



## Efforts to Improve Legal Compliance Through the Writing of the Awig Screening Pararems in the Dalem Yangapi Traditional Village

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**Abstract.** One factor for good law enforcement is legal awareness and compliance with the law. Legal compliance can be achieved through the existence of good regulations. In Bali, Customary Villages (Desa Adat) are traditional villages in Bali that have autonomy in creating regulations. Each Customary Village has its own administrators and assets, and has the authority to create regulations, known as awig-awig and/or pararem. The situation of the program partners is that they do not yet have a pararem panyahcah awig as a regulation for implementing awig-awig. The goal of this program is to empower the Customary Village community so that they have a regulation in the form of a pararem panyahcah awig. The methods used in this community service program are: (1) providing lectures or legal counseling on the importance of a pararem panyahcah awig in life in a Customary Village, (2) conducting focus group discussions (FGDs) on the draft pararem, and (3) providing assistance in creating customary village pararem. The result of this program is the development of a set of 64 articles (pawos) to address customary law (adat), in accordance with the mandate of the customary law (adat) outlined in the articles.

**Keywords:** Legal compliance; customary law; pararem; traditional village.



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## Introduction

Customary Villages (Desa Adat) are traditional villages in Bali that have been autonomous since their inception. Each Customary Village has its own administrators and assets, and has the authority to create regulations known as awig-awig and/or pararem. Awig-awig is a set of rules that bind the village community, the community members, and the tamiu (Bali Regional Regulation No. 4 of 2019).

In Indonesia, customary law communities are also known by other names, such as customary law associations, customary communities, and even in Bali, they are known as customary villages (Lidia Lestari Karlina Dewi, 2016). The general public often equates the terms customary law, legal associations, customary law associations, customary law community units, traditional communities, and village communities.

In its early days, the term customary law was not widely recognized. It was simply "adat," but within this term, the legal concept was implicit. However, many who did not fully understand customary law often questioned the notion that adat was merely custom without any legal elements. These customs are created to serve as guidelines for community members to behave in the hope of achieving their life goals, such as peace, order, prosperity, the common good, or justice. If these customs are truly good, noble, and already realized, then more coercive means are needed.

Each Traditional Village has specific regulations, including those governed by customary law (adat-istan) for the community, which has its own customary law (adat-awig) to guide the rules and obligations of the community. Village community members are Hindu residents who are members of or registered as members of a village. According to Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, a Traditional Village is defined as a customary legal community unit inspired by Hindu teachings and Balinese cultural values. It plays a significant role in the religious and socio-cultural spheres and therefore needs to be protected, preserved, and empowered. Article 1, point 10 of Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, defines a customary village community as a Hindu Balinese community who are members of and registered as members of the local Traditional Village.

A Traditional Village is a traditional village in Bali that has been autonomous since its inception. Each Traditional Village has its own management and assets. Each Traditional Village has the authority to establish customary laws (adat-awig), the purpose of which is to establish order in the lives of its people. Initially, customary laws (adat-awig) were unwritten, but over time, efforts have been made to create them to facilitate implementation.

The current practice of writing customary laws (adat-awig) does not imply the absence of written customary laws. Writing customary laws (adat-awig) has several meanings: (1) it can mean writing down previously unwritten customary laws (adat-awig); (2) adapting the language and systematics of existing customary laws (adat-awig); (3) revising the provisions of existing customary laws (adat-awig); and (4) compiling a book on written customary laws (adat-awig). (Sudantra et al. 2011:1)

The use of the term customary laws (adat-awig) began to emerge following the enactment of Bali Provincial Regulation Number 06 of 1986 concerning the Status, Function, and Role of Traditional Villages as Customary Legal Community Units within the First-Level Region of Bali. Many terms were found in society before these regulations were enacted, such as pangeling-eling, paswara, geguwat, awig, pararem, gama, dresta, sima, cara, kerta, palakerta. (Windia, 2013: 28)

Written awig-awig sometimes fail to anticipate societal developments, and incorporating them into the awig-awig is difficult because they have been "pasupati" (legalized by religion), and this can be

regulated through the creation of pararem. Creating written pararem is also not easy for the community, including at the service location, so assistance is needed in writing them.

## Methods

The methods used in this community service program are:

a. Giving lectures

The lectures are conducted in the form of legal counseling, covering the function of customary laws and regulations (adat-awig) and regulations (pararem) in preserving local wisdom.

b. Conducting Focus Group Discussions (FGDs).

Focus group discussions (FGDs) are conducted to obtain input from community leaders on matters that need to be regulated in the customary law (payahcah awig) regulations.

c. Providing Mentoring

To achieve the ultimate goal of this program, namely the creation of regulations, mentoring is provided in the drafting of customary law (payahcah awig) regulations to ensure they align with the principles and needs of the local community.

## Discussion

### Lecture

The lecture aimed to provide legal education on the importance of customary laws (adat-awig) and customary rules (pararem). The lecture, attended by approximately 25 residents of Dalem Yangapi Traditional Village, including traditional leaders, was intended to provide them with adequate knowledge of customary law, particularly regarding customary laws (adat-awig) and customary rules (pararem panyahcah awig).

Article 1, number 29 of Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali defines customary laws as legal regulations established by the Traditional Village and/or Banjar Adat, which apply to the customary village community (krama desa adat), the customary village community (krama tamiu), and the customary village community (tamiu). Furthermore, Article 1, number 30 defines a pararem as a rule or decision of the customary village community (paruman desa adat) that implements customary laws, regulates new matters, and/or resolves disputes within the traditional village.

Based on this definition of customary law, it can be said that customary law (adat) of a traditional village constitutes standards of behavior, both written and unwritten, established by the residents of the traditional village. Customary law (adat) established by a traditional village is typically based on a sense of justice and propriety, as well as the values inherent in the local community's relationships with God, with other customary law members, and with the natural environment (Astiti, 2005: 19).

Generally, a customary law (adat) contains only basic principles, with more detailed details contained in a pararem, which elaborates on the customary law. Pararem can be defined as implementing regulations for a customary law or as decisions resulting from customary village customary law meetings, and are legally binding. Specifically, the regulations stipulated in Article 18 paragraph (2) of Bali Regional Regulation Number 4 of 2019 are divided into three types: (a) the customary law (adat), (b) the customary law (pangele), and (c) the customary law (panepas wicara).

The customary law (aparmat) is a regulation designed to outline the contents of the customary law, and can therefore be considered the implementing regulations for the customary law. The customary law (aparmat) is a special regulation, specifically created as a decision of a customary village meeting, as it is not yet regulated in the customary law and is intended to follow community developments. Meanwhile, the customary law (aparmat) is a record containing the decisions of the customary leaders (prajuru adat) regarding the handling of a customary case or dispute.

For the customary community, a customary law that has been approved by the Pasupati (pasupati) is considered a standard and sacred legal rule, so any act of criticizing the customary law is considered taboo. (Windia, 2010: 25)

### **Activities for Developing the Awig-Eyed Pararem**

Research on the awig-awig of the Dalem Yangapi Traditional Village revealed 64 pawos (articles) that needed to be further elaborated through the following awig-eyed pararem: 14 pawos concerning the customary rules and regulations (Sukerta Tata Pakraman) with the traditional rules (Indik Krama), 7 pawos concerning the prajuru (leadership), 3 pawos concerning the kulkul (household), 2 pawos concerning paruman (paruman), 5 pawos concerning the druwen desa (village), 5 pawos concerning the pamitegep (household), 3 pawos concerning the banjar/village administration, 20 pawos concerning religion, and pawongan (pawiwahan, inheritance, inheritance).

After meetings with local traditional leaders and assistance in developing the awig-eyed pararem, a pararem was formulated: the awig-eyed pararem. Several points from the Focus Group Discussion were used to develop the following regulations for the awig (traditional temple) as a binding law for the local indigenous community:

1. The dress code for entering a temple is as follows:
  - a. Men must wear a traditional udeng (traditional head covering), a cloth, and a shawl;
  - b. Women must wear a traditional kamen (traditional head covering), a shawl, and their hair neatly tied back.
2. No one may use the temple for purposes inconsistent with Hindu teachings. Violators will be subject to the sanction of performing the guru piduka ritual.
3. No one other than the priest is permitted to climb the shrine (pelinggih), except upon the order of the traditional village administrator, provided that this is done only during relevant activities. Violators will be subject to the sanction of performing a ritual at the temple.
4. Anyone acting as if possessed in a temple, causing a disturbance, will be subject to the sanction of performing the pecaruan ritual at the temple and a fine equivalent to 100 kilograms of rice. 5. If a priest dies, all costs for the cremation ceremony are covered by the traditional village through contributions from the traditional community, consisting of "patas," 2 kilograms of rice, eggs, and coconuts, and Rp 50,000 in cash.
6. A priest's income consists of: "penyolasan" and "sesari" money after leading a traditional ceremony.
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8. A priest's income consists of: "sesari" money after leading a ritual at the temple where he serves, with a percentage of 30% of the total incoming funds.

9. A priest's replacement occurs due to:
    - a. death
    - b. prolonged illness that disrupts services
    - c. resignation
    - d. being convicted by a court of a crime.
  10. If a resident performs a "yadnya" activity, they are required to receive assistance from the traditional village/banjar according to the level of the ceremony being performed.
  11. Burial or cremation of corpses is prohibited on the following days: the sadulur ant, the gotongan period, pasah, prewani, full moon, tilem, temple ceremonies, Hindu holidays, or major ceremonies, as per a circular from stakeholders.
  12. Cuntaka is divided into two categories as follows:
    - a. Cuntaka ngeraga
    - b. Cuntaka originating from outside the self.
  13. Residents experiencing "kacuntaka" are not permitted to enter sacred areas belonging to the village or private individuals. Violators are subject to sanctions, including performing a "dewa danda" ceremony, namely "pecaruan" (a ritual offering), and apologizing to the villagers.
  14. During a cremation ceremony, each villager brings rice, eggs, coconuts, and money collected through the village administrators.
  15. Entertaining villagers at an event: providing sufficient drinks and cakes; if it is after noon, lunch is provided as much as possible.
  16. If a villager is performing a "manusa yadnya" ceremony, they are required to report to the administrators. The administrators will then determine the work schedule for the smooth running of the event.
  17. The implementation of "bhuta yadnya" for the village is based on Hindu teachings and customs, and is carried out every "Tilem Kesanga" (a religious holiday) or as needed.
  18. "Bhuta Yadnya" ceremonies held in traditional villages include: "Pecaruan Sasih," held at predetermined times, and "Pecaruan" held occasionally.
  20. The "Melasti" ceremony, held as part of "Tawur Kesanga," is held on the beach or at least at a spring.
  21. The "Tapa Brata Panyepian" is to be carried out in an orderly manner, supervised by a "Pacalang" (a traditional village leader). Violators will be subject to a fine equivalent to 25 kilograms of rice.
  22. "Krama Tamiu" (people who live in the traditional village) are required to maintain order and play an active role in village activities.
  23. Residents classified as "Guests" who live in the traditional village are required to maintain order in the community, protect the environment, and participate in village activities.
  24. Residents who purchase land or a house are required to participate in and comply with all applicable village regulations.
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25. People occupying the yards of houses belonging to the traditional village are obliged to maintain and preserve them; they may not be sold. Violations are subject to apologies and payment of a fee equivalent to 100 kilograms of rice.

26. "Krama balu" (a traditional village resident) are subject to half the full fee.

27. Residents of the traditional village may cease to be residents due to death, their own request, or dismissal. Those who cease to be residents due to dismissal do not receive any rights.

28. Residents who have been dismissed from the traditional village and wish to rejoin must report to the traditional administrator, be accepted by all villagers, and pay a fee equivalent to 100 kilograms of rice.

29. Residents (guests) are obliged to participate in the construction of the temple.

30. Only holy people and village administrators are exempt from obligations in the traditional village.

31. If a resident holds a celebration and requests assistance from the traditional village residents, they are required to receive services.

32. The traditional village administrator receives a percentage of the income.

33. The "village sabha" has the right to receive a modest allowance for every meeting to discuss programs in the traditional village.

34. The "village kertha" has the right to receive a modest allowance for every meeting to resolve customary disputes.

35. Residents who leave a meeting without reporting to the village administrator are threatened with an apology and a payment equivalent to 5 kilograms of rice.

36. Disputes are not permitted within the meeting. Violations are subject to an apology and a payment equivalent to 5 kilograms of rice.

37. Residents who leave a meeting without reporting to the village administrator are threatened with an apology and a payment equivalent to 5 kilograms of rice. 38. Apabila ada "pemangku" yang meninggal dunia maka segala kewajibannya sudah berakhir, dan segera dicarikan penggantinya.

39. Each "pepangku" receives a portion of the "penyolasan" according to the provisions or customs and other portions of the "sarin canang" upon completing their duties at the inviting location.

40. Each "pepangku" receives a portion of the "penyolasan" according to the provisions or customs and other portions of the "sarin canang" according to their percentage after completing their duties at their permanent location.

41. The procedure for appointing a "pepangku" can be as follows: "nyanjan," heredity, or election.

42. The procedure for appointing a "srati" is carried out through deliberation or election by majority vote.

43. Persons who cannot be appointed as "pacalang" are those with disabilities: blindness, lameness, cleft palate, idiots, dwarfs, and the like.

44. Each "pacalang" receives wages from the "sarin canang" portion and a fixed portion from the traditional village, the amount of which is adjusted accordingly.

45. The procedure for appointing "pacalang" is based on proposals from the banjar (village).

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Replacement of "pecalang" members is due to: death, resignation, committing an act deemed inappropriate by community custom, and imprisonment for a crime.

46. Youth organization administrators are given a monthly incentive, the amount of which is adjusted according to the traditional village's finances.

47. Wives' organization administrators are given a monthly incentive, the amount of which is adjusted according to the traditional village's finances.

48. Child adoption is carried out in accordance with statutory regulations and is in harmony with customary law, to avoid conflicts.

49. Child adoption is carried out in accordance with statutory regulations and is in harmony with customary law, to avoid conflicts.

50. Use of land belonging to the traditional village must obtain permission from the The management cannot sell or buy anything. Violators will be subject to an apology and a payment equivalent to 50 kilograms of rice.

51. Every resident is obliged to maintain environmental sustainability and cleanliness. Violators will be subject to a monetary penalty equivalent to 5 kilograms of rice.

52. Keeping items that could pollute the yard, according to Hindu teachings, especially those that defile the traditional village, is prohibited. Violators will be subject to a monetary penalty equivalent to 25 kilograms of rice.

53. If land belonging to a traditional village is occupied by residents and the family has no successor, the village administrator must immediately hold a meeting to determine who will occupy the land.

54. If land belonging to a traditional village is occupied by an unauthorized person, the village administrator must immediately hold a meeting. The person will be subject to a monetary penalty equivalent to 50 kilograms of rice.

55. If a pet enters a sacred area, after confirmation by the village administrator, the owner must perform a "pecaruan" ceremony and pay a fine equivalent to 10 kilograms of rice.

56. Every citizen is obliged to preserve living creatures, refrain from killing birds, poisoning fish, and similar activities as a way for villagers to achieve prosperity and peace. Violators are subject to a fine equivalent to 25 kilograms of rice.

57. Anyone who drains water from animal pens, bathrooms, kitchens, and the like, or disposes of waste on another resident's land, into rivers, or onto the street, thereby polluting the environment, is subject to a fine equivalent to 50 kilograms of rice.

58. Every citizen is not permitted to defend criminals. Anyone found defending criminals is subject to the same fine as a thief, namely a fine equivalent to 25 kilograms of rice.

59. If someone searches for something in another person's garden when the owner is not present, they must report the matter to the village administrator. Violators are subject to a fine equivalent to 20 kilograms of rice.

60. If someone enters another person's yard when the owner is not home, and the homeowner subsequently reports the loss, the trespasser is subject to the penalty of "witness god."

61. In another person's yard when the owner is not at home, even though there is a clear purpose

to convey something related to the duties of the administrator, this must be done by signaling the owner's name. Violators are subject to a monetary penalty equivalent to 10 kilograms of rice.

62. The procedure for striking the gong (gong) is regulated in such a way that it has its own characteristics. For example, in the event of a death, a meeting, or a natural disaster, the method of striking must vary.

63. Anyone striking a village-owned gong without being instructed by the village administrator must immediately report their purpose to the administrator. Failure to report will result in an apology and a monetary penalty equivalent to 8 kilograms of rice.

64. Group-owned gongs may not be identical to the village gong, either in size or in the method of striking. Violators will face a monetary penalty equivalent to 20 kilograms of rice.

## Conclusion

The well-implemented community service program, which included writing the customary law regulations, empowered the community to create regulations. The existence of these regulations, in the form of customary law regulations, can increase legal awareness and compliance among the communities of the traditional villages concerned. This is evident from the activities carried out according to the planned stages, namely legal counseling using lectures, holding focused discussions (FGDs), and mentoring in writing customary law regulations. Based on the results of the mentoring, Mitra was finally able to implement the regulations, comprising 64 pawos (articles). With these customary law regulations, the community will be more prudent in their actions and behavior in social interactions. Therefore, this will indirectly increase their legal awareness.

Traditional leaders should immediately disseminate the established customary law regulations to the customary village community. The community is expected to comply with the established regulations to achieve a peaceful and secure life in society and to make changes in accordance with the times.

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