

# ENTREPRENEURIAL BATTLE OF PUBLIC POLICY IN STRENGTHENING TRADITIONAL VILLAGES IN BALI THE IDEAL OF PANCASILA LAW FROM THE PERSPECTIVE OF CULTURAL STUDIES

I Wayan Wesna Astara, Universitas Warmadewa Denpasar

## ABSTRACT

*The culture in strengthening traditional villages, there is a tug of war between Balinese culture and the politics of state law. The state seeks to save Balinese traditional villages, by producing public policies to defend traditional villages. Behind the state's protection against traditional villages, there is hegemony of traditional villages in the form of the texts of existing articles, and there is even a contradiction between strengthening and state hegemony. The legal culture of Balinese society reflects the culture of deliberation in decision making in traditional villages in Bali. This normatively can be realized in the traditional village awig-awig and based on the Pancasila ideology. The research methodology used is a cultural study which is elaborated with the method of socio-legal law as ontology in the perspective of cultural studies. The results of the study found that traditional villages in Bali have origin rights, have awig-awig, customary village prajuru, own wealth, village Sabha, Kertha Desa as village peace judges as village republic. There is the value of local wisdom Tri Hita Karana, as a philosophy in social religious behavior. This power, by the state, has an interest in being strengthened by the state, but with the addition of the Traditional Village Council Institution at various levels, it is as if the new institution's power is a power, but has hegemonic the traditional village institution into being no longer autonomous. This is a legal political policy that also needs to be studied further for the empowerment of traditional villages in Bali in the future.*

**Keywords:** Pancasila Legal Ideals, Cultural Politics, Traditional Village

## INTRODUCTION

Politics Legal culture in cultural studies can be highlighted from the legal, political, sociological and philosophical aspects, as a critical sociological science. This needs to be dismantled why a public policy in the framework of the idea of strengthening traditional villages can be implemented and/or even the state "could destroy" the existing order, if the state has "other interests" between the traditional village and the state that is not in line/harmonious (non-governmental).

It is clear; the purpose of the establishment of a state based on Pancasila law is social justice for all Indonesian people. The problem is that instead of being in the interests of the authorities to be understood in the legal products they make, are they truly siding with traditional villages in Bali, or is there the power of "other" ideas hidden in the texts of articles that are hidden in the products of the legislation the invitation. (I Wayan Wesna Astara, 2010). The law is interest. In the politics of empowering traditional villages in Bali, there is a meaning that traditional villages in Bali have the right to autonomy, the right to the origin of the establishment

of the traditional village, as a fortress of Balinese culture. It's not enough to have awig-awig and Perarem in managing territory, manners and relationships with their God. The Balinese philosophy of life is governed by the Tri Hita Karana philosophy.

Indonesian independence with the Republic of Indonesia, customary villages are still recognized, but based on Emergency Law No. 1 of 1951, however, laws relating to the kingdom no longer get the attention of customary judges, except for jurisprudence and new paswaras which are the embodiment of legal politics religion during the Dutch East Indies government (I Wayan Wesna Astara, 2010). The Kerta Courts owned by Hindus in Bali and Lombok were also removed/revoked.

When Traditional Villages were under the New Order with the legal umbrella of Law Number: 5 of 1979, concerning Village Government, then customary villages in Bali, there was a legal vacuum in the implementation of Traditional Village Government. In traditional activities, authority is given only in terms of customs, not regulating and managing traditional villages. The Indonesian state has legal politics that can be linked to legal culture.

According to Lawrence Meir Friedman, there are three legal systems, namely: Legal substance; legal structure, and legal culture. In legal culture, it is interpreted as an atmosphere of thought, social power, and that determines how the law is used, avoided or misused. This study also examines the issue of legal politics referring to Utrecht's opinion which says that legal politics is an act of aspires to the law, namely imagining the law, is a political act (daad van rechtspolitiek). This means that legal politics is a "policy" adopted by the state (through its institutions or officials) to determine which laws need to be replaced, or which need to be changed, or which laws need to be maintained, or which laws need to be regulated or issued so that The policy states that the administration of the state and government can take place properly and in an orderly manner so that state goals such as the welfare of the people can gradually and in a planned manner be realized. (Saragih & Bintan Regen, 2006). The relevance between legal culture and legal politics is that there is a tug of war between culture (legal culture) and legal politics, namely what power is to be maintained. Furthermore, in public policy there are four stages related to strengthening traditional villages based on Regional Regulation number 4 of 2019 concerning traditional villages. According to William Dunn (2003), the stages in question are: 1. Knowledge relevant to public policy; 2. the future of policy; 3. Policy action; 4. Policy outcomes and policy performance (William Dunn, 2003)

Based on the thoughts above, the issues of legal culture and legal politics can be formulated as follows: (1) How are cultural politics and the influence of law in strengthening traditional villages in Bali; (2) The Meaning of Political Culture and Law of public policy regarding Traditional Villages in Bali in the dynamics of the Pancasila Law ideals.

## RESEARCH METHOD

According to Barker, the key in cultural studies is choosing a qualitative method that focuses on cultural meaning. The approach, ethnography, is associated with a culturist approach, and the emphasis is on real experience textual approach; and the roots of eclectic theory. The dimensions of cultural political power are dismantled to find sociologically critical cultural functions, in practical reality, socio-legal legal approaches (as ontology) and epistemology can answer the problem of strengthening and/or state hegemony in the practice of public policy products in the dynamics of traditional villages in Bali. Historically, pre-independence, independence (Old Order, New Order, and Reform Order) in the reflection of cultural philosophy (Widnjosoebroto & Soetandyo, 2009).

This research focuses on observations, interviews, and library studies, searching on the internet and criticizing texts in legal products (Regional regulations of the Province of Bali related to traditional villages) which are a serious focus in this study. In the reality of cultural politics associated with the legal politics of state power to hegemony traditional villages, it affects various forms of culture (law), in a public policy in the legal product of the existence of traditional villages in Bali. Cultural studies examine cultural issues in a broad sense (politics, law, economy and ideology) where culture grows and develops. This research focuses on law, especially the struggle for culture (power) and legal politics in the context of public policy in strengthening traditional villages in Bali. The science of cultural studies, and elaborated on empirical legal research. Whereas in empirical law, according to Soetandyo and Widnjosoebroto (2009), that on the first side, law is a norm (statements that have a mandatory substance (sollen); and the second side is law as a *nomos*, or fact (statements regarding the existence or absence of a certain constancy of behavior in a collective life that is factual. The norm is a rule, if the law as a norm is obeyed, it will transform into behavior that is stable in a long period of time, will be understood collectively as a norm (Wignjosoebroto, 2009). The focus of this study, qualitative research through a case study approach the data was collected through a literature study of cultural and legal materials related to the research topic, as well as observation and in-depth interviews with key informants who understood the research topic. The data obtained were analyzed by applying an eclectic theory, namely the Progressive Law theory of Satjipto Rahardjo (2006), "law an institution that aims to lead people to a just life. Prosperous and make people happy. Salmond's Theory of Legal Protection, that the law aims to integrate and coordinate various interests in society, as a result of a traffic interest the protection of certain interests can be done by limiting the various interests of the interests of the other party. Meanwhile, Satjipto Rahardjo (2006) legal protection provides protection for human rights that are harmed by others and that protection is given to the community so that they can enjoy all the rights granted by law (Satjipto Rahardjo, 2000). To elaborate on legal protection regarding the strengthening or state hegemony of traditional villages in Bali, Philipus M. Hadjon's theory of Legal Protection, legal protection is preventive and repressive. Preventive legal protection aims to prevent disputes from occurring; and repressive legal protection aims to resolve disputes that arise based on legal norms and provide sanctions against perpetrators of violators/acts against the law both non-litigation and litigation in public policy in strengthening traditional villages in Bali.

## LITERATURE REVIEW

Writing about traditional villages, there are many points of view that can be discussed, such as Dewa Gede Agung Satria yoga full moon, Traditional Villages in Balinese customary land management based on regional policies, that the results of basic research on ownership of customary land by customary villages have been clearly regulated in a Ministerial Decree. Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 276/KEP-19.2/X/2017 concerning the Appointment of Pakraman Village in Bali Province as the Subject of Joint (Communal) Ownership of Land and the authority of customary villages in managing customary land is regulated in Regional Regulation 4 Year 2019 concerning Traditional Villages in Bali.

Furthermore, Adharinalti, the existence of customary law in the administration of village government in Bali, in her research results explained that the absorption of Balinese customary law in the administration of government in Bali. The traditional village government and its religion have been woven together in the existence of customary law, religion, and culture into a

patterned social behavior. Traditional villages are given limited local authority, for local interests, as long as they do not conflict with state law (NKRI). Based on the results of this study, it proves that it has not touched holistically, from the aspects of culture, law, state hegemony, the existence of power interests that are integrated with legal culture, and power in managing the interests of traditional villages in Bali, which are dismantled and found in this study.

## RESULT AND DISCUSSION

### Cultural Politics and Legal Influence in Strengthening Traditional Villages in Bali

The author's point of view for the analysis of this article states that law is a product of culture. In political reflection, culture has a broad meaning, so according to Geertz's concept, interpret culture with ideological meaning. Cultural politics in the context of cultural studies is that the object of the study can be analyzed. The ontology issues are law, economy, and power or politics. It is clearer when talking about culture in the context of culture, then the form of culture is a) cultural values; b. ideas (ideas); social behavior; and artefacts (physical culture). If this is related to the Balinese Hindu traditional community, then the cultural values developed are the cultural values of Hinduism, the philosophy of Tri Hita Karana, the mutual cooperation system, and the socio-religious organizational system in traditional villages in Bali. Balinese Hindus are bound by cultural values that live in their traditional villages, as long as they are in accordance with the context of the Unitary State of the Republic of Indonesia. In general, the 1945 Constitution allows the dual system of government in Bali to run according to previous traditions (Kingdom, Dutch Colonial Government). The founders of the Unitary State of the Republic of Indonesia were aware of state issues in the context of the newly emerging villages in Indonesia. The dynamics of thinking to allow the two systems of village administration, namely the official village and the traditional village, are poured into an idea that reflects the unity of culture in accordance with article 18, the 1945 Constitution.

Law has become a part of people's lives. Because law is not isolated from society, but has become an integral part of people's lives, legal culture is one element of community culture. The legal system cannot be separated from the political system, economic system, and social system of a society (Luthfi Kurniawan & Mustafa Lutfi, 2017). Related to the politics of legal culture, Bali is unique as a provincial area, has Balinese regional languages, Balinese Hindu culture, traditions, arts provide color in the government system and at the same time public policies that must be considered are traditional villages in Bali as a fortress of Balinese culture. In maintaining and strengthening traditional villages in Bali, when the New Order came to power there was a waning of local power, namely a process of penetration of power, with economic and anti-political myths. The dynamics of village politics are in the form of tug-of-war between the central government and the village government (adat), even traditional villages and the government hegemony, and eliminate them. In the political reality of the New Order law enacting Law Number 5 of 1979 concerning Village Government in Bali, the customary village has not been regulated in it. Except in the response to the general view of the DPRI regarding the Draft Law on Village Administration which was submitted by the Minister of Home Affairs on June 29, 1979 before the plenary session of the DPRI of the Republic of Indonesia, which confirmed the status of traditional villages as follows.

"According to the title of the draft Law on Village Administration, the material of the draft Law only regulates villages from a government perspective, while other aspects, which in this case include traditional villages, will be regulated in separate laws and regulations. Thus, the

right to live in a traditional village does not conflict with the public interest in terms of government” (Margono, 1980).

Implementation of Law Number: 5 of 1979, the derivative of which is Minister of Home Affairs Regulation Number: 11 of 1984, concerning the guidance and development of customs at the Village/kelurahan level related to the implementation of customs in accordance with Articles 1, 4, and 6 as referred to below this:

Article 1, paragraph (a) customs and habits that live and are maintained in the daily life of society in accordance with Pancasila; Article 1, paragraph (b) guidance and development are all activities in the context of maintaining and promoting customs that support the continuity of development and national security and do not conflict with the interests and provisions of laws and regulations;

Article 4: In preserving regional culture in order to enrich the cultural treasures of the nation, government officials at all levels have the obligation to foster and develop their customs that are alive and beneficial in development.

Article 6, paragraph (1), in an effort to carry out the development of customs as referred to in Article 4, the regional government may determine various implementation policies as guidelines for implementing apparatus in the field; Article 6, paragraph (2) implementation policies as referred to in paragraph (1) can be formulated in the form of regional regulations, regional head decisions and other implementing policies in accordance with the conditions of customs in each region.

Based on Article 6 paragraph (2) of this, the Bali Provincial Government responded to issue the Bali Provincial Regulation, Number 06 of 1986. Based on the Hegemony theory, Gramsci, several things can be analyzed related to legal products (public policies) regarding the birth of the Bali Provincial Regulations. Number: 06 of 1986, concerning the position, function and role of the customary village as a unit of customary law community in the Province of Bali. In Article 12, paragraphs (1,2, and 3): (1) the development of traditional villages is carried out by the Governor of the Regional Head; (2) in carrying out the function as referred to in paragraph (1) the Governor of the Regional Head is assisted by the Council for the Development of Customary Institutions and the Implementing Body for the Guidance of Customary Institutions; (3) the structure and composition of the membership of the Assembly and the Implementing Body as referred to in paragraph (2) shall be determined by the Governor of the Regional Head. This article is a new product, to regulate traditional villages through the Council of Trustees of Customary Institutions. Traditional villages, through this institution, can directly regulate cultural politics at the customary village level. Direct regulation is through articles 7, and 8; namely Article 7, paragraph (1) every traditional village has a written awig-awig; paragraph (2) awig-awig customary village may not conflict with Pancasila, the 1945 Constitution and applicable laws and regulations. Article 8, paragraph (1) the awig-awig of the traditional village is made and ratified by the adat village manners; paragraph (2) the awig-awig of the customary village is registered at the office of the Regent/Mayor of the Head of the concerned Level II Region.

In the current era of social change "law is a myth". Built from ideology, idealism, the goals to be achieved, accompanied by movements that are difficult to detect. Its function is as a tool of reform to the goal of fighting for the rights of the little people. Satjipto Rahardjo's, (2006) opinion is that our state of law will be damaged, and it will be a disaster for our nation if the state of law has been reduced to a state of "laws" and it is even more disastrous when it degenerates into a state of procedure. Our rule of law is a big project, a humanitarian and cultural project

(Satjipto Rahardjo, 2006: 121). Here, in identifying the product of public policy regarding customary villages that are given the authority of the state to regulate, it turns out that for the community it is a "burden" because traditional villages already have original rights, original autonomy, not state grants. The Laperera team stated that there was a marginalization of villages under the New Order (Tim Laperera, 2000). Legal politics and legal culture occur. There is a tug of war between the interests of law and culture (power) in making legal products. It is answered that law is a cultural product (I Wayan Wesna Astara et al., 2020)

In the 1998 Reformation era, there was political turmoil in Indonesia when the New Order regime was brought down, so legal politics, and legal culture in Bali in managing traditional villages, changed. Balinese people and Balinese culture are an integral part of the political interests of the party winning the election in Bali. PDI-P promulgated the right of initiative through the Bali DPRD, that public policy by issuing Bali Provincial Regulation Number 3 of 2001, concerning Pakraman Village, changed the "name of customary village" in Bali Provincial Regulation Number 06 of 1986. In Article 7, paragraph 2: Prajuru Pakraman villages are selected and or determined by the Pakraman villages according to the rules set out in the awig-awig of each Pakraman village. Then there is a design for the establishment of the Pakraman village assembly, in accordance with Article 14: the Pakraman village assembly consists of: a) the Main Assembly for the Province is domiciled in the provincial capital; b) the Madya Assembly for a regency/city domiciled in a regency/city; c) The Village Council for the District is domiciled in the District city. Article 16, paragraph (2) Pakraman Village Council has the authority; paragraph (b) as mediator in customary cases that cannot be resolved at the village level. In this case, there is a problem that should be resolved by the Pakraman Village Council, so that the realm goes into litigation.

The political dynamics of legal culture in the management of traditional villages in Bali in the victory of the PDI-P, especially in public policy have been designed to build Balinese culture in legal politics. The role of law in maintaining Balinese culture is very important to ensure that Balinese culture will survive with the protection of the law. Cultural values are explored in Balinese cultures which are then poured into legal products. Traditional villages in Bali are deemed necessary to be protected in legal products with various aspects of socio-cultural dynamics, politics, economy, and traditional institutions. Whereas traditional villages that have grown and developed for centuries and have original rights, traditional rights, and genuine autonomy rights to regulate their own households, have contributed greatly to the survival of people's lives in the nation and state (Bali Provincial Regulation Number: 4 In 2019 concerning Traditional Villages, considering (a) Legal protection of traditional villages in Bali with the aim of strengthening traditional villages. Apparently genuine Bali, maintaining the balance of nature, manners, and Balinese culture. Advancing Balinese culture from upstream to downstream which includes, customs, religion, tradition, art, and culture, as well as Balinese local wisdom. In the Bali Governor's program in 2018-2023, legislation in the field of customs strengthens the Kertha Desa Institution, strengthens the system and implementation of customary law (awig-awig and Pararem and Lontar-lontar). .

Strengthening traditional villages in the Bali Province Regional Regulation number: 4 of 2019, concerning traditional villages in Bali, strengthening traditional village government institutions in Article 28, paragraph (2) consists of: a. Traditional village soldiers; b. Sabha traditional village; c. Kertha Traditional village; d. Banjar Adat/Banjar Suka-duka or other designations. Article 29 paragraph (1) traditional village warriors as referred to in Article 28 paragraph (2) letter (a) shall at least consist of: a). Bendesa adat or other designations; b). Petajuh

Bendesa adat or Pangliman or other designations; c). Screening or scribe or other designation; and D). patenten or mercury interpreter or other designation. Article 29, paragraph (2) Bendesa adat or other designations as referred to in paragraph (1) letter (a) are elected by village manners by deliberation and consensus; paragraph (4) The selection of the Bendesa Adat as referred to in paragraph (2) and the appointment of the Prajuru as referred to in paragraph (3) are regulated by awig-awig and/or pararem. Article 26, paragraph (6) carries out the duties and authorities in a collegial collective manner; Paragraph (7) Customary village officers can appoint general administrative and financial staff as needed.

If the author criticizes, article 29, paragraph (2) is chosen by krama by deliberation. Prior to the Bali Provincial Regulation No. 4 of 2019 was issued, then in the Bali Regional Regulation Number 3 of 2001, it does not regulate this Regional Regulation, but is regulated in awig-awig adat village and/or pararem democratically, directly by adat village krama. The Bali Provincial Regulation Number 4 of 2019, regarding customary villages, is strengthened by a Circular Letter of the Bali Province Traditional Village Council, Number: 011/MDA-Prov Bali/XI2019, that the Bali Province Traditional Village Council will issue a recommendation to the Governor of Bali with administrative sanctions to traditional villages that do not meet the provisions of Article 29, paragraph (2). In Law Number: 6 of 2014, concerning Villages.

Customary Village Arrangement; Article 96, the government, the provincial government, and the district/municipality government shall organize the customary law community unit and be designated as a customary village; Article 97, paragraph (1) The determination of the customary village as referred to in Article 96, fulfills the following requirements: (c) the customary law community unit and its traditional rights are in accordance with the principles of the unitary state of the Republic of Indonesia; Article 97 paragraph (4) a customary law community unit along with its traditional rights as referred to in paragraph 1, letter c, is in accordance with the principle of the unitary state of the Republic of Indonesia if the customary law community unit does not interfere with the existence of the Unitary State of the Republic of Indonesia as a political unit and as a unitary state. Laws that: a. does not threaten the sovereignty and integrity of the Republic of Indonesia; and b. the substance of customary law norms is in accordance with and does not conflict with the provisions of laws and regulations. In this context, Pancasila as the state ideology is stated in the awig-awig of the traditional village of Tuban-Kuta in 1993, Article 2, the traditional village of Tuban Kuta, based on: 1. Pancasila; 2. 1945 Constitution; 3. Legislation of the Republic of Indonesia; 4. Hinduism and the philosophy of Tri Hita Karana.

There are pros and cons in the election of traditional village heads in Bali, related to the Bali Regional Regulation Number: 4 of 2019, concerning traditional villages. Bendesa adat Tuban-Kuta, I Wayan Mendra, (author interview on February 11, 2020) said that the selection of Prajuru (Bendesa adat) as kelian in traditional villages in Bali, should refer to Regional Regulation Number 4 of 2019, concerning traditional villages, Article 29, paragraph (2) by deliberation. If it is contradictory, then there will be administrative sanctions against the traditional village, relating to aid funds to the traditional village. The results of the interview with I Made Wena, the Bali Province Traditional Village Council (Interview on March 5, 2020) stated that based on article 29 paragraph (2) the chosen one was the customary village Prajuru, and then from this customary village Prajuru, they chose the customary head/Bendesa in each -each traditional village in Bali. State hegemony in the election of traditional villages from the government through the Bali Province Traditional Village Council, is a "new product" in the

original autonomy of traditional villages in Bali. The form of strengthening is that the State is present in the traditional life of the Balinese people in the interests of the State.

### **The Meaning of Political Culture and Law on Traditional Villages in Bali in the dynamics of the Pancasila Law based on Progressive law**

In the study of legal politics, the sociological approach by studying the Laws and Regional Regulations of the Province of Bali and the law is not only related to the intent or purpose of moral ethics and also not only related to the substance of the law, but there needs to be a study related to how regional laws and regulations are applied in practice. (Achmad Ali & Wiwie Heryani, 2013). Regional Regulation of the Province of Bali, Number: 4 of 2019, concerning Traditional Villages. That the traditional village in Bali lives based on the Tri Hita Karana philosophy with the principle of village, kala, patra based on "mawacara village, mawa tata country". With the principle of a mawa cara village, a mawa tata state, traditional villages in Bali are used to living with the order of indigenous peoples with a steady pattern so that the traditional village is a bulwark of culture, customs, and Hinduism. The results of the study show that Bali has 1,493 traditional villages in 2019. Traditional Village Government in Bali, consists of elements of customary Village Government and decision-making institutions. The traditional village government institutions consist of: (a) traditional village prajuru; (b) Village Sabha; (c) Traditional Village Papers; (d) Banjar Adat / Banjar Suka mourning (Article 28, paragraph (1,2) Bali Provincial Regulation, Number: 4 of 2019, concerning Traditional Villages. Government equipment for the traditional village of Sabha Desa adat, and Kertha Desa (Article 35, paragraph (1), and Article 37, paragraph (1). When Liefrinck was in power in Resident Bali and Lombok, his office was in Singaraja during the Dutch colonial period, the traditional village institution in Bali was called "Dorpsrepubliek" (Republic of the Village). The Village Court whose function was to regulate the balance "religio-magical" in the village If the decision of the Village Court (darpsjustitie) is deemed unfair or the litigants do not accept the decision, then they can make a gradual appeal to the MDA at the sub-district, district and provincial levels (Articles 78, 79 , and 80). Kerta Desa only resolves customary/talkative cases that occur in traditional villages based on customary law (Article 37, paragraph (1). The author's discovery occurs "reincarnation of legal culture" from the aspect of cultural studies and legal science. This legal reincarnation by the provincial government of Bali into legal politics of customary villages in Bali.

The provincial government of Bali produces a legal culture in running the wheels of government. Referring to the opinion of Utrecht who said that legal politics is an act of aspires to the law, namely imagining the law, is a political act (daad van rechtspolitick). This means that legal politics is a "policy" adopted by the state (through its institutions or officials) to determine which laws need to be replaced, or which need to be changed, or which laws need to be maintained, or which laws need to be regulated or issued so that The policy states that the administration of the state and government can take place properly and in an orderly manner so that state goals such as the welfare of the people can gradually and in a planned manner be realized. (Saragih & Bintan Regen, 2006). According to Moh. Mahfud, Md, that in legal politics, first, the development of law which has the core of making and updating legal materials so that they can be in accordance with needs. Second, the implementation of existing legal provisions, including the affirmation of the function of institutions and the guidance and development of law enforcers. Based on this, that legal politics includes the process of making and implementing laws that can indicate the nature and direction in which the law will be built and enforced. The author's view is that legal politics is a process of exploring, discovering, cultural values and or



social, political, economic interests, the parties forming legislation in the context of "engineering" society towards prosperity. According to Didik Sukriono, that the official village government is a real, democratic-autonomous form of government, with its own very strong-rooted traditions and laws, and is relatively independent from "interference" from outside power entities. The issue is very ironic in various policies. more placed as "objects of power" than "subjects of power". In the village government in Bali, there is a dualism of the village, namely the official village and the customary village, which are mutually reinforcing, if the original autonomy is not hegemonized by the state. The state has the function of protecting and developing indigenous values that live in society. Law should show more of its role in the process of implementing development, and that means law is seen as a process, not as a static system (Esmi Warassih, 2005). In the reality of public policy in prescriptive the principle of the rule of law is to serve the interests of society and the nation and become a pillar of democracy for the realization of the welfare of its people, in this case Balinese manners in carrying out Balinese Hindu cultural processions/rituals.

The progressive law-based way of thinking in studying Traditional Villages in Bali, needs to be studied by legal products that are constantly changing and rotating so that the strengthening of traditional villages expected by the government needs to be questioned. The failure to think in forming the Bali Provincial Regulation still follows a positivistic way of thinking. (Satjipto Rahardjo, 2009). This way of thinking by the makers of the Bali Regional Regulation, in the view of positivism. This way of thinking is most prominently used by Judges dominantly in the Court. In the view of legal positivism, law is conceptualized as lawyer's law, in the sense that the law is identical to the law, the legal process must run according to the principle of "rules and logic" (rule and logic) and the law is considered the most capable of bringing order to society. Based on the view of Bernal L. Tanya, that national law is not always compatible with local law in Sabu, which essentially states that national law is a burden (Satjipto Rahardjo, 2007). The issue of traditional villages in Bali is full of dynamics of laws governing the interests of the State or strengthening of Traditional Villages?. Traditional villages are strived to be empowered, both from the interests of the state and the interests of the traditional village itself.

In the current era of social change "law is a myth". Built from ideology, idealism, the goals to be achieved, accompanied by movements that are difficult to detect. Its function is as a tool of reform to the goal of fighting for the rights of the little people. The most recent opinion from Satjipto Rahardjo (2006) is that our state of law will be damaged, and it will be a disaster for our nation if the state of law has been reduced to a state of "laws" and it is even more disastrous when it degenerates into a "state of procedure". Our rule of law is a big project, a humanitarian and cultural project (Satjipto Rahardjo, 2006: 121). Law in relation to culture, that Balinese people / Balinese manners, when can carry out their culture in accordance with beliefs in the form of artifacts, customs and habits of patterned behavior, a system of ideas / or ideas, an ideological idea (Koentjaraningrat, 1996).

The reflection of legal culture in traditional Balinese villages is reflected in the awig-awig and Pararem correspondence. The operation of law in society, as stated by Robert B. Seidmen, always involves social, cultural, economic, and political and so on. All of these powers always work in every effort to function the applicable regulations, apply sanctions and in all activities of the implementing institutions. Thus, the role played by legal institutions and institutions is the result of the work of these various factors (Tim Lapera, 2012). In the text of the articles in the Bali Provincial Regulation Number: 4 of 2019, concerning traditional villages in Bali, the study of legal hermeneutics theory is based on the assumption that the law is essentially the result of

the construction of the makers (authors) who are involved or involved in/ into social processes, namely legal problems. Law is a cultural product that is present in the form of a text which contains meaning and value (Syamsudin, 2012). Articles 60, Customary Villages have *utsaha Desa adat* consisting of: a) LPD; b. BUPDA. Article 62, paragraph (1) BUPDA as referred to in article 60, letter b is a Customary Village Unit in the economic and real sectors; paragraph (2) BUPDA as referred to in paragraph (1) is established, regulated, and managed based on customary law. Paragraph (3) Further provisions regarding guidelines, regarding guidelines, mechanisms and establishment of BUPDA are regulated by regional regulations. Paragraph (3) of this, the provincial government of Bali has not yet issued a regional regulation related to BUPDA.

## CONCLUSION

Law is a cultural product, from this cultural product, the provincial government of Bali in strengthening traditional villages in Bali and/or protecting them from independence/Old Order, New Order, and the Reformation Era. In this case, there is a power relationship between culture and law to strengthen traditional villages in Bali. The form of legal protection and strengthening of traditional villages in Bali is in the form of public policies in the constitution article 18 of the 1945 Constitution. Furthermore, in the changing dynamics of society, there is a relationship between culture and law as a means of maintaining traditional villages as a fortress of Balinese culture, and the law can also engineering the future of Bali, its culture and nature for the welfare of Balinese manners. In strengthening traditional villages in Bali in the context of the Bali Regional Regulation Number: 4 of 2019, concerning traditional villages, Article 29, paragraph (2) the election of the traditional village head or other designations, is chosen by *krama* by deliberation and consensus. The form of strengthening is the traditional village which is already strong based on the right of origin, but the state is present in the traditional life of the Balinese people in the interests of the "ruler" and/or the State.

Cultural practices and power through public policy can be used as a tool for the welfare of Balinese manners or for the benefit of "*power*". That power, trying to maintain and also prosper Balinese manners. Based on the Bali Regional Regulation Number: 4 of 2019 concerning Traditional Villages, namely the texts of Articles 60, 61, 62, if implemented with the Governor's regulations clearly and consistently, the strengthening of traditional villages in Bali becomes a law with cultural meaning. Another thing, being the problem of traditional villages in Bali, regarding the provision of traditional village financial funds from the government, provincial government, district/city government assistance, based on Article 69, paragraph (1,2,3,) this text is a state hegemony in terms of finance , because the customary village has the right of origin which is not a gift from the state. The findings in this study are the occurrence of "legal reincarnation" in practice in traditional villages in Bali which has been running with the spirit of "*ngayah*", without self-interest and the spirit of mutual cooperation and deliberation to reach consensus.

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