study is the Tenganan Pagringsingan Traditional Village, Manggis sub-district, Karangasem district, and the Batur Traditional Village, Kintamani Bangli, representing the Bali Aga Traditional Village. Meanwhile, the Kubu Traditional Village, Bangli District, Bangli Regency, and Karangasem Traditional Village, Karangasem District, Karangasem Regency, represent the Balinese Majapahit/apanage traditional village. Bali Aga traditional villages are found in the mountainous areas of the Bangli, Karangasem, Tabanan, and Singaraja districts. Regarding the term Bali Mula Traditional Village or Bali Aga, Balinese customary law experts still do not have an agreement as a unified word term for the name of the Traditional Village whether it is Bali Aga/Bali Mula, Bali Apanaga, and so on. In this research, the name used for the term Balinese Traditional Village as it is found in the area mentioned above is the Bali Aga Traditional Village. Meanwhile, villages other than Bali Aga Village are called Bali Apanaga. The existence of the Traditional Village in the constitution of the Republic of Indonesia has a very clear position in which the traditional village is recognized as a customary law community unit that is sheltered by the state as stipulated in the 1945 Constitution. This is related to the principle that in a unitary state, all state affairs are not divided between the central government and regional governments so that state affairs in a unitary state remain unanimous and are held by the central government. Law is a reflection of history for the formation of a nation, the development of a country can be described in line with the development of its legal system. which is closely related to the condition of the community where the law is enforced. According to Ranto Lukito, it has become a general belief that law has a close relationship with the ideas, aims, and objectives of the community in which it is implemented. B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Given the existence of

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