

Violations of the Village Endogamy Marriage Tradition in Tenganan Pegringsingan Karangasem Bali

Ni Kadek Murtini¹, Wayan Sukarlinawati²

¹SMA Negeri 1 Tegallalang, Gianyar, Indonesia

²Sekolah Tinggi Agama Hindu Lampung, Indonesia

¹nmurtini86@gmail.com

Abstract

The existence of Tenganan Village as a Bali Aga Village has its own uniqueness compared to other areas in Bali, one of which lies in its marriage system. The ideal marriage system in the Tenganan Pegringsingan community is family exogamy or village endogamy. Regarding the marriage system governed by the traditional village regulations (*awig-awig*), many violations have been committed by the members of the Tenganan Pegringsingan Traditional Village, which poses a threat to the continuity of the customs and traditions of the village in the future. The objectives of this study are: to identify the causes of violations of the village endogamy marriage system in the Tenganan Pegringsingan Traditional Village, to understand the process of imposing sanctions on residents who violate this system, and to analyse the implications of these sanctions on the status and roles of the offenders within the village. This article uses a qualitative approach to gather data from various sources relevant to the research needs. Interviews with community leaders from the Tenganan Pegringsingan Traditional Village revealed that the causes of violations of the village endogamy marriage system are psychological and environmental factors. Violations of the *awig-awig* result in the following sanctions: exclusion from the village's communal activities (*mekrama*), relocation to Banjar Pande, and fines imposed on the violators' parents. The implications include differences in status and roles within the community. Residents who are not members of the *krama desa adat* (traditional village community) lose their rights within the traditional village. The uniqueness of the Tenganan Pegringsingan Traditional Village, which sets it apart from other villages in Bali, deserves attention from policymakers to ensure that the traditional values and cultural heritage of the village are preserved.

Keywords: Village Endogamy Marriage; Awig-Awig; Violations; Customary Sanctions

Introduction

Tenganan Pegringsingan Village is located in Manggis Subdistrict, Karangasem Regency, Bali Province. The Tenganan Pegringsingan Traditional Village is part of the administrative area of Tenganan Village, which functions as a government village encompassing three traditional villages, 1) Tenganan Dauh Tukad Traditional Village, 2) Gumung Traditional Village, and 3) Tenganan Pegringsingan Traditional Village (Monograph of Tenganan Traditional Village). Tenganan Pegringsingan Village is one of the Bali *Mula* Villages, often referred to as Bali Aga Villages. This village is renowned for its traditions that differ from those commonly found in other parts of Bali. According to Danandjaya (in Suyoga, 2019), the Bali Aga community represents the Balinese people who were not influenced by Majapahit culture. Furthermore, as noted by Korn in Kardinal et al., (2019), Balinese villages can generally be categorized into two types based on their location: Balinese Villages located in mountainous area (*Desa Bali Pegunungan*), also known as *Bali Mula* or *Bali Aga* Villages, and Balinese Villages located in lowland area

(*Desa Bali Dataran*). The Bali Aga Villages are categorized as the earliest settlements in Bali, predating the villages located in the lowland areas. The Bali Aga communities are predominantly situated in mountainous regions with smaller populations compared to the lowland Balinese villages. In contrast, Lowland Balinese Villages (*Desa Bali Dataran*) display more physical variation and exhibit more visible pre-Hindu (Hindu-Balinese) characteristics.

Lowland villages are considered younger than Bali Aga villages, geographically located in the southern plains of Bali, and showcase influences from Hindu-Javanese (Majapahit) culture. Observations indicate that the Bali Aga Villages place great importance on preserving their traditions and continue to adhere to lifestyles based on *awig-awig*, or customary village regulations, passed down from their ancestors. This preservation is evident in physical aspects such as building design, size and layout of residential compounds, arrangement of structures, and placement of sacred sites or temples, all constructed according to customary rules that have been maintained over generations. The uniqueness of Tenganan Pegringsingan, as one of the Bali Aga Villages, is distinct compared to other regions in Bali.

One notable feature is the village's traditional marriage system, which is idealized by the local community. The preferred marriage practice in Tenganan Pegringsingan involves family exogamy or village endogamy. This means marriages occur between mature men and women who are not related by blood but must belong to the same traditional village of Tenganan Pegringsingan. Marriage within the Tenganan Pegringsingan community can take place between families within the village, but only among those without familial ties. Thus, the marriage system practiced in Tenganan Pegringsingan is a village endogamy system, ensuring that marital bonds strengthen the internal unity of the traditional village while maintaining the distinct heritage of the Bali Aga community.

Khalid (2023) states that endogamy marriage is a type of marriage practiced by specific groups, characterized by diverse purposes, implications, and patterns, as well as unique traits aligned with the goals of the community practicing such a system. If violations occur in the implementation of this endogamy marriage system, sanctions are imposed by the community as a means of preserving the tradition that has been passed down through generations. In cases of violations or defiance of the village endogamy practice, offenders face penalties that vary depending on the nature of the infraction. These sanctions may include losing their rights and responsibilities within the traditional village, being exiled from the village, or being excluded from becoming a core member (*krama inti*) of the traditional community.

Such consequences arise due to the individual's failure to adhere to the customary village regulations (*awig-awig*) in choosing a life partner or spouse. Rachman as cited in Negara (2022) explains that endogamy marriage involves choosing a life partner from the same clan or ethnic group and prohibits selecting a spouse from a different clan or ethnic group. This practice is closely linked to kinship systems and lineage. However, the village endogamy system in Tenganan Pegringsingan Traditional Village specifically refers to marriages occurring within the same community, but only between individuals without familial or blood relations. Such endogamy aims to preserve the natural wealth of the region and maintain the community's cultural identity and traditions.

Violations of the established marriage system as outlined in the village's *awig-awig* (customary regulations) are subject to customary sanctions. Observations and interviews with local community leaders indicate that breaches of these regulations do occur, posing a threat to the continuity of the traditions and customs of Tenganan Pegringsingan. One notable example is the increasing instances of violations against the

village endogamy marriage system. To protect and preserve their cultural heritage, the traditional village enforces penalties for those who contravene the *awig-awig*. These regulations encompass societal, environmental, and religious obligations for community members, along with prohibitions and corresponding sanctions.

Customary laws, considered sacred, are essential to sustaining the cultural and social fabric of Tenganan Pegringsingan. Despite this, maintaining adherence to these laws remains an ongoing challenge. Observing this, the researcher became interested in studying one of the issues in Tenganan Pegringsingan Traditional Village, specifically regarding violations of the marriage system, an area that has not been specifically examined before. There has been considerable interest in the unique aspects of Tenganan Pegringsingan, with several studies conducted on various topics. For instance, Nampu (2022) explored Exploring the Uniqueness of Tenganan Pegringsingan Tourist Village. His study highlighted the housing model in Tenganan Pegringsingan, where the houses share a similar structure, creating a uniform appearance in the village.

Prabawa (2024) also examined the uniqueness of the village in his study titled The Uniqueness of Tenganan Pegringsingan Village, Not Adopting Patriarchy, Men and Women Have Equal Rights, Including Inheritance. One of the focuses of this study was to compare the inheritance system in Tenganan Pegringsingan with the broader Balinese custom. In Tenganan Pegringsingan, both male and female children are considered equal heirs, whereas in most other Balinese inheritance systems, only male children are granted inheritance rights. These studies reveal various distinctive elements of Tenganan Pegringsingan, but the issue of violations against the village's marriage system remains an area that has not yet received focused attention, prompting further exploration. Observing these studies has led the researcher to become interested in researching issues related to the efforts of preserving local customs.

Method

The methodology used in writing this work consists of the following steps, 1) Used Qualitative Approach, a research method that uses descriptive data, such as both spoken and written language, obtained through interviews with key figures, specific individuals, or participants who are observed. The goal is to gather data from various sources that are relevant to the researcher's needs. 2) Identifying Informants: Identifying informants involves purposive sampling, developed using the snowball technique. In this research, the researcher collects data from several informants, including village officials, community leaders in Tenganan Pegringsingan Traditional Village, and residents of *Banjar Pande*. 3) Data Collection Approach: During the data collection process, the researcher employs several techniques such as: direct field observation, interviewing selected sources, gathering written references like journals, comparing the research findings with similar works, and consulting relevant books. 4) Data Analysis Technique: The data collected is then analysed to draw conclusions and insights. 5) Writing the Research Results: The final step is to organize and present the research findings in the form of an article or written work.

Results and Discussion

1. Married System in Tenganan Pegringsingan Traditional Village

a. Village Endogamy Married System

The village endogamy marriage system is an idealized system practiced by the community in Tenganan Pegringsingan Village. According to Goode (2007) in Haes, (2019), the practice of endogamy marriage occurs within local groups or residents, but without blood relations. In the social system of Tenganan Pegringsingan, village

endogamy marriage is defined as an internal village marriage system, where marriages occur between members of the same traditional village. The aim is to maintain or even increase the population of the core community members (*krama inti*) or the original community members (*krama asli*) of the traditional village. This effort is a means for the people of Tenganan Pegriingsingan to preserve the local wisdom that has been practiced for thousands of years.

This aligns with Haes (2019), who states that the purpose of this marriage system is to protect the rights and obligations of the local community. For example, it ensures that land ownership and residential areas in Tenganan Pegriingsingan remain under the control of the local community and are not acquired by outsiders. In the village endogamy system, the process of finding a marriage partner occurs within one's own social environment, which includes close family relations, such as relatives, clans, or the local social class. The purpose of this marriage system is to ensure that wealth and resources are preserved and enjoyed by the community itself, while also strengthening the existence of the local indigenous group or residents.

Endogamy is a tradition that has persisted to this day. The village endogamy marriage system is essentially not in conflict with general marriage principles. However, with the development of society and civilization, such a pattern is increasingly threatened, as it may be violated by members of the community or even abandoned, as it is perceived to restrict freedom, particularly in choosing a life partner. Nevertheless, Yogantara (2018) states that the endogamy marriage system in Tenganan Pegriingsingan Traditional Village remains deeply ingrained among its people. It has gained trust and holds a significant place within the community, helping to strengthen the unique identity of the Bali Aga Village. The marriage system idealized in Tenganan Pegriingsingan Traditional Village differs from the general marriage system in Bali. In the community of Tenganan Pegriingsingan, marriage holds significant meaning because, by adhering to the *awig-awig* (traditional village regulations), the number of sacred community members (*krama suci*) of the village increases. Additionally, marriages that comply with the *awig-awig* help strengthen family ties and relationships within the village. However, it is also possible for members of Tenganan Pegriingsingan to practice village exogamy, which is marrying outside the traditional village. This is allowed if the individual meets the following criteria: they must be from certain groups, such as *Pasek*, *Bendesa*, *Tri Wangsa*, and *Ngis* Village community members.

This allowance represents a reform or improvement of the *awig-awig* in Tenganan Pegriingsingan, which has been in effect since 1925, as explained by local community leader Wayan Yasa (61 years old). The reason for permitting marriages with individuals from these specific groups is because their descendants hold special roles and functions within Tenganan Pegriingsingan. This village has 10 specific groups of people considered to be original descendants, each with particular roles or positions, including, 1) *Sang Hyang* Group, as religious ceremony leaders, 2) *Batu Guling Maga* Group, as organizers and executors of religious ceremonies, 3) *Embak Buluh* Group, as forest guardians, 4) *Prajurit* Group, as warriors or village guards, 5) *Pasek* Group, as religious leaders and politicians, 6) *Bendesa* Group, as community leaders, 7) *Ijeng* Group, as religious ceremony leaders, 8) *Batu Guling* Group, as forest guardians, 9) *Pande Besi* Group, as makers and suppliers of tools, agricultural implements, household items, weapons, gold, silver, etc.

10) *Pande Emas* Group, similar role to *Pande Besi*, specifically related to gold. Out of these ten groups, three have merged, including the *Batu Guling Maga*, *Pande Besi*, and *Pasek* groups. Therefore, seven groups still persist to this day. This was explained by local community leader Wayan Yasa (61 years old). For young married couples who have

wed according to the *awig-awig* of the traditional village, they must establish their own family and move out of their parents' house within three months or even longer, depending on the stipulated time frame. They are free to choose a location or vacant land within the traditional village to build their new home and family. The land they receive from the traditional village is typically 3 *are* in size.

In addition, they are granted a special right known as *Hak Tumapung*, which allows them to cut trees for the purpose of building their house (Sumunar et al., 2017). This is also confirmed by Made Ariani (60 years old), whose child recently married under the village's endogamous system. Shortly after the marriage, her child was given land to establish a household and received the *Hak Tumapung*. For men in Tenganan Pegringsingan Traditional Village, if at any point they become widowers, they will lose their status as members of the traditional village community (*krama desa adat*). However, this status can be regained if they are able to marry a girl from Tenganan Pegringsingan Traditional Village.

b. The Role of *Awig-awig* in Regulating the Marriage System

According to Rindawan (2017), *Awig-awig* refers to the rules that govern the members of a community, ensuring a life that maintains the sustainability and cultural traditions of society. These rules are created and agreed upon by members of the traditional village to serve as a guide for everyday life. *Awig-awig* usually regulates the duties of community members in performing their roles as citizens of the traditional village, as well as the rights they have as part of that community. It functions by providing boundaries and guidelines regarding what is permissible and what is not, as well as determining sanctions for those who violate the agreed-upon rules.

Rasta (2018) also mentions that life guidelines are often referred to as norms, which provide directions on what actions are good and bad. The rules that exist in the regions of Bali are often contained in the *awig-awig* of traditional villages. These *awig-awig* serve as a guide for traditional village members in Bali to regulate their community and establish order, tranquillity, security, and peace in social life. In efforts to organize life within the traditional village and its various activities, traditional villages in Bali have *awig-awig*, which may be written or unwritten. These *awig-awig* contain prohibitions and obligations that must be followed by the members of Tenganan Pegringsingan Traditional Village. The implementation of *awig-awig* is based on traditional and religious values.

The rules concerning the endogamous marriage system are part of the *awig-awig*, reflecting the desire of the community to preserve the existence of their traditions from the pressures of outside cultures. The rights obtained by the community members of Tenganan Pegringsingan Traditional Village are as follows:

- 1) Rights as members of the community/village: These include the right to occupy the village's common land (*karang desa*), use burial land, and access certain facilities, such as those used for ceremonial purposes.
- 2) Rights as village community members (*krama desa*): These include the right to obtain the yield from the village's communal land, with distribution organized according to established regulations.
- 3) Rights for village officials: These individuals are entitled to receive land and produce from the land to ensure that they can carry out their duties effectively.

In addition to these rights, the members (*krama*) of Tenganan Pegringsingan Traditional Village also have the duty to comply with and implement the *awig-awig* (traditional regulations) of the village. The village strives to regulate the traditional marriage system according to the *awig-awig* agreed upon by its members. The regulations governing marriage in Tenganan Pegringsingan Traditional Village include the following prohibitions:

- 1) No marriage with blood relatives, such as with cousins (*misan*) or relatives from the parents' side.
- 2) No marriage with someone from outside the village, except for those from the *Pasek*, *Bendesa*, *Tri Wangsa*, and residents of *Desa Ngis*.
- 3) No polygamy
- 4) No divorce
- 5) Couples must be *medeha* (eligible for marriage) and *meteruna* (unmarried).

These rules have been established and agreed upon by the community members and must be followed. If the *awig-awig* or regulations are violated, the offender will face customary sanctions, which may include expulsion from the *krama* (community) of Tenganan Pegringsingan Traditional Village, loss of inheritance rights and obligations, fines imposed on the parents of the violator, and if the violation is deemed serious, the violator may be relocated to *Banjar Pande*.

2. The Emergence of Violations of the Village Endogamy Marriage System

As a Bali Aga village with its own unique characteristics that distinguish it from other villages in Bali, Tenganan Pegringsingan Traditional Village attracts outsiders who are eager to learn about and understand these unique features. As a result, contact and interaction occur between people from outside and the community of Tenganan Pegringsingan Traditional Village. These interactions can influence the knowledge and mindset of the people of Tenganan Pegringsingan Traditional Village. The factors that influence the shift in the mindset of the people of Tenganan Pegringsingan Traditional Village, especially their views on violations of the endogamous marriage system, are as follows:

a. Psychological Factors

Marriage is influenced by psychological factors, including mutual affection and attraction, which lead to the desire and intention to marry and build a household. According to Fauzi (2018) psychology is closely related to social interaction within the community, focusing on thinking patterns and behaviours in social life. Psychology remains an essential element in human activities within their social environments, families, and even within the individual person itself.

b. Social Interaction

In the current era of globalization, it can be said that humans live in a modern age, where there have been numerous changes and shifts, particularly in values and the patterns of human life in society (Herawati et al., 2018). Tenganan Pegringsingan Village strives to preserve the traditions inherited from their ancestors. However, the rapid pace of globalization and modernization has caused social interactions to expand, which consequently impacts the thought patterns and actions of the people of Tenganan Pegringsingan Traditional Village

c. Educational Factors

Education and culture are closely related, as the educational process is a part of culture. Education is one of the most effective ways to preserve and maintain culture. According to Rusdiansyah in Fahira et al., (2023), education aims to preserve and enhance culture through the process of passing it down to the next generation as a legacy of values that can influence the fate and civilization of a nation. Education is an important effort to continue and pass on positive aspects that can provide understanding to the community regarding the preservation of certain local cultures. Through education, we can socialize the culture and uniqueness of our region, particularly in Indonesia. This is important because Indonesia is a country with diverse ethnicities and cultures, so through the educational process, the Indonesian nation should preserve existing cultures so that our

country has its own identity, distinctiveness, and character in the eyes of both the people and the world. The understanding of the people of Tenganan Pegriingsingan Traditional Village regarding the importance of education is one of the significant factors influencing their mindset, especially in terms of preserving traditions. One example of this is the tradition of endogamous marriage in the village.

d. Obligations in the Village

The obligations carried by the original inhabitants of Tenganan Pegriingsingan, particularly in *Banjar Tengah* and *Kauh*, can be considered more complicated compared to the rules found in *Banjar Pande*. This complexity could be a factor that leads residents to choose to leave the core community members (*krama inti*).

e. The Weakness of Customary Sanctions

According to Wahyuni (2017), the function of law is as a guide for society to create order and to ensure the maintenance of public order. In fulfilling their diverse needs and interests, humans often experience differing viewpoints that can lead to harm or disrupt the interests of others. To meet their life needs, people use law to regulate and limit behaviour within society, so that individuals do not act solely according to their own will. By enforcing laws or rules, it is possible to prevent harm and avoid disrupting the interests of others. Similarly, the people of Tenganan Pegriingsingan Traditional Village have traditional law to regulate their community in order to achieve harmony. However, over time, members of the community have dared to violate the customary law in place, largely due to the weakness of the sanctions imposed on those who violate the rules that have been mutually agreed upon in the village.

3. Customary Sanctions

Atmaja (2023) states that *awig-awig*, as a product of customary law, is born and developed within society. Therefore, *awig-awig* is essential in traditional villages to regulate the community in their daily lives. Rasta (2019) explains that criminal acts in a traditional village are actions that contradict efforts to create harmony, security, order, and to raise the awareness of community members in their behaviour in the village environment, affecting individuals, groups, and even the village leaders. According to Limbong et al., (2021) the imposition of sanctions in customary law or criminal law in Bali holds a very strong position and role in binding its community members, even surpassing the sanctions in national law.

The tradition of parents telling stories, especially about the cultural values idealized in Tenganan Pegriingsingan Traditional Village, is a strategy for learning and passing down the noble values of the local culture. This has been passed down through generations and is deeply embedded in the next generations. The process of socializing these values also takes place when changes occur in the *awig-awig*, as explained by a community leader from Tenganan Pegriingsingan Traditional Village. This village strives to regulate the activities of its community members with *awig-awig*, which is accompanied by the imposition of customary sanctions for those who violate the village's traditional law. In relation to *awig-awig* governing the marriage system in Tenganan Pegriingsingan Traditional Village, any violation of the *awig-awig* will inevitably result in sanctions. Pak Wayan Yasa 61 years old in (2024) stated that the consequences of violating the *awig-awig* regarding marriage or failing to meet the conditions set by the customary village are as follows:

- a. In *awig-awig* article 16, it is stated that villagers who violate the marriage rules by marrying cousins or taking them as spouses should be expelled from the village. They will be prohibited from living in Tenganan Pegriingsingan Traditional Village and from worshipping at sacred sites within the village. However, over time, for humanitarian

- reasons, individuals who violate this rule are allowed to pray at the temples in Tenganan Pegringsingan Traditional Village, but they will not be given the status of members of the village community (*ayahan krama*).
- b. In *awig-awig* article 56, it is mentioned that if someone from Tenganan Pegringsingan marries or arranges a marriage with an outsider, this is strongly opposed by the village. If this happens, the individual will be expelled from the village, prohibited from living in Tenganan Pegringsingan Traditional Village, and will not be allowed to worship at the temples in the village.
 - c. The rights and obligations of the residents of Tenganan Pegringsingan Traditional Village are the same in terms of inheritance, both for men and women. If someone violates the marriage rules in the *awig-awig*, they will forfeit their right to inheritance.
 - d. Violations committed by a young man or woman who marries someone from outside Tenganan Pegringsingan Traditional Village are not only the responsibility of the individual involved, but also of their parents, who will also face fines. This is stated in *awig-awig* article 6, which stipulates that anyone who allows their child or family member to marry outside the village will be fined.

For a young man who takes a wife that does not meet the requirements set by the customary village, especially if the violation is considered severe, such as marrying a widow or marrying someone of a different faith, he must move to Banjar Pande. Meanwhile, a woman from Tenganan Pegringsingan Traditional Village who marries outside the village automatically leaves the village, although her personal relationship with her family is not restricted. If she divorces, she will not be accepted back as a member of the village (*krama desa adat*), but she will be regarded as a *tamiu* (guest). A widow who is considered a *krama tamiu* is not allowed to live with her family as part of the *krama desa adat* (community members of traditional village). However, she is allowed to participate in religious activities within the area of Tenganan Pegringsingan Traditional Village, but her rights and obligations are not the same as when she was still a *deha* (full member of the village).

4. The Process of Imposition of Customary Sanctions

Tenganan Pegringsingan Village has a broad function and authority as an institution that continuously strives to maintain harmony and balance within the village. In addition to its responsibilities in organizing religious customary ceremonies, the customary village institution also acts as a lawmaker, law enforcer, and a pioneer in customary law reform. In carrying out these duties, the customary village always uses the *awig-awig* (customary regulations) as its legal foundation, alongside other rules that, although not written in the *awig-awig*, are still respected and adhered to by the community members. According to information from one of the residents of Tenganan Pegringsingan Traditional Village, Pak Wayan Yasa 61 years old (2024), for those who violate the provisions or *awig-awig* in the traditional village, sanctions may be directly applied to the individual involved. If the fine is in the form of goods or money, it can be paid through the *kelian desa adat* (village head). In carrying out its duties and authority to resolve issues, the traditional village adopts a mediating approach, seeking to correct situations deemed inappropriate and working to create peace, while always adhering to the applicable *awig-awig* in the village. In practice, before Tenganan Pegringsingan Traditional Village brings an issue to a village council or meeting, family-related problems are usually first addressed by the family through a family consultation. This often proves successful and helps the customary village in resolving emerging issues. If the family consultation does not resolve the matter, the village will discuss it in a meeting attended by the *kelian gumi* (village head), who represents the entire community.

The resolution will be based on a consensus agreement to reflect values of justice, compliance, and peace. This is where the *kelian desa* (village head) plays the role of the *Hakim Perdamaian Desa* (Village Peace Judge). The Village Peace Judge is someone who can or is capable of wisely resolving conflicts or disputes among villagers, working toward achieving peace. The process of resolving issues or determining traditional sanctions for villagers who are considered to have violated the *awig-awig* (traditional law) of Tenganan Pegringsingan Traditional Village is handled by the village's customary authorities. The role of the customary village in addressing problems or disputes faced by its members can be approached through several types of meetings, including:

- a. Daily Meeting/*Sangkep Ngelebang Saya* (small meeting), This meeting is held to discuss and resolve the activities that are scheduled to be carried out.
- b. Monthly Meeting/*Sangkep Patipanten*, This meeting is held on the first day of each month to settle issues from the previous month and plan for upcoming activities.
- c. *Sangkep Pasubayan*, This is a special meeting conducted to discuss the implementation of ceremonial or ritual activities.
- d. *Sangkep Merebut Takon/Metambun*, This meeting is held to address problems or disputes faced by the villagers of Tenganan Pegringsingan Traditional Village. It also discusses community collaboration efforts such as *gotong royong* (mutual cooperation).
- e. *Sangkep Megade Takon*, This meeting is convened to reach a final decision when there are unresolved issues or disputes from earlier meetings. It serves as the conclusive meeting for settling ongoing problems.

According to the explanation from Pak Wayan Yasa 61 years old (2024), the process of imposing customary sanctions on villagers who are considered to have violated the rules follows several procedures. Once a decision has been made regarding the violation, only then can the customary sanctions be imposed on the offender. The issues experienced by the residents of Tenganan Pegringsingan Traditional Village, if clearly outlined by the applicable *awig-awig*, will be immediately decided by the *kelian adat* (traditional leader). However, if the issue is unclear and cannot be resolved, it will then be referred to *Luanan* (*Penglingsir/Penasehat*, the advisor). If the *Luanan* is unable to resolve the issue, it will be handed over to *Bahan Tebenan*, the assistant to the *kelian desa adat*. If *Bahan Tebenan* is also unable to resolve the issue, a reassembly will be held with the participation of six *kelihan gumi* (community leaders). The final step, if the meeting does not produce a decision, is to conduct a vote.

5. Implications of the Imposition of Customary Sanctions on the Status and Role of Residents Who Violate the Awig-Awig of Village Endogamy Marriage

According to Dewi (2022), the rules that are created are efforts made by the customary village to provide a deterrent effect or to issue a warning to the community members who are governed by the village's customary regulations. This can be observed from the application of customary sanctions that can issue a stern warning, especially to those who engage in actions that violate the village's regulations. Marriage in Tenganan Pegringsingan Traditional Village significantly determines the role and status of its members in the traditional village. According to Made Ariani, 60 years old (2024), marriage in Tenganan Pegringsingan Traditional Village plays a crucial role in determining the status and position of the village's members. If a member violates the *awig-awig* (traditional regulations) by marrying a widow, marrying someone of a different faith, marrying outside the village for women, or taking a spouse from outside the village for men, then their status and role within the village will no longer be considered part of the core community. In severe cases, such violators may be moved to *Banjar Pande* and lose their rights and obligations within the village.

a. It is placed in Banjar Pande.



Picture 1. *Banjar Pande* Area

Source: Personal Documentation (2024)

The residential areas in Tenganan Pegringsingan Traditional Village are divided into three traditional area (*banjar*), namely:

- 1) *Banjar Kauh*
- 2) *Banjar Tengah*
- 3) *Banjar Pande*

Banjar Kauh and *Banjar Tengah* are designated for the core members (*krama inti*) of the Tenganan Pegringsingan Traditional Village, while *Banjar Pande* is allocated for members (*krama*) who do not have rights or obligations within the Tenganan Pegringsingan Traditional Village. *Banjar Pande* is further divided into two sections:

- 1) *Banjar Pande Kaja*, inhabited by residents who are considered to have violated the traditional laws (*awig-awig*) of Tenganan Pegringsingan Traditional Village, such as failing to meet the marriage requirements set by the village or committing other violations. Thus, the residents of *Banjar Pande Kaja* are individuals who were initially sacred members (*krama suci*) of the Tenganan Pegringsingan Traditional Village but were relocated due to previous violations.
- 2) *Banjar Pande Kelod*, inhabited by individuals who are not native descendants of the Tenganan Pegringsingan Traditional Village, consisting of migrant communities who serve as supporting personnel for the village in managing the activities.

b. Loss in Heritage Rights

Suryanata (2021) stated that the customary legal system in Bali is patrilineal, prioritizing the male lineage in inheritance rights. The development of civilization has significantly differentiated the roles of men and women. In various fields such as education, politics, and governance, women now hold equal positions and even play roles equivalent to those of men. Similarly, within the family, women can take on the role of the breadwinner if the man or husband is unable to fulfil his duties and responsibilities. However, in the realm of inheritance law, Balinese society still differentiates between men and women (Sugiantara, 2024). Women are not granted the same rights as men in inheritance matters. From a gender equality perspective, this places women in a lower position compared to men. This situation differs in the context of inheritance rights in the Tenganan Pegringsingan Traditional Village.

According to Mr. Wayan Yasa, 61 years old (2024), men and women in the Tenganan Pegringsingan Traditional Village have equal inheritance rights. There is no distinction in the entitlement to inheritance. However, these rights can be revoked if individuals violate the customary laws (*awig-awig*) of the village. For example, a young

man (*teruna*) from the village who marries someone from outside the traditional village will lose his inheritance rights as a core member (*krama inti*) of the Tenganan Pegringsingan Traditional Village. However, his descendants can regain their inheritance rights within the village if they marry endogamous within the Tenganan Pegringsingan Traditional Village. Similarly, a young woman (*gadis*) from the village who marries outside the traditional village will also lose her inheritance rights.

c. Not Becoming a Core Member of the Village Community (*Krama Desa Inti*)

Residents who marry someone from outside the Tenganan Pegringsingan Traditional Village will lose their status as *krama desa inti* (core members of the village community). Their rights and obligations as *krama desa inti* will be revoked. For women from the Tenganan Pegringsingan Traditional Village who marry outside the village, their inheritance rights will be nullified. In the event of a divorce, their status will no longer be as *krama adat* but will instead be regarded as *krama tamiu* (non-core members). Despite losing their status as core members and their roles or obligations being revoked under customary law, their personal relationships with their families and the community are not restricted. They are still allowed to worship at their family temples and the village temple. Additionally, residents who were previously considered to have violated the *awig-awig* (customary laws) are permitted to visit their families and request certain things (excluding inheritance) from them. However, for future generations, particularly those from Banjar Pande Kaja, no land or residential plots will be provided for establishing a new household or family residence.

Conclusion

The conclusion of the discussion presented above is as follows, Tenganan Pegringsingan Traditional Village is a Bali Aga village that has its own distinct characteristics compared to other regions in Bali. One of these unique features is the village's idealized endogamy marriage system. The rules for marriage in this village are as follows, 1) Marriage with relatives such as cousins, uncles, or aunts is not allowed, 2) Marrying outside the village is prohibited (except for descendants of *Pasek*, *Bendesa*, *Tri Wangsa*, and those from *Desa Ngis*), 3) Polygamy is not permitted, 4) Divorce is not recognized; and 5) Individuals must be in a state of *medeha* (mature) and *meteruna* (youthful), before marriage. Regarding the *awig-awig* that governs the marriage system in Tenganan Pegringsingan Traditional Village, if a violation occurs, the consequences are as follows: 1) Loss of rights and obligations as a core community members (*krama inti*) of the village, 2) Loss of inheritance rights, 3) The parents of the violator will be fined, 4) The violator will not be allowed to participate in religious ceremonies at the village's temple, and 5) In the case of severe violations, the violator will be placed in *Banjar Pande*. Although Tenganan Pegringsingan Traditional Village has made efforts to regulate its community through *awig-awig*, there are still some members who violate these rules. The violations of the marriage system in the village are caused by several factors, including, 1) Psychological factors, 2) Social interaction, 3) Education, 4) Obligations within the village, and 5) Weaknesses in the enforcement of traditional sanctions. The process of imposing sanctions on those who violate the village's *awig-awig* can be carried out through several types of meetings, including: 1) Daily Meetings (*Rapat Harian*), 2) Monthly Meetings (*Rapat Bulanan*), 3) Special Meetings (*Sangkep Pasubayan*), 4) Meetings to Resolve Issues (*Sangkep Merebut Takon*), and 5) Final Decision Meetings (*Sangkep Megade Takon*). In the process of resolving issues, matters are typically first addressed through family discussions. If these discussions are unsuccessful, the issue will then be brought to a village meeting or *paruman*, which is attended by all representatives of the village's community (*krama*), including the *Kelian*

Gumi, Luanan, and Bahan Tebenan. The issue will then be decided by the *kelian* (village leader) based on the *awig-awig*. The implications of imposing sanctions on community members who are deemed to have violated the *awig-awig* are changes in their role and status within the village. The change means that violators will lose their rights and obligations as core members of the village community.

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