

# Exploring the Indigenous Wisdom Reflected in Customary Sanctions in Tenganan Pegrisingan Village

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**Abstract:** The traditional village of Tenganan Pegrisingan Bali cannot be separated from its customs and habits in conducting social relations, which are reflected in the "wig-a-wig," the basic rules governing the order of community life, including the relationships between humans, humans, and the environment, and humans and their God. Violations of customary rules can disrupt the balance in either real or intangible ways, leading to sanctions being imposed on violators to restore the balance. This study aims, among others, (1) To find out how to classify customary violations in Tenganan Village. (2) To find out how to classify sanctions for customary violations in the Tenganan Village community. This study is a sociological, legal research project (also known as empirical legal research). The approach used is a descriptive-analytical approach. The types of data used are primary data and secondary data. The data collection technique is by interview. The results of the study show that in Tenganan village, there is a classification of customary violations and forms of sanctions outlined in the wig-a-wig, and they are very effective because they are rules that have been agreed upon for generations to achieve true harmony in life.

## 1. Introduction

Indonesia was born and developed from its diversity, which is a key factor in its national cultural wealth.<sup>1</sup> Dynamic social relations and interaction between different ethnic groups are crucial in the process of national integration for the Indonesian nation, which comprises various customs and traditions. Each tribe and its customs have its own unique culture, yet they are unified in a harmonious tone of unity.<sup>2</sup>

In the association between the various members of society, it is possible to have friction and problems, especially in terms of life competition, which is part of human nature, to maintain exist-

<sup>1</sup> Article 32 of the 1945 Constitution, reads; "The state advances Indonesia's national culture in the midst of world civilization by guaranteeing people's freedom in maintaining and developing their cultural values".

<sup>2</sup> The Indonesian nation is a nation based on a very strong ideology, namely Pancasila, one of the derivatives of which is *Bhineka Tunggal Ika* which means different but one. This philosophy has permeated the soul of the Indonesian people, who despite being different but still one in togetherness.

tence as beings who have ideals and desires to improve their quality of life, which in achieving it is not uncommon to be contrary to the interests and existence of other individuals, which then occurs what is called social conflict and legal problems because they have harmed the rights of others or the right of unity of Indigenous peoples<sup>3</sup>, which occurs in a customary village, which is a territorial unit where its citizens jointly conceptualize and activate religious ceremonies to maintain the sanctity of the village. The sense of unity as a resident of the customary village is related to the existence of the village Karang (village territorial area), the awig-awig of the customary village (the system of village rules with its implementing regulations), and the kahyangan tiga temple (three village temples as a system of places of worship for the residents of the traditional village).<sup>4</sup>

To avoid these social conflicts, rules and guidelines are needed that are rooted in the community's culture, known as customary law.<sup>5</sup> This customary law serves as a living benchmark to maintain harmony that is mutually beneficial to all parties, especially in preserving the values of local wisdom.

Of the many diversity that exists in Indonesia, Bali is an island with a myriad of characteristics, both in terms of beautiful natural order filled with places that can be an attraction for tourists to visit, from those who enjoy natural tourism, or for those who do have certain goals such as trade cooperation, and so on. Although the people of Bali are multi-ethnic, with differences in religion, ethnicity, and socio-cultural backgrounds, in reality, people from outside Bali can establish harmonious relationships and create harmony with the predominantly Hindu indigenous Balinese people.<sup>6</sup> In Bali, there is an indigenous community called the Tenganan Pegringsingan, located in Manggis District, Karangasem Regency, which is interesting to study and research because the people remain loyal to and uphold the values and customary systems that have been passed down from generation to generation, and are still maintained and preserved to this day.

As usual, in every interaction and social relationship, there are often legal issues, so laws that stem from the community's wisdom, both civil and criminal, apply. The resolution of problems and enforcement of all customary violations are sought to be resolved through the customary process. If, however, no common ground is reached in the customary settlement process, the matter will only be resolved through state law. Thus, in practice, the settlement of customary violations is rarely resolved through formal legal processes but rather through informal channels, namely the processing of enforcement and resolution of legal problems through customary channels, which are chosen by the parties involved in legal cases.

In Tenganan Pegringsingan, based on an explanation submitted by one of the Customary Daily Administrators (Keliang), the Indigenous people in Tenganan Pegringsingan are subject to and obey the main rule called awig-awig, which is a benchmark of behavior, which is written in palm leaves that until now continue to be kept in Bale Agung, using the Sanskrit language and only issued

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<sup>3</sup> Fitriati Fitriati, "Karakteristik Penyelesaian Tindak Pidana Secara Informal Melalui Peradilan Adat," *Jurnal Media Hukum* 24, no. 2 (January 1, 2017), <https://doi.org/10.18196/jmh.2017.0092.164-171>.

<sup>4</sup> I Gusti Gede Raka, "Desa Adat Dalam Arus Administrasi." Denpasar. Lembaga Pengkajian Budaya Bali. 1955.

<sup>5</sup> Van Vollenhoven defines customary law as a whole of positive rules of behavior that on the one hand have sanctions (therefore it is law) and on the other hand is not codified, meaning that it is not written in the form of a certain legal book". In Van Vollenhoven's definition, it is seen that the rules of behavior that have sanctions are called customary law, while rules of behavior that have no sanctions, if they are not followed or violated, are called customs or customs. Because in everyday conversation for customary law, the term customary is often used, while for customs, the term customary is also used.

<sup>6</sup> Suhardi et al., "Corak Dan Pola Kehidupan Sosial Budaya Di Daerah Perbatasan Suatu Studi Tentang: Pelestarian Batas-batas Etnik Di Gilimanuk". Jakarta. Eka Putra. 1994.

during certain ceremonies which are done once a year. In the awig-awig, there are several articles made by the previous ancestors based on the sense of justice and propriety that lives in the Tenganan community, which concerns the relationship between krama (members of the pakraman village) and God, between fellow krama, and between krama and their environment, which in these main rules, is determined regarding the classification of customary violations and their sanctions, which until now have been enforced to maintain harmonization living by sticking to local wisdom.<sup>7</sup>

Awig-awig is an original customary rule that is binding; however, its exact origin is unknown, nor is the precise time when it began to be established and enforced. However, what is clear is that awig-awig is an ancestral relic, which is inherited from the previous generation and applies across generations. The source formation of awig-awig comes from various rules, norms, customs, and values inherited from their ancestors, which are compiled and mutually agreed upon through deliberations or customary sessions called *gundem*, which are organized by the awig-awig Customary Institution which is a legal product of traditional organizations made through deliberation and consensus, to regulate certain issues to maintain order and security in people's lives. For example, in the case of customary forest management, the use of awig-awig is intended as an effort to create harmony among human relationships, with others, with gods, and with nature.<sup>8</sup>

Every violation of the laws and customary rules in Tenganan Pegringsingan Village always has sanctions applied, such as not selectively cutting, for example, the violation of customary rules regarding the picking of village-prohibited fruits, namely durian, teep fruit, pangi, and tingkih. Those who violate it can be subject to customary sanctions, such as paying a fine or returning several times the amount of fruit picked. If it is not paid, then the person concerned will be expelled from the local customary jurisdiction.

The implementation of customary sanctions in Tenganan Pegringsingan is generally accompanied by a ceremony called *pamarisudhan* or *Maprayascitta*, which serves to neutralize or purify the community and the area where an event or customary violation has occurred. Moreover, the purpose of applying sanctions is not to inflict torture or suffering but rather to neutralize the return to a balanced life in society.<sup>9</sup>

Based on the facts and uniqueness of the customary law system and its classification of sanctions that are still upheld and complied with by members of the Tenganan community, the author is interested in studying more deeply regarding the values of local wisdom challenging the gradation and classification of customary violations and their sanctions which are part of customary

<sup>7</sup> The results of the interview with Tenganan Traditional Leaders (Keliang) Sudarsana, which were conducted at the house of Traditional Leaders, Tenganan Pegringsingan Village, Manggis District, Karangasem Regency, Bali, on June 23, 2019, compare with the results of the Deliberation of the Council of Traditional Institution Advisors (MPLA) Level I Bali, in Muhammad Liwa Irrubai, "Reaktualisasi Awik-Awik Dalam Melestarikan Sosial Budaya Masyarakat Desa Landah Kecamatan Praya Timur Kabupaten Lombok Tengah," *Irrubai | Sosio-Didaktika: Social Science Education Journal*, December 31, 2017, <https://journal.uinjkt.ac.id/index.php/SOSIO-FITK/article/view/7988>.

<sup>8</sup> Edi Muhamad Jayadi and Soemarno Soemarno, "Analisis Transformasi Awig-Awig Dalam Pengelolaan Hutan Adat (Studi Kasus Pada Komunitas Wetu Telu Di Daerah Bayan, Lombok Utara)," *The Indonesian Green Technology Journal* 3, no. 1 (2014), <https://igtj.ub.ac.id/index.php/igtj/article/view/121>.

<sup>9</sup> *Pamarisudhan* or *Maprayascitta* is a form of traditional Balinese purification ceremony (*ruwatan adat*) that functions to neutralize or cleanse both the community and the area where a particular incident or customary violation has occurred. Interview with Traditional Leader of Tenganan (Keliang) Sudarsana, *Ibid.*, and compare with I Made Widnyana, 1992, *Customary Offenses in Development*, Inaugural Professorial Lecture, Faculty of Law, Udayana University, Denpasar, p. 11, in Ida Bagus Sudarma Putra, "Hakikat Sanksi Adat Sangaskara Danda Terhadap Pelanggaran Adat Gamia Gamana," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 4, no. 2 (July 30, 2015), <https://doi.org/10.24843/jmhu.2015.v04.i02.p12>.

law enforcement efforts for the sake of creating harmonization and balance of life in the traditional village of Tenganan Pegringsingan Bali.

## 2. Method

This research is a sociological legal research (empirical legal research), which examines the legal provisions that apply and occur in society.<sup>10</sup> The approach used is a descriptive-analytical approach. The types of data used are primary data and secondary data. The data collection technique is by interview. The interview was conducted with the Customary Daily Management (Keliang). The research site is located in Tenganan Pegringsingan Village, Manggis District, Karangasem Regency, Bali. The analysis of the obtained data employs qualitative analysis techniques, which involve a rational analysis of data using an analytical descriptive pattern.

## 3. Classification of Violations and Customary Sanctions in Tenganan Village, Pegringsingan, Bali

The traditional village of Tenganan Pegringsingan is one of the Traditional Villages, or Bali Aga villages, which refers to the original Balinese villages before the arrival of Hindu influence from Java. This village is located in Manggis District, Karangasem Regency, Bali, and is renowned for its strict adherence to the traditions and customs of its ancestors. The history of this village is closely tied to the legend of Bali Aga and the spread of Hinduism in Bali,<sup>11</sup> according to the explanation from the Sudarsana Traditional Village, which is the Daily Manager of the Tenganan Customs, the origin of the name Tenganan Pegringsingan Village can be connected to the story of a horse's disappearance during the Bedulu kingdom. This kingdom was led by a very powerful and arrogant and arrogant king named Mayadenawa.

During his reign, all people of Peneges Village in the territory of the Beuluk kingdom were prohibited from conducting religious ceremonies or worshipping at Besakih Temple. This situation angered the gods in heaven due to Mayadenawa's behavior. To fight against the very powerful king, Bhatara Indra descended into the world (mercapada). It was in this battle that Bhatara Indra defeated the king of Mayadenawa. The people of Peneges celebrated the victory over Mayadenawa's death. When Bhatara Indra ordered the residents of Peneges to return to worship at Besakih Temple, this victory ceremony was named Asua Medayadnya, a sacrificial ceremony (caru) involving a white-haired horse named Onceswara, which was subsequently lost and found dead. Bhatara Indra knew this situation and said: "Hey.. people of Peneges, don't be sad, even though you found Onceswara's horse dead, I will repay your services. For that I bestow this area upon you. Regarding the area's extent up to the limit where the carcass of Onceswara's horse can be smelled".<sup>12</sup>

Long story short, the blood of this horse was found, which is now considered to be in the area of the traditional village of Tenganan Pegringsingan, Bali. Tenganan Pegringsingan is an area in the form of a traditional village that still holds tightly to the customs and laws of the heritage of

<sup>10</sup> Suharsimi Arikunto. "Prosedur Penelitian: suatu pendekatan praktik". Jakarta. Rineka Cipta. 1992.

<sup>11</sup> Anonim. Desa Adat Bali, "Desa Adat Bali - Sejarah, Budaya, Dan Wisata Desa Adat Di Bali," Desa Adat Bali, n.d., <https://desaadatbali.com/tenganan/profil/4>.

<sup>12</sup> Anonim. The findings of this interview may be compared with the writings of the Balinese Office for the Preservation of Cultural Values (BPNB Bali), "Desa Bali Aga Tenganan Pegringsingan | Balai Pelestarian Nilai Budaya Bali, NTB, NTT," April 15, 2015, <https://kebudayaan.kemdikbud.go.id/bpnbbali/desa-bali-aga-tenganan-pegringsingan>.

our ancestors, namely the Original Bali, also known as Bali Aga. Tenganan Pegringsingan Village is situated in the Manggis District of Karangasem Regency, approximately 80 km from Denpasar City. Geographically, Tenganan Pegringsingan is situated in a location surrounded by several hills, forests, and mountains. The trees in this area are still naturally beautiful, which makes Tenganan village stand out from other traditional villages.

Like other indigenous peoples, the Tenganan traditional village is based on a philosophical concept known as the concept of balance in human life, namely the balance between humans and God, humans and humans, and the balance between humans and nature. Acts of violating customary rules can disrupt the balance, either in real or intangible (occasionally, *niskala*) terms. Thus, it is necessary to make reparation for the violation by providing *pamidanda*.<sup>13</sup> Violation of customary is a unilateral act by a person or a group of individuals that threatens, offends, and disturbs the balance of community life, both material and immaterial, against a person or society in the form of customary unity. Such an action would result in a customary reaction.<sup>14</sup>

According to the results of an interview conducted by the author with a traditional leader (Keliang Adat) Sudarsana on Sunday, June 22, 2019, who is one of the six traditional leaders in the village of Tenganan Pegringsingan, Bali. According to his presentation, in general, the forms of customary violations refer to *awig-awig*, which can be classified as follows: First, violations of prohibitions related to Natural Resources: Prohibitions related to natural resources are such as It is not allowed to cut down forests unless they get permission from the customary village; It is not allowed to cut down trees that are prohibited from being cut down such as Cempaka, durian, jackfruit, it is forbidden to cut down if it is still alive; For dead trees, if they want to be cut down, they must first report to the traditional village head for research; Prohibition of felling living trees, unless they are carried out for building materials for newly married families; Prohibition of selling land to outsiders; several fruits are forbidden to be picked from the tree, namely durian fruit, hazelnut, and can be taken only those that have fallen from the tree.<sup>15</sup>

The two offenses are related to morality, for example, *lokika sangraha* (intercourse based on love between a man and a woman who are both single), *drati karma* (adultery), *Gamia Gamana* (sexual relations between people who are very close by blood), and misconduct (sexual intercourse with animals); Third, customary violations related to property, for example, theft of sacred objects, damage to sacred objects, and others. The fourth is the violation of personal interests, such as *mamisuh* (slander), *mapisuna* (slander), and others; and the fifth is customary violation due to negligence or non-carrying out obligations, such as not carrying out obligations as village *krama* in the form of *ayahan* (obligation to do work for the village) or *papeson* (arunan in the form of goods).<sup>16</sup>

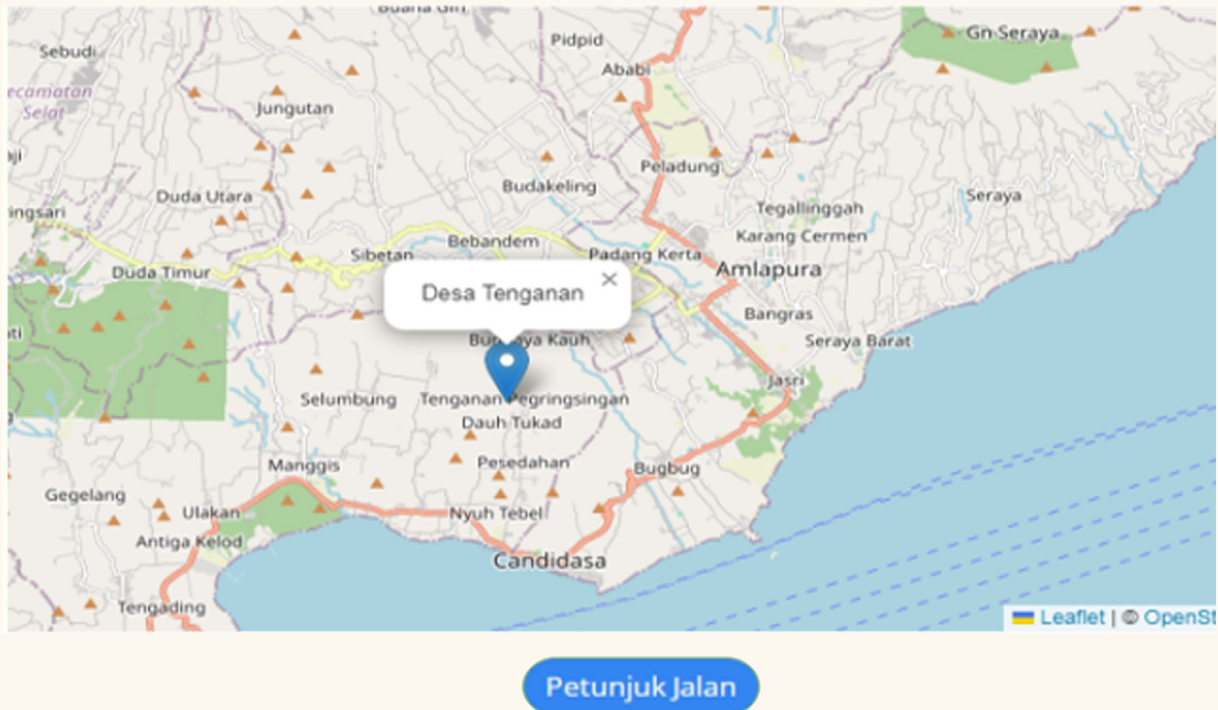
<sup>13</sup> Compare with the review of Ida Bagus Sudarma Putra, "HAKIKAT SANKSI ADAT SANGASKARA DANDA TERHADAP PELANGGARAN ADAT GAMIA GAMANA," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 4, no. 2 (July 30, 2015), <https://doi.org/10.24843/jmhu.2015.v04.i02.p12>.

<sup>14</sup> Bushar Muhammad, "Pokok-pokok Hukum Adat." Jakarta. Pradnya Paramita. 1995.

<sup>15</sup> Results of Interview with Tenganan Traditional Leaders (Kliyang) Sudarsanan, compare with Nyoman Wijana and I Gusti Agung Nyoman Setiawan, "The Utilization of Useful Plant Species Based on Socio-Cultural of Tenganan Pegringsingan Bali Aga Village, District of Karangasem, Bali," *Journal of Physics Conference Series* 1503, no. 1 (July 1, 2020): 012042, <https://doi.org/10.1088/1742-6596/1503/1/012042>.

<sup>16</sup> Ida Bagus Sudarma Putra, *Op. cit.*, h. 321.

The prohibitions contained in the main customary rules, known as awig-awig, reflect the life of the people of Tenganan Pegriingsingan Bali, who have long had rules that are necessary to maintain a harmonious and dynamic community life system. The existence of these prohibitions becomes a guideline for the people in doing or not taking action in the association of Indigenous peoples, the prohibition of doing acts that can harm individuals and groups in local customs, in order to achieve the goal of life with full togetherness, by grounding the values of local wisdom that create an atmosphere of social life that is mutually sharpened, mutual love and nurturing, full of family, sense of togetherness, sense of belonging and others.



Gambar 1

Sumber: <https://desaadatbali.com/tenganan>

#### **4. Forms of Customary Sanctions Against Perpetrators of Violations of Customary Law in Tenganan Village, Pegriingsingan, Bali**

Any violation of customary law that threatens and disturbs the balance of life in customary communion, both material and immaterial, against a person or community in the form of customary unity will subject the perpetrators to customary sanctions. The Tenganan Pegriingsingan community is part of the Bali Aga community, which, in implementing and imposing sanctions on perpetrators of customary violations, has a mechanism that has been customarily carried out and maintained for generations. As with the implementation of customary sanctions in Balinese traditional villages in general, Di Tenganan Pegriingsingan's implementation and imposition of customary sanctions are accompanied by a ceremony of decoration and cleaning called pamarisudhan or Maprayascitta. The Pamarisudhan or Maprayascitta ceremony is a traditional ceremony that serves to neutralize or purify the community and the area where an event or violation of customary law has occurred. This customary sanction is not torture or suffering, but its purpose is to neutral-

ize the return to a balanced life of the community.<sup>17</sup> Sanctions are essentially legal reactions to the actions of citizens who should not be.

According to Keliang Sudarsana's presentation in an interview conducted on Sunday, June 22, 2019, for customary violations in Tenganan Pegringsingan village, sanctions are applied, which are generally customary sanctions aimed at restoring the balance and harmony of the indigenous community and environment. These sanctions range from the lightest, such as warnings, to the heaviest, including expulsion or exile from customary village areas. From the results of the interview, and then associated with customary sanctions that apply in the village of Tenganan Pegringsingan Bali, these sanctions can be classified into five forms of customary sanctions, namely:<sup>18</sup> 1) Customary sanctions are called Dosa/Dedosan, which include warnings, fines, and carrying out tasks ordered by the village, such as searching for palm oil or collecting river stones for the village. In addition, the offender is also required to apologize at Bale Agung during a routine meeting every night; 2) The sanction is called Sikang; that is, the violator is forbidden to enter neighboring houses and village temples and is forbidden to go up to Bale Agung; 3) Sanski, which is called Pening, is not only forbidden to entering neighbors' houses, but the offender is also strictly forbidden to walk in front of the village temples in Bale Agung; 4) Sapasumada's sanction, that is, the violator, should not be addressed or spoken to. If he asks someone else, then he can only answer once. The lecturer can sanction a person who answers more than once; 5) The sanction is called Kesah, which means that the violator is expelled from the traditional village and its surrounding area.

The several sanctions mentioned above, when associated with sanctions that apply in general in the Balinese customary jurisdiction, it can be classified into 3 (three) known as Tri Danda, namely: 1. Arta Danda is a group of customary sanctions in the form of material, namely by paying money or replacing property (material objects); 2. Sangaskara Danda, which involves implementing specific ceremonies to restore magical balance, is a practice rooted in Hindu teachings. The soul of Danda is a group of sanctions in the form of physical and/or spiritual suffering/soul, such as makmaksama, mapilaku, lumaku, mengolas-olas, and nyuaka (apologize).<sup>19</sup>

## 5. The Existence of Customary Sanctions Against Traditioal Violators in Tenganan Village, Bali

According to the Great Dictionary of the Indonesian Language, "existence" refers to the state of being or existence. Customary law is a repository of morality in society, namely the rules of morality whose truth has received general recognition in that society. Therefore, the existence of customary law can be interpreted as the recognition by the community and the state of the role it plays in resolving problems based on habits established informally. The form of state recognition of customary law has been enshrined in Article 18B of the 1945 Constitution of the Republic of Indonesia, which is an amendment to the previous Constitution, which reads, "The State recognizes and respects the units of customary law communities and their traditional rights as long as they

<sup>17</sup> I Made Widnyana, 1992, "Delik Adat in Development", Oration of the Inauguration of Professors, Faculty of Law, Udayana University, Denpasar, p.11., in, Ida Bagus Sudarma Putra, *Op. Cit.*, p, 320.

<sup>18</sup> A.A. Mas Adi Trinaya Dewi, "Penerapan Sanksi Adat Kasepekang Di Banjar Tegal Gundul, Tibubeneng Kabupaten Badung," *Jurnal Komunikasi Hukum (JKH)* 8, no. 1 (January 27, 2022): 28-40, <https://doi.org/10.23887/jkh.v8i1.43871>.

<sup>19</sup> I Made Widnyana, *Op. Cit.*, hal. 320.

are alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated in the Law.”

The state constitutionally recognizes customary law and can be enforced because it embodies the habits and behaviors that reflect the values of the people living in society. This aligns with the Volkgeist Theory, initiated by Friedrich Carl von Savigny, which posits that law is based on the collective spirit (Volkgeist)<sup>20</sup> of the people. This soul varies, both in terms of time and place. The reflection of the existence of these diverse souls is evident in the nation’s rich and varied cultures. This expression also appears in the law, which, of course, is also different in each place and time. Therefore, according to him, it does not make sense to have a law that applies universally and at all times. The law is heavily dependent on the soul of the people, and its content is determined by the social life of human beings over time (history). The law evolved from a simple social structure that reflected the behavior of all individuals to a modern and complex society in which the legal consciousness of the people is reflected in what the legal experts say.<sup>21</sup>

According to this theory, customary law will always exist because it is an expression of a nation’s or society’s collective values and identity. This theory is very relevant when it is related to the fact of the enactment of customary law in Tenganan Pegringsingan Village, Bali, which until now still maintains fundamental values regarding the legal system born from the will of residents with the peculiarities of their customs and social system, which until now are still preserved and maintained as a reflection of the noble soul and will, both about the system of community life. The government regulates the ins and outs of housing and other issues, all of which are outlined in the main rules, known as awig-awig.

As has been reviewed before, in the village of Tenganan Pegringsingan Bali, the rules and provisions of customary sanctions are outlined in a set of rules called awig-awig, where the sanctions are firm, real, and coercive for the violators, and this contributes to the balance of social relations of the community and the environment around the traditional village of Tenganan Pegringsingan. For example, the regulation that contains sanctions for an Indigenous person who picks the fruits of a village prohibition still exists and is applied to violators. For example, in awig-awig, there is an article that contains rules prohibiting the theft or picking of fruit. In Article 5, which has been translated into Indonesian, namely: “And if there is any item of anyone from the village in Tenganan Pegringsingan stealing or picking fruits prohibited by the village, for example, durian fruit, tehep fruit, pangi, tingkih, it is completely prohibited; if someone violates it, it should be fined 2,000 money, the fine goes all to the village. Moreover, if immigrants are looking for work in the Tenganan Pegringsingan village area, stealing or picking fruits prohibited by the village, such as durian, teep, pangi, and tingkih, is strictly prohibited. If there is a violation, a fine of 4,000 should be imposed. The fine goes all to the village. If he does not pay the fine, he will be expelled, and it is forbidden for him to stay in the village area of Tenganan Pegringsingan.

Articles that contain clear and firm sanctions, as mentioned in Article 5 above, have been applied indiscriminately to violators to date, and this has a positive impact on the sustainability and harmony of life, as well as the unity of the local customary law community. The undeniable fact is that local villagers never feel a lack or difficulty in meeting their needs. Daily concerns include the

<sup>20</sup> M. Zulfa Aulia, “Friedrich Carl Von Savigny Tentang Hukum: Hukum Sebagai Manifestasi Jiwa Bangsa,” *Undang Jurnal Hukum* 3, no. 1 (July 7, 2020): 201–36, <https://doi.org/10.22437/ujh.3.1.201-236>.

<sup>21</sup> Lili Rasjidi and Ira Rasjidi. “Dasar-dasar Filsafat Dan Teori Hukum.” Bandung. Citra Aditya Bakti. 2001.

need for clothing and food because the wealth of natural resources is maintained and sustainable.

In simple terms, effectiveness is a measure that indicates how well the targets and goals that have been set have been achieved. In legal theory, the effectiveness of law refers to the theory initiated by Lawrence M. Friedman, which, when associated with customary law, suggests that a legal system relies on the legal culture related to the effectiveness of customary sanctions in society. A more effective effort should be made to utilize the traditions that exist in society as a noble value. In general, law enforcement will not be successful if it is carried out without taking into account or disregarding cultural and moral values. Cultural values play an important role in law enforcement. Law enforcement involves values, ideas, attitudes, and behaviors related to the law. Friedman conceptualized this as legal culture.<sup>22</sup>

Cultural values are found in many indigenous peoples in Indonesia. Thus, the issue of legal effectiveness cannot be seen solely from the perspective of lawmaking and enforcement by formal legal institutions and state organs. In creating effective laws, we must also consider cultural values, which reflect universal principles of justice. The effectiveness of the law is very closely related to the cultural side, the safety of the people as the subject of the law by maintaining local wisdom; because the law is created for the community, then the law is effective if, in the process of making and enforcing, it explores the values of life that arise from the culture and habits of the community itself.

Sanctions, in the customary sense, refer to the reactions and actions taken by community members in response to actions that should not be taken, resulting in the disturbance of harmony in life. This understanding suggests that the term "sanctions" is interpreted more broadly and connotes a complex scope.<sup>23</sup> Sanctions are not only used within the scope of the law but also in other areas, such as education, social, and religious contexts, among others. Customary sanctions or punishments for violations are not limited to decisions by the customary rulers. However, they can also take the form of reproach, exclusion from conversations, non-invitation to ceremonies, expulsion from the community, and so on.

All of these sanctions are a form of social law for anti-social acts according to customary measures. In the Indigenous people in Tenganan Pegringsingan, it has been strongly institutionalized on the belief or belief that every violation that causes a disturbance of the balance of the community that religious ritual efforts have not resolved can be said to be a cause of suffering for the Indigenous people's family. Therefore, the perpetrator of the violation is obliged to carry out traditional rituals that aim to neutralize or restore the balance of the village area from dirty feelings or (*leteh*) so that the measure of the effectiveness of customary sanctions in Tenganan Pegringsingan can be seen from the very low level of customary violations, because for the local community, customary sanctions have a very deterrent effect and fear to commit customary violations, especially for serious violations whose sanctions are expulsion from customary jurisdiction.

The effectiveness of implementing customary sanctions in Tenganan Village, Pegringsingan, Bali, aligns with the Legal System Theory proposed by Lawrence M. Friedman, specifically focus-

<sup>22</sup> Lawrence M. Friedman, "The legal system, a social science perspective." Russel sage Foundation, New York Mariam Webster, 1985, New international dictionary, G & C Mariam Co. Publishers Springfield Mass USA, Hal. 87. In Fitriati Fitriati, "Karakteristik Penyelesaian Tindak Pidana Secara Informal Melalui Peradilan Adat," *Jurnal Media Hukum* 24, no. 2 (January 1, 2017), <https://doi.org/10.18196/jmh.2017.0092.164-171>.

<sup>23</sup> Gede Oka Parwata. "Memahami Hukum Dan Kebudayaan: buku ajar." Denpasar. Pustaka Ekspresi. 2016.

ing on the substance of the law, legal structure, and legal culture.<sup>24</sup> Substance is a rule or legal norm that is a product of law. In Tenganan, Bali has rules that are used as a basis for regulating the lives of its people, which are written and based on the rules contained in awig-awig and customary agreements, likewise, with customary sanctions in the village of Tenganan Pegringsingan, which are legal products that have been complied with and followed by the local community for generations. The legal structure is a tangible element of the law, serving as a framework for the person responsible for implementing customary sanctions or elements of the institution with its various functions, thereby supporting the work of the law. When associated with the structure of customary law in Tenganan village, Keliang, or Customary Daily Management, is one of the elements of the legal structure that can apply applicable legal products. The same goes for legal culture. The implementation of sanctions for customary violations in Tenganan Pegringsingan village is very decisive because, with the legal culture, the way of applying sanctions is an overflow of customs that are generally agreed upon and accepted as customary law by relying on the principle of balance, which is a pattern of how harmonization is created through the relationship between humans and humans. Thus, the sanctions that apply in the village of Tenganan Pegringsingan Bali, as outlined in the awig-awig, embody the culture and consensus that are understood, believed in, and obeyed to maintain a harmonious civilization from one generation to the next.

## 6. Conclusion

The classification of customary violations in the village of Tenganan Pegringsingan, Bali, can be summarized as follows: First, violations of prohibitions related to Natural Resources, violations related to morality, customary violations related to property, violations of personal interests, and customary violations due to negligence or failure to fulfill obligations. For violations of custom, the violator can be subject to one of the forms of sanctions called Lecturer, Sikang, Penging, Sapa-sumada, and Kesah. The existence of customary sanctions rules and provisions in Tenganan Pegringsingan can be seen from the continued enforcement of customary sanctions against everyone who violates customary provisions, which is outlined in a set of rules called awig-awig, which until now have been very effective in overcoming and minimizing customary violations, and can contribute to creating a balance of social relations of the community, and the environment around the traditional village of Tenganan Pegringsingan Bali.

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<sup>24</sup> Lawrence M.Friedman, *Op. Cit.*, h. 87.

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