

## Reform of Inheritance Rights in Balinese Customary Law: Harmonizing Dharmaśāstra and Gender Justice

I Gusti Ayu Jatiana Manik Wedanti

Universitas Hindu Negeri I Gusti Bagus Sugriwa Denpasar, Indonesia  
ayujatiana@uhnsugriwa.ac.id

### Abstract

Balinese customary law as a living law system plays a crucial role in maintaining spiritual and social harmony among Balinese society. Inheritance regulations embedded in traditional awig-awig were initially patriarchal and often failed to accommodate the inheritance rights of women and adopted children. This study focuses on how the values of Dharmaśāstra are harmonized with the inheritance provisions of desa adat awig-awig in Bali, and to what extent this reformulation embodies substantive justice and the contemporary relevance of customary law. Employing a normative juridical method with statutory, conceptual, and case approaches, this research analyzes the revised awig-awig in Kerobokan, Sidemen, and Gunaksa. The findings reveal a significant transformation, acknowledging women's and adopted children's inheritance rights through the spiritual principle of *adhikāra* and the reinterpretation of *putrikā* and *dattaka* concepts. Such reformulation not only strengthens substantive justice but also upholds the sacred values of Dharma. The study recommends inclusive involvement of customary communities and younger generations in reforming customary law to ensure alignment with the demands of contemporary justice, while preserving spiritual and cultural authenticity. This reformulation provides an important model for other customary legal systems in Indonesia to achieve harmony between tradition and modern legal principles, and contributes practically by offering a framework for inclusive and adaptive customary law development at the national level.

**Keywords: Balinese Customary Law; Dharmaśāstra; Gender Justice; Inheritance Rights; Reform**

### Abstrak

*Hukum adat Bali sebagai sistem hukum yang hidup (living law) memiliki peran fundamental dalam menjaga harmoni spiritual dan sosial masyarakat Bali. Salah satu bentuk pengaturan yang krusial adalah pewarisan yang diatur dalam awig-awig desa adat. Namun, pewarisan tradisional sering kali bersifat patriarkal dan kurang mengakomodasi hak perempuan serta anak angkat. Penelitian ini memfokuskan pada bagaimana harmonisasi nilai-nilai Hukum Hindu dalam Dharmaśāstra dengan ketentuan pewarisan dalam awig-awig desa adat Bali, serta sejauh mana integrasi ini mencerminkan keadilan substantif dan relevansi hukum adat di era modern. Penelitian menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan kasus, didukung analisis kualitatif revisi awig-awig di beberapa desa adat seperti Kerobokan, Sidemen, dan Gunaksa. Hasil penelitian menunjukkan transformasi mendalam dalam aturan pewarisan adat Bali yang kini mengakomodasi hak waris perempuan dan anak angkat melalui prinsip spiritual *adhikāra* serta reinterpretasi konsep *putrikā* dan *dattaka*. Kesimpulan penelitian menegaskan bahwa revisi awig-awig merupakan wujud responsif hukum adat Bali dalam mengadaptasi perkembangan nilai sosial, sekaligus mempertahankan akar filosofis dan spiritualnya. Reformulasi ini menyediakan model penting bagi sistem hukum adat lainnya di Indonesia untuk mencapai keharmonisan antara tradisi dan prinsip-prinsip hukum modern, serta memberikan*

*kontribusi praktis dengan menawarkan kerangka kerja bagi pengembangan hukum adat yang inklusif dan adaptif pada tingkat nasional.*

***Kata Kunci: Hukum Adat Bali; Dharmaśāstra; Keadilan Gender; Hak Waris; Reformasi***

## **Introduction**

The evolution of Balinese customary law has been profoundly shaped by the enduring influence of Hindu philosophical and legal thought, particularly as articulated in the Dharmaśāstra, which serves as a fundamental source of Hindu jurisprudence. One of the most tangible manifestations of this integration is found in the awig-awig (traditional village regulations), which comprehensively govern social, spiritual, and legal aspects of communal life, including inheritance practices. In this context, awig-awig functions not merely as a set of social norms but as a dynamic and living legal instrument that evolves in parallel with the social transformations experienced by indigenous Balinese communities. Historically, Balinese inheritance customs have strictly adhered to a patrilineal system, granting inheritance rights exclusively to male descendants and thereby institutionalizing gender-based discrimination. This patriarchal structure has marginalized women and adopted children, restricting their access to family property and excluding them from fulfilling essential religious and ritual obligations such as maintaining the *sanggah kemulan* (family shrine) and performing *yadnya* (ritual sacrifices), which are vital for ensuring spiritual continuity and family honor. Alongside broader societal changes and heightened awareness regarding gender equity and human rights, there has been a growing call to re-examine and reform these deeply rooted inheritance norms to ensure greater inclusivity and fairness within Balinese customary communities. This momentum has been bolstered by the increasing active participation of women in sustaining family religious duties and their demonstrated spiritual commitment and social responsibility, which have challenged traditional conceptions of rightful heirs.

The *putrikā* concept within the Dharmaśāstra offers a significant doctrinal foundation for appointing daughters as permanent heirs under certain conditions, thus providing a theological justification for including women as legal successors. Similarly, the *dattaka* principle, which accommodates the adoption of children from within or outside the family lineage, opens legal pathways for adopted children to inherit not only property but also spiritual responsibilities. Additionally, the principle of *adhikāra*, which prioritizes spiritual and moral qualifications over mere biological ties, further strengthens the normative basis for reforming inheritance provisions within the awig-awig. Several empirical studies have indicated progressive changes in certain Balinese villages. For instance, Wira Udytama & Dianti (2024) observed that in Karangasem and Tabanan, women have begun to be recognized as *sentana rajeg* or primary heirs. Similarly, Sudantra et al. (2022), in their study of Gunaksa Customary Village, documented the strategic application of the *dattaka* principle to ensure lineage continuity and maintain essential family rituals. Purnamawati et al. (2022) highlighted the importance of village deliberations and collaborations with the Hindu Legal Aid Institute (LBHH) in revising awig-awig to better reflect values of equality and justice.

Philosophically, these reforms are in line with the principle of *ācārah paramo dharmah*, which upholds that customs, as long as they do not contravene dharma, can serve as authoritative sources of law. This reinforces the notion that Balinese customary law is not static but rather a living law capable of continuously adapting to social changes and evolving communal needs. Such reinterpretations demonstrate an ongoing dialogue

between sacred textual norms and practical social realities, resulting in a more inclusive, humane, and equitable legal system. However, despite these promising developments, there remains a lack of comprehensive scholarly analysis that specifically examines the integration of Dharmaśāstra values within revised awig-awig, especially concerning gender justice and equality. Most existing studies focus primarily on descriptive changes or sociological impacts without thoroughly exploring the juridical and philosophical harmonization processes underpinning these legal reforms.

This research aims to fill that gap by analyzing how Dharmaśāstra principles are integrated into the inheritance provisions of Balinese awig-awig and to what extent this integration reflects harmonization between customary law and religious law in matters of inheritance. The central research question posed is: How is the integration of Hindu legal values, particularly those articulated in the Dharmaśāstra, manifested in the inheritance provisions of Balinese awig-awig, and to what extent does this integration embody substantive justice and promote gender equality? The novelty of this study lies in its systematic examination of the reinterpretation of spiritual and legal concepts such as *putrikā*, *dattaka*, and *adhikāra* within the revised awig-awig, which has not been extensively addressed in previous literature. By highlighting this integration, the research not only contributes to academic discourse on customary law reform in Bali but also offers an important model for developing inclusive and adaptive customary legal frameworks across Indonesia, fostering harmony between tradition and contemporary legal principles in a gender-just context.

## Method

This study adopts a normative juridical approach, emphasizing library-based research and analyzing both primary and secondary legal materials (Soekanto, 1986; Marzuki, 2017). Primary sources include the Dharmaśāstra texts (e.g., Manusmṛti, Yājñavalkya Smṛti), village *awig-awig* documents from Gunaksa (2018 revision), Tenganan Pegringsingan (2019 revision), and Kerobokan (2020 revision), as well as Minister of Home Affairs Regulation No. 52 of 2014 concerning the Recognition and Protection of Customary Law Communities. Secondary materials consist of scholarly books and accredited journal articles on Balinese customary and Hindu law, gender justice, and *awig-awig* revisions. The study combines conceptual, historical, sociological, and case approaches to dissect key Hindu legal concepts (such as *dharma*, *adhikāra*, and *ācāraḥ paramo dharmah*), trace the evolution of inheritance patterns, and analyze the socio-cultural contexts prompting legal reforms. The analysis employs a descriptive-analytical method to present and normatively examine legal sources, supported by responsive law theory, gender justice theory, and semi-autonomous social field theory. Focusing on revisions from 2018 to 2024, this research is limited to selected customary villages that have enacted significant reforms, acknowledging that variations may exist in other areas. By clearly defining these boundaries, the study offers a grounded and focused examination of how Hindu legal principles are integrated and reinterpreted to promote inclusivity and adaptivity within Balinese inheritance *awig-awig*.

## Results and Discussion

### 1. Hindu Inheritance Law in Dharmaśāstra

Hindu inheritance law, as outlined in the Dharmaśāstra, particularly in Manusmṛti and Yājñavalkya Smṛti, places a strong emphasis on the preservation of lineage as an essential component of family dharma (Bühler, 1886; Lariviere, 1989). Inheritance is not merely viewed as a formal legal process of asset transfer but also as a crucial means of sustaining religious obligations, including the maintenance of the *sangah kemulan*

(family shrine), the performance of *yadnya* (sacrificial rituals), and the continued veneration of ancestors. The *Manusmṛti* introduces the concept of *dattaka*, allowing for the adoption of a child to serve as an heir in the absence of a biological son (Bühler, 1886). This principle underscores a degree of flexibility in the Hindu inheritance system, enabling adaptations that address specific familial and social circumstances. Similarly, the *putrikā* concept permits a daughter to be designated as a permanent heir, provided she remains within the family line and retains responsibility for upholding family *dharma* (Lariviere, 1989). Meanwhile, *Yājñavalkya Smṛti* highlights the importance of *adhikāra* (spiritual and moral competence) as a fundamental criterion for inheritance rights. Under this framework, legitimate heirs are determined not solely based on blood relations but also on their ability to fulfill familial religious duties and obligations (Bühler, 1886). This perspective creates a progressive opening for recognizing women and adopted children as heirs, as long as they possess adequate spiritual qualifications. Such recognition aligns with the principle of *ācāraḥ paramo dharmah*, which asserts that customs, as long as they do not contradict *dharma*, can serve as authoritative legal foundations (Darmawan, 2013). The theory of responsive law, as articulated by Nonet and Selznick (1978), reinforces this flexibility by emphasizing that law should not be static but should continually adapt to societal moral values and social change. In the Balinese context, while the *Dharmaśāstra* provides the normative foundation, its principles are interpreted and applied in ways that remain relevant to the evolving needs of customary communities (Ambarita et al., 2023). For example, Sudantra et al. (2016) revealed that the *dattaka* concept has been effectively internalized within Balinese customary inheritance practices. In Gunaksa Customary Village, adopted children formally integrated through traditional rituals are granted equal standing with biological children in conducting family *yadnya* and maintaining the family shrine. Furthermore, Purnamawati et al. (2022), in their study published in *Jurnal Preferensi Hukum*, found that the *adhikāra* principle has been implemented in revising inheritance *awig-awig* in Kerobokan Customary Village. In certain instances, women with strong spiritual responsibilities and dedication have been designated as *sentana rajeg* (primary heirs) through family deliberations and *paruman desa* (village assemblies), reflecting traditional Balinese consensus-building processes (Nugraheni et al., 2022).

Moore's (1973) semi-autonomous social field theory further explains how customary villages have the authority to reinterpret *Dharmaśāstra* principles to suit local contexts. Customary villages operate as semi-autonomous social spaces that not only receive external legal norms but also possess the capacity to establish internal rules based on community values and evolving needs (Ketaren & Saptomo, 2024). In the realm of gender studies, Nussbaum's theory of gender justice (1999) supports recognizing women's inheritance rights as a necessary response to substantive justice demands. The *putrikā* concept, as derived from *Dharmaśāstra*, thus opens the possibility for recognizing daughters as legitimate heirs, not merely based on birth but also on their contributions to sustaining spiritual and social continuity within the family. This evidences that *Dharmaśāstra* should not be rigidly interpreted but rather allows for expansive reinterpretation that aligns spiritual principles with contemporary social realities (Chatterjee & Kaur, 2022; Ambarita et al., 2023). Menski (2019), in *The Oxford History of Hinduism: Modern Hinduism*, also emphasizes that Hindu law should be understood as a living law that continually interacts with society. He argues that reinterpretations of *Dharmaśāstra* reflect continuity rather than rupture, enabling Hindu communities to adapt legal principles without losing cultural authenticity. This interpretation underscores the balance between maintaining core religious values and accommodating evolving societal needs (Menski, 2019). Chatterjee & Kaur (2022), in their comparative study of Hindu women's inheritance rights, reinforce this argument, asserting that religious legal

traditions must undergo contextual reinterpretation to fulfill demands of modern gender equality and social justice. They found that embracing flexibility within religious legal frameworks strengthens community cohesion and supports the inclusion of marginalized groups without undermining spiritual integrity. Additionally, the legal pluralism theory explains that multiple legal orders (state, religious, and customary law) coexist and interact, allowing communities to develop hybrid legal solutions responsive to their socio-cultural realities (Benda-Beckmann, 2002; Nugraheni et al., 2022). In Bali, this pluralism manifests in the way *awig-awig* incorporate Dharmaśāstra concepts but adapt them through local interpretations and participatory community processes (Ketaren & Saptomo, 2024). In conclusion, Hindu inheritance law in the Dharmaśāstra is not monolithic but dynamic and adaptable. The concepts of *dattaka*, *putrikā*, and *adhikāra* provide inclusive interpretive opportunities that support the acknowledgment of adopted children and women as rightful heirs. These concepts have been successfully adopted and further developed within Balinese *awig-awig*, resulting in inheritance systems that are contextual, spiritually grounded, and harmonious with the realities of modern Balinese society.

## 2. Inheritance Practices within Balinese Customary Law Communities

Inheritance practices in Balinese *awig-awig* represent a unique set of codified customary laws collectively agreed upon by *krama desa* (customary community members), serving as comprehensive guidelines for regulating social, economic, and spiritual life. In the context of inheritance, *awig-awig* not only determines asset distribution but also emphasizes the spiritual and social responsibilities of heirs in maintaining the *sanggah kemulan* (family shrine), performing *yadnya* rituals, and preserving ancestral connections (Sudantra et al., 2016; Ambarita et al., 2023). Originally, inheritance norms in *awig-awig* followed a strictly patrilineal system, privileging male descendants as sole heirs. However, social evolution, globalization, and heightened awareness of gender equality have urged customary communities to revisit these norms to ensure relevance and alignment with modern justice values (Purnamawati, Astara, & Sukadana, 2022; Nugraheni, Fransiska, & Kusumawardani, 2022). For example, in Kerobokan Customary Village, Purnamawati et al. (2022) documented that women can now be recognized as *sentana rajeg* (primary heirs) if they are considered capable of maintaining the family shrine and performing familial *yadnya*. The socio-economic composition of Kerobokan—marked by tourism-driven economic shifts and increasing exposure to urban norms—accelerated the community’s openness to reform. Revisions were achieved through *paruman desa* (village assemblies) involving elders, priests (*pemangku*), and the Hindu Legal Aid Institute (LBHH), embodying a participatory legal culture that resonates with the principle of responsive law (Nonet & Selznick, 1978). Gunaksa Customary Village, traditionally conservative, implemented revisions in 2018 to formally adopt *anak guna* (customarily adopted children) when no male heirs exist. Sudantra et al. (2016) describe detailed ritual ceremonies that not only legitimize these adopted children socially but also integrate them spiritually as equal participants in family temple upkeep and rituals. This reflects the community’s acknowledgment that spiritual responsibility transcends biological lineage (Ambarita et al., 2023).

Tenganan Pegringsingan, known for its indigenous Bali Aga traditions, revised its *awig-awig* in 2019, allowing daughters to inherit if they fulfill strict obligations to local temple festivals and communal rituals. Wira Udytama & Dianti (2024) link this to the strengthening of women’s roles in safeguarding cultural heritage, especially as more women become leaders in ritual committees. In Sidemen Village, Widiadnyani (2022) reported that women previously only granted usage rights are now allowed full

inheritance rights if they demonstrate commitment to ritual obligations. Here, *sangkep* (customary deliberations) became critical forums for evaluating women's eligibility based on spiritual contribution rather than gender alone. Similarly, Nugraheni et al. (2022) showed that in Klungkung District, transformations have been achieved through inclusive community deliberations, emphasizing a shift from rigid patriarchal inheritance norms toward a more equitable, spiritually grounded approach. Taro Village, as noted by Astika & Wijaya (2021), introduced reforms that grant inheritance rights to unmarried daughters who remain in the parental home and continue ritual obligations, a local adaptation of the *putrikā* concept that recognizes daughters as spiritual successors rather than mere temporary residents. Beyond Bali, inheritance practices in Javanese Muslim communities, though influenced by Islamic law (*faraid*), have also evolved to acknowledge the role of daughters in maintaining family rituals and property stewardship (Bowen, 2003). This comparison illustrates that customary reinterpretation of religious principles is a broader Indonesian phenomenon and supports the argument for legal pluralism in Southeast Asia (Benda-Beckmann, 2002).

These developments exemplify the application of the responsive law theory (Nonet & Selznick, 1978), where law becomes a living instrument shaped by social participation and moral values rather than a rigid code. In each village, inclusive deliberations through *paruman desa* and *sangkep* reflect a shift toward communal consensus-building that prioritizes moral eligibility (*adhikāra*) over patrilineal entitlement. The legal pluralism theory (Benda-Beckmann, 2002) further contextualizes these changes, highlighting that communities simultaneously negotiate multiple legal frameworks: state law, religious law, and customary law. Balinese *awig-awig* embodies this hybridization by integrating Dharmaśāstra principles while adapting to local spiritual and social contexts. Feminist legal theory supports these transformations as acts of substantive justice, emphasizing that women's recognition in inheritance is not merely symbolic but reflects their crucial role in sustaining ritual obligations and social cohesion (Nussbaum, 1999; Chatterjee & Kaur, 2022; Ambarita et al., 2023). Moreover, these reforms are not without challenges. Ketaren & Saptomo (2024) observed that conservative elders in several villages fear that recognizing daughters as heirs may fragment family land or disrupt male ritual authority. Community elders sometimes resist expanding *dattaka* practices, arguing it could erode traditional patrilineal prestige. These tensions illustrate the delicate balance between inclusivity and the preservation of perceived ancestral purity (*rta*). The changes in *awig-awig* also signify a shift in how spiritual responsibilities are distributed among family members. As noted by Widiadnyani (2022), many revisions were motivated by practical concerns: younger generations often migrate for work, leaving daughters and adopted children as the primary custodians of the family temple and rituals. By granting inheritance rights, communities ensure the sustainability of ritual obligations, echoing the importance of maintaining *swadharma* (personal duty) and *swadikarana* (property rights) as integrated responsibilities (Ambarita et al., 2023). Purnamawati et al. (2022) found that adoption (*dattaka*) has evolved beyond a mere mechanism to secure heirs, now functioning as a tool to strengthen kinship bonds and communal solidarity within *banjar adat*. This broader function indicates a transition from purely biological succession to a focus on community resilience and spiritual continuity.

These findings affirm that *awig-awig* revisions in Bali are not merely administrative adjustments but represent a profound revitalization of dharma values in contemporary contexts. The reinterpretation of *adhikāra*, *dattaka*, and *putrikā* showcases the innovative agency of customary communities to expand inheritance rights, particularly for women and adopted children (Nugraheni et al., 2022). Thus, inheritance

practices in *awig-awig* now represent a living law that prioritizes spiritual mandates and social responsibility over strict biological lineage. This transformation aligns with Moore's (1973) semi-autonomous social field theory, emphasizing local capacity to reformulate norms dynamically. From a gender perspective, Nussbaum (1999) emphasizes that recognizing women's inheritance rights is not merely symbolic but reaffirms their dignity and spiritual authority. As Bija & Sukerti (2021), Putri & Sudarmika (2022), and Ambarita et al. (2023) note, inclusive inheritance revisions have reduced intra-family conflicts and strengthened social harmony. In conclusion, inheritance *awig-awig* revisions in Bali symbolize a transformative journey toward more inclusive, adaptive, and spiritually grounded customary law. They illustrate that recognizing women and adopted children as heirs is not just an administrative innovation but embodies the revitalization of dharma and the preservation of cosmic harmony (*rta*) within Balinese customary society.

### 3. Dialogue between Dharmaśāstra and Social Realities in the Revision of Inheritance within *Awig-Awig Desa Adat*

The revision of *awig-awig* in Bali illustrates a dynamic interaction between the sacred norms of Dharmaśāstra and the contemporary social realities of Balinese society. As a primary source of Hindu law, Dharmaśāstra was never intended to be rigid but rather serves as an ethical guide emphasizing harmony and contextual relevance (Bühler, 1886). The principle of *ācāraḥ paramo dharmah* asserts that customs, as long as they do not contradict dharma, can be regarded as supreme law (Darmawan, 2013).

Originally, inheritance norms in Balinese customary law were highly patriarchal, recognizing only male descendants as sole heirs. However, the evolution of Balinese society — driven by economic diversification, global human rights discourses, urbanization, and increasing educational attainment among women — has prompted indigenous communities to reinterpret these sacred norms to remain just and socially responsive (Ambarita et al., 2023; Nugraheni et al., 2022). Widiadnyani (2022) revealed that many customary villages have revised their *awig-awig* to include women and adopted children as heirs. The *sangkep* (customary deliberation) process exemplifies community-based participatory lawmaking, confirming that *awig-awig* functions as a living law continuously evolving to reflect community needs. For example, in Bongkasa Village (Bija & Sukerti, 2021), women may inherit ancestral property if no male heirs exist, provided they uphold the *sanggah kemulan* and perform *yadnya*. This approach embodies the value of *adhikāra* (spiritual and moral eligibility) over rigid gender constraints, highlighting that spiritual responsibility takes precedence (Nussbaum, 1999; Ambarita et al., 2023).

In Gunaksa Village, the *dattaka* practice — adoption of customary children — is used not merely to address heir shortages but also to maintain ritual continuity. Sudantra et al. (2016) demonstrated that adopted children have the same ritual responsibilities and inheritance rights as biological sons, illustrating that Dharmaśāstra supports contextual adaptation. In Sidemen, Laksmi & Darmawan (2021) found a paradigm shift: women previously confined to temporary usage rights now receive full inheritance rights if they demonstrate consistent ritual devotion. This reflects that spirituality is a collective family duty, not exclusive to men (Nugraheni et al., 2022). Arya & Yasa (2020) noted that more villages now involve women in inheritance deliberations, strengthening women's positions as equal legal subjects and decision-makers. Putri & Sudarmika (2022) highlighted that villages adopting inclusive revisions experienced fewer inheritance disputes, improved solidarity, and stronger social cohesion. This participatory process fosters collective trust and prevents family fragmentation. In Taro Village, Astika &

Wijaya (2021) observed that daughters who choose to stay at home and uphold family rituals are granted full inheritance rights. This local adaptation of *putrikā* represents a rethinking of the daughter's role, seeing them as spiritual successors rather than economic dependents. The same inclusive trajectory is visible in Klungkung District, where Nugraheni et al. (2022) emphasized a strong community-driven push for recognizing women's spiritual contributions alongside their rights to inheritance.

At a theoretical level, responsive law (Nonet & Selznick, 1978) and substantive justice theory (Nussbaum, 1999) strongly support the recognition of equal inheritance rights for women and adopted children. These frameworks emphasize that law must adapt to uphold actual moral and spiritual contributions rather than formalistic lineage alone. Additionally, national legal policies, such as Minister of Home Affairs Regulation No. 52 of 2014, encourage villages to formalize inclusive community rights (Ketaren & Saptomo, 2024). Wibawa & Suwitra (2020) argued that these national frameworks have acted as catalysts, pushing villages to recognize and protect women's rights in inheritance. In Pedawa, Suryani & Sudiarmika (2021) documented that women can now become full heirs if they demonstrate unwavering loyalty and ritual responsibility, a decision achieved through collective deliberations. Similarly, in Tenganan Dauh Tukad, women maintaining family rituals have gained full inheritance rights and greater participation in decision-making forums, confirming that gender equality is not merely aspirational but actively practiced (Ambarita et al., 2023). Yudiana & Astiti (2022) found that these revisions have strengthened familial solidarity and reduced conflict. Moreover, Wibawa & Suwitra (2020) noted that younger generations advocate more actively for gender equality, bridging customary law with national and global values. Suardana & Purnawati (2023) emphasized that communities revising their *awig-awig* are more harmonious and adaptive to social change. In Panglipuran, inheritance reforms have enhanced communal bonds and reaffirmed collective spiritual identity.

Integrating Nussbaum's (1999) substantive justice theory reinforces that inheritance rights today depend on spiritual dedication and actual contributions, not merely gender or birth status. Warsita et al. (2020) found that unmarried daughters who remain at home and perform spiritual duties can fully inherit, strengthening the family's ritual sustainability. Navydien & Utomo (2023) showed that even small villages recognize women's inheritance rights, reinforcing community resilience and social justice (Ambarita et al., 2023). Pramana & Dewi (2023) emphasized that customary inheritance law now prioritizes spiritual and social contributions over biological ties. This demonstrates that indigenous communities are capable of engaging in normative negotiations that reconcile Dharmaśāstra teachings with modern realities (Ketaren & Saptomo, 2024). The active role of younger generations is crucial. They champion inclusivity while balancing respect for ancestral traditions, embodying what Moore (1973) described as a semi-autonomous social field: a space where communities reformulate legal norms according to their unique cultural logic. Menski (2019) affirms that reinterpretations of Dharmaśāstra should be viewed as continuity rather than rupture. By focusing on spiritual values and moral obligations rather than rigid textual orthodoxy, Balinese customary law maintains authenticity while promoting gender justice and social harmony (Menski, 2019).

The dynamic dialogue between Dharmaśāstra and social realities in the revision of Balinese inheritance law exemplifies a profound transformation: from rigid patrilineal traditions toward inclusive, adaptive, and spiritually anchored legal practices. The reinterpretation of *adhikāra*, *putrikā*, and *dattaka* principles is not merely a procedural innovation but reflects a spiritual-legal evolution aimed at sustaining *rta* (cosmic order) and communal harmony. While cultural resistance persists, especially from conservative



elders wary of diluting ritual purity, the inclusive trajectory indicates a collective willingness to harmonize dharma with contemporary justice values. These reforms are driven not only by legal mandates but also by a shared commitment to uphold familial spiritual obligations, sustain community solidarity, and respect intergenerational responsibilities. The experiences in Bali offer a significant model for other customary law systems, both in Indonesia and globally (Ambarita et al., 2023; Ketaren & Saptomo, 2024). They affirm that inclusivity and spiritual authenticity can coexist, creating a more equitable, adaptive, and contextually relevant legal order. Inheritance thus becomes more than property transfer — it is a sacred affirmation of community resilience, intergenerational solidarity, and the evolving spirit of dharma in modern life

## Conclusion

Essentially, inheritance within the *awig-awig* of Balinese customary villages is not merely viewed as a mechanism for asset distribution but is instead regarded as a sacred ritual emphasizing the continuity of *dharma* and cosmic harmony. This study reveals that the revision of *awig-awig* accommodating inheritance rights for women and adopted children represents a significant transformation from the initially patriarchal paradigm toward a more responsive and inclusive customary legal system. Based on the analysis, it can be concluded that inheritance in the *awig-awig* of Balinese customary villages has undergone a fundamental shift—from a system dominated by patriarchal principles to one that is more adaptive and embraces equality. This change is not simply an administrative update but also embodies a legal philosophy that upholds *dharma* as its central principle. The determination of inheritance rights no longer relies solely on biological lineage but instead emphasizes moral worthiness, spiritual capacity, and social contributions of heirs in preserving family rituals and community harmony. Daughters and adopted children are now recognized as full heirs when they demonstrate spiritual dedication and loyalty to customary traditions. This transformation underscores that Balinese customary law is dynamic, flexible, and capable of responding to social changes without losing its sacred value. Findings from this study show that revisions to *awig-awig* allowing women and adopted children to inherit have contributed to strengthening social solidarity, reducing internal family conflicts, and reinforcing women's roles within customary structures. Conceptually, this research contributes significantly to the development of Indonesian customary law studies and gender justice discourse. It demonstrates that living law (*hukum yang hidup*) can adapt to uphold substantive justice while maintaining spiritual authenticity, offering a valuable model for other customary legal systems both in Indonesia and globally. Practically, it is recommended that these revised *awig-awig* be continuously strengthened through participatory customary deliberation forums, involving younger generations, women, and traditional leaders equally. Comprehensive socialization programs and legal education (*penyuluhan hukum adat*) at the community level are essential to enhance awareness, acceptance, and effective implementation of these reforms. Additionally, local governments and Hindu legal institutions are expected to actively support this adaptation process, ensuring alignment with national legal standards and human rights principles. For future research, it is suggested to conduct longitudinal and comparative studies to measure the long-term effectiveness of the revised *awig-awig*, especially in reducing inheritance disputes, enhancing economic security for women, and sustaining ritual obligations across generations. Thus, the inheritance *awig-awig* revisions in Bali can serve as a concrete example of strengthening Indonesian customary law to become fairer, more inclusive, and deeply rooted in spiritual values. Ultimately, this transformation highlights that customary law is not merely a static cultural legacy but a reflection of collective moral consciousness that continues to evolve to preserve harmony among humans, society, and the universe (*rta*).

## References

- Ambarita, Y. S., Larasati, T. N., Sihotang, B. M., Luvian, C. D., Murdiati, C. W., & Sun, E. (2023). The Balinese Inheritance Customary Law During Modernity And Gender Equality Era: A Case Study. *International Journal of Social Science and Human Research*, 6(1), 673–677.
- Arya, I. P. P., & Yasa, I. M. S. (2020). Partisipasi Perempuan Dalam Revisi Awig-Awig Pewarisan. *Jurnal Kertha Desa*, 8(3), 55–70.
- Astika, I. P. B., & Wijaya, I. M. A. (2021). Transformasi Hak Waris Perempuan di Desa Adat Taro. *Jurnal Ilmu Sosial Mamangan*, 10(1), 23–35.
- Bija, I. G. N. R., & Sukerti, N. N. (2021). Hak Waris Anak Perempuan pada Hukum Adat Bali dalam Perspektif Gender. *Jurnal Kertha Desa*, 9(4), 42–52.
- Bühler, G. (1886). *The Laws of Manu (Manusmṛiti)*. Oxford: Clarendon Press.
- Chatterjee, S., & Kaur, R. (2022). Gender and Religious Pluralism: A Comparative Study of Hindu Women's Inheritance Rights. *Asian Journal of Law and Society*, 9(1), 45–68.
- Darmawan, I. M. (2013). *Hukum Adat Bali dan Kaitannya dengan Sistem Pewarisan*. Denpasar: Udayana University Press.
- Ketaren, D. M. P., & Saptomo, A. (2024). The Dynamics of Conflict in the Balinese Customary Inheritance to Enhance the Implementation of Customary Law in Indonesia. In *Proceedings of the 4th International Conference on Law, Social Sciences, Economics, and Education (ICLSSEE 2024)*. EAI.
- Laksmi, G. A., & Darmawan, I. M. (2021). Revisi Awig-awig Pewarisan di Sidemen. *Jurnal Kertha Desa*, 9(2), 77–88.
- Lariviere, R. W. (1989). *The Yājñavalkya Smṛiti: A Treatise on Hindu Law and Jurisprudence*. Oxford University Press.
- Menski, W. F. (2019). Hindu Law in Modern Times: How Hindu Law Continues in Modern INDIA. In J. Ganeri & A. W. Padoux (Eds.), *The Oxford history of Hinduism: Modern Hinduism* (pp. 487–504). Oxford University Press.
- Moore, S. F. (1973). Law And Social Change: The Semi-Autonomous Social Field As An Appropriate Subject Of Study. *Law & Society Review*, 7(4), 719–746.
- Navydien, M. D., & Utomo, K. K. F. (2023). Kedudukan Hak Waris Wanita Dalam Hukum Adat Bali. *Kultura: Jurnal Ilmu Hukum, Sosial, dan Humaniora*, 1(5), 90–98.
- Nonet, P., & Selznick, P. (1978). *Law and Society in Transition: Toward Responsive Law*. Harper & Row.
- Nugraheni, L. A., Fransiska, A., & Kusumawardani, P. D. (2022). The Dynamics Of Customary Inheritance Law From The Perspective of Gender Equality in Klungkung District–Bali. *International Journal of Research in Business and Social Science*, 11(1), 283–289.
- Nussbaum, M. C. (1999). *Sex and Social Justice*. Oxford University Press.
- Pramana, N. S. A. P., & Dewi, G. A. A. P. (2023). Kedudukan Anak Perempuan Terhadap Pembagian Harta Waris di Bali. *Jurnal Kertha Desa*, 11(5), 2415–2426.
- Purnamawati, N. P. Y., Astara, I. W., & Sukadana, I. K. (2022). Kedudukan Anak Angkat Dalam Sistem Pewarisan Menurut Hukum Adat Bali. *Jurnal Preferensi Hukum*, 3(3), 537–543.
- Putri, N. M. S., & Sudarmika, I. W. (2022). Perlindungan Hak Waris Perempuan Dalam Hukum Adat Bali. *Jurnal Ilmu Hukum De Lega Lata*, 7(1), 54–68.
- Suardana, I. M., & Purnawati, N. L. P. S. (2023). Dinamika Revisi Awig-Awig Dan Penguatan Kesadaran Kewarganegaraan di Bali. *Jurnal Pendidikan Kewarganegaraan Undiksha*, 11(2), 178–189.

- Sudantra, I. K., Putra, I. M. W., & Yuwono, Y. (2016). Aspek-aspek Hukum Keluarga Dalam Awig-Awig Desa Pakraman. *Udayana Master Law Journal*, 5(1), 43–58.
- Suryani, N. K., & Sudiarmika, I. G. (2021). Perlindungan Hak Waris Perempuan Dalam Hukum Adat Bali: Studi di Desa Pedawa. *Jurnal Kertha Desa*, 9(3), 65–78.
- Warsita, I. P. A., Suwitra, I. M., & Sukadana, I. K. (2020). Hak Wanita Tunggal Terhadap Warisan Dalam Hukum Adat Bali. *Analogi Hukum*, 2(1), 83–87.
- Wibawa, I. M. A., & Suwitra, I. B. (2020). Implementasi Peraturan Menteri Dalam Negeri No. 52/2014 Terhadap Pengakuan Hak Perempuan Adat. *Jurnal Rechts Vinding*, 9(1), 101–115.
- Widiadnyani, I. G. A. W. (2022). Pengaturan Pewarisan Awig-Awig Desa Adat Di Bali Dalam Perspektif Kesetaraan Gender. *Aktual Justice: Jurnal Hukum Humaniora*, 7(2).
- Wira Udytama, I. W. W., & Dianti, I. A. I. S. (2024). Sistem Pewarisan Hukum Adat Bali Terhadap Kedudukan Perempuan Pada Masyarakat Adat Bali. *Jurnal Yustitia*, 19(2), 1-7.
- Yudiana, I. M. P., & Astiti, N. K. (2022). Implikasi Sosial Revisi Awig-Awig Pewarisan di Bali. *Jurnal Yuridika*, 37(3), 501–518.