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## RIGHT OF MALE HEIRS TO THE ORIGINAL FAMILY RELATED TO NYEBURIN'S MARRIAGE TO LAND RIGHTS IN PERSPECTIVE BALINESE LAW OF CUSTOMS

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### Abstracts

The marriage of nyeburin changes the position of women into purusa and men into pradana. Then in terms of inheritance, the priority in the nyeburin marriage is the woman, but the status of the man who becomes pradana is questioned when nyeburin marriage ends and the status of the man is returned to his family of origin. This study aims to analyze the inheritance rights of men who do nyeburin's marriage on inherited land in their origin family and to analyze the implications of inheritance rights of men who do nyeburin's marriage in right and obligations of origin family. The research method used is normative legal research. In addition, the data collection technique used is the library study technique. The results of this study revealed that (1) a man who does a nyeburin marriage will lose his right to inherit in his family of origin because of a change in his status to pradana in his wife's family. A man who does a nyeburin marriage will be considered to have left kedaton so that he has the same position as a woman who marries out. (2) Burden marriage has implications for the position of the husband so that here the husband follows the wife. The rights and obligations as husband and wife are still the same as in a normal marriage, only in a marriage where the wife's position is higher than that of the husband.

**Keywords:** inheritance right; *ninggal kedaton*; *nyeburin* marriage

### 1. INTRODUCTION

Bali has a majority of people who are Hindus so that the customary law that develops in Bali is the customary law of Hindu religion, including the law of inheritance. Indigenous Balinese people who generally have a patrilineal kinship system, namely descendants from the father's side (saking purusa). The family system adopted by Balinese customary law uses a patrilineal kinship system that looks at the child's relationship with the father's lineage. The man's family is more important in a person's life and must get

attention first than his mother's family (Panetje, 2004:23).

Balinese society with its socio-cultural environment that adheres to the patrilineal family system gives men a higher position and value. Bali adheres to the plate system to purusa (patriarchy) with the lineage on the male side. However, in some regencies such as Tabanan, Gianyar and Klungkung regencies, the term nyeburin marriage is familiar. Basically, nyeburin marriage is intended for families who do not have a male lineage. The daughter in the family has the

responsibility of continuing her father's father in Tri Kahyangan as sentana rajeg and looking for a man to enter the woman's family. Balinese society has a patrilineal family structure, namely a family system that is drawn according to the lineage of the father, where the position of men is more prominent than the position of women and their rights also get more. *Purusa* status that exists in men makes him entitled to become heirs rather than women who have *pradana* status, where he is only entitled to enjoy the property of his parents as long as they have not married (Jayantiari et al., 2016:134).

The form of marriage affects the procedures for inheritance in Hindu society in Bali. Inheritance is to regulate how the inheritance is passed on to the next generation. Meanwhile, customary law of inheritance is the rules of customary law that regulate how inheritance is passed on or divided from the heir to the heirs from generation to generation. In inheritance law, the subjects are the heir and heirs. An heir is someone who gives up or leaves an inheritance, while what is meant by heirs are people who by law are entitled to inherit (Jayantiari et al., 2016:135). Recipients of inheritance in Balinese customary law are *sentana*, namely between men as successors of descendants. *Sentana* is a man who was born from a legal marriage, which in Hinduism is referred to as purification, namely the position of a man is more important than a woman. This is because *sentana* as bearers of *dharm*a (obligations) performs *pitra puja*, namely worship and responsibility to ancestors accompanied by the right to inherit, use and maintain heirlooms.

The Hindu community in Bali recognizes 2 (two) marriage systems, namely the first ordinary marriage consisting of *medik* marriage and *ngerorod* marriage, then the second *nyeburin* marriage. In a *nyeburin* marriage, a man joins his wife's family, and all of his lineages take on the wife's lineage. The position of the man in this

case is in *pradana* status and his wife's status is *purusa*, including in terms of inheritance rights in his wife's family. His wife holds the inheritance rights so that if the inheritance is distributed from the wife's family, the priority is women (Adnyani, 2017-169). *Nyeburin* marriage system makes the position of men from their original families shift to women, but Bali adheres to a patrilineal system, which raises questions regarding the position of men who have carried out *nyeburin* marriages in their original families, including the right to inherit in their original families. Inheritance according to Balinese customary law is not identical with dividing the inheritance of parents and ancestors (heirs) by the heirs but contains the meaning of preservation, management and forwarding of *swadharma* (responsibility) and *swadikara* (rights) to the inheritance of the heir in various forms and characteristics.

In marriage, the position of women changes to *purusa* and men becomes *pradana*. Then in terms of inheritance, the priority in the *nyeburin* marriage is the woman, but the status of the man who becomes the *pradana* is questioned when the *nyeburin* marriage ends and the status of the man is returned to his family of origin. If the divorce is legal, then the man will leave the woman's family and the rights he previously obtained in the woman's family will also be released. The divorce will later cause a dilemma for the men because on the one hand they have declared their departure and relinquished their inheritance rights from their original families by marrying *nyeburin*.

Several related studies have been conducted previously by some researchers. A study conducted by Adnyani (2016) entitled '*Policy Based on Gender Marriage Nyentana (Matiarki Process) Based on Indigenous Perspective Bali Hindu*' showed that the forms of marriage *matiarki* mistaken in some areas could lead to the rejection of traditional institutions. Penguatan form of marriage in terms of sanctions and compliance provides the

connective power of its own to the applicable law, and if necessary confirmed by awig awig customs that have holding capacity in terms of validity. Nyentana as an alternative form of marriage in families that do not have male offspring so that the status of women confirmed to be a man (putrika) indicating an appreciation on the role of gender harmony as progressors descent. In addition, [Sukerti & Jayantiari \(2018\)](#) conducted a similar study that examined '*Unique Marriage Nyentana in Balinese Traditional Law*'. The results of this study showed that the marriage of nyentanais clearly regulated in customary law (awig-awig) as a solution in terms of preventing the loss of heredity. As a result of the marriage, the married men will lose their inheritance rights in their original home. This means that customary law is phallogocentric. The conclusion is that the marriage method prevents the extinction of offspring in Balinese customary law and consequently the married man loses inheritance rights in the original house. Furthermore, [Dewi et al. \(2020\)](#) also conducted a similar study entitled '*Position of Pradana in Nyeburin Marriage Reviewed from the Law of Bali Indigenous Heritage in Banjar Kutuh Desa Sayan Kecamatan Ubud Kabupaten Gianyar*'. The results of this study showed that the inheritance of nyeburin marriage in Banjar village is still strong in women because of their status as Purusa and their social status is different if the work of a person who becomes a pradana, for example, a doctor may look higher. The conclusion is that a woman still has the right to inherit because as a purusa and if the inheritance in the form of land remains the right of the woman and in social status remains the head of the household in the community remains the same except for work that makes their social status different.

Based on the background and the previous studies above, the aims of this study is to analyze the inheritance rights of men who do *nyeburin's* marriage on inherited land in their origin family and to analyze the implications of inheritance

rights of men who do *nyeburin's* marriage in right and obligations of origin family.

## 2. METHOD

The method of this study is normative legal research. Normative legal research or literature is research by examining primary and secondary legal materials ([Ishaq, 2017:98](#)). This study examined the vague norms regarding the rights of male heirs who perform marriage *nyeburin* to land rights in the perspective of traditional Balinese inheritance law. The approach used in this study consists of a statutory approach, a case approach, an analytical approach and a customary law approach. The legal materials used in this research are primary legal materials consisting of statutory regulations and secondary legal materials consisting of literature that explain secondary legal materials ([Ali, 2016:47](#)). The technique of collecting legal materials begins with searching for legislation and other positive legal sources from the legal system that are considered relevant to the main legal issues being faced ([Ishaq, 2017:111](#)). A literature study is an approach used in collecting the data. The literature study consisted of primary and secondary legal materials by reading and analyzing legal materials and then citing those that are related to the research problem. The legal materials that have been collected are analyzed for description, interpretation, evaluation and systematization. The research conducted was then described descriptively. Interpretation techniques use types of interpretation in legal science that is associated with relevant legal theories or norms as in this study are legal justice theory, legal certainty theory and benefit theory, the approach used is a qualitative approach which is a research procedure that produces descriptive data.

## 3. DISCUSSION

### ***The Inheritance Rights of Men Who Do Nyeburin's Marriage on Inherited Land in their Origin Family.***

Customary inheritance law contains 3

(three) main elements including the first subject of inheritance law, namely who is the testator and who is the heirs. Furthermore, the second concerns the time when an inheritance is transferred, how it is carried out in the transfer of the inheritance and how to distribute the inheritance to each heir. Then the third is regarding the object of inheritance law itself, namely what assets are referred to as inherited assets, and what assets can be inherited (Soekanto, 2010:259). The division of inheritance in Bali is still closely related to the customary inheritance system. Balinese Customary Law states that the position of husband and wife and children born in a marriage is determined by the form of marriage carried out. The existence of children as the next generation in the family is referred to as heirs. The child referred to above has the right to inherit, continue, and carry on all the rights and obligations of his parents and his nobility from generation to generation (Agung, 2016:90). Inheritance assets in Bali or also known as heirlooms have been regulated by *awig-awig* which is the legal basis for Balinese indigenous peoples. The inheritance by the Balinese indigenous people is divided into 2 (two), namely the first is the inheritance that comes from the transmission of nobility (lineage) often also called the middle *duwe*. Then the second property by the Balinese people is called *pagunakaya*, apart from property in the form of material, there is also an inheritance in the form of immaterial such as position (status) and problems.

Inheritance in Balinese society before 1900 was only based on *dresta* or customs because there were no rules governing inheritance as a reference basis, thus the customs used by the Balinese people regarding the distribution of inheritance. These habits have nothing to do with the position of women. So it can be said that the position of women is not as heirs so they are not entitled to the inheritance of their parents. The year 1900 is used as a benchmark in seeing the development of

women's inheritance rights in Balinese society, because in 1900 an inheritance *peswara* (regulation) was made by the Dutch colonial government in this case the Residents of Bali and Lombok, better known as *Peswara 1900* applied to Balinese Hindu residents from Buleleng Regency, but then the *peswara* in 1915 was also applied to residents of all South Bali (Moechtar, 2019:78).

Balinese customary law regulated in *awig-awig* is sweet to the Balinese people. This can give them the freedom to choose the marital status that will be carried out when they are faced with getting married. Balinese society adheres to a patrilineal system so that the dominance of boys in various aspects of life is very thick on the basis of this system. Married women are considered to have severed their own relationship and moved into their husband's family. The inheritance system in Balinese customary law is indeed based on the male lineage. The position of Hindu women in Balinese customary inheritance law is still a problem until now, although a decision has been issued stating that Hindu women have the right to be limited heirs, but in reality, they still follow the customary law that applies in their respective places. The rights and obligations carried out by Hindu women should be considered for obtaining inheritance.

*Nyeburin* marriage is a form of marriage according to Hindu custom and religion in Bali where the woman is the *purusa* and the man is *pradana*. Determination of the status of women to be men or the status of *sentana rajeg* whose implementation during the kings period was determined when women were still girls or not married. The application of the status as *sentana rajeg* should first be reported to local Traditional Village officials and have received permission by the king (Artatik, 2018:55). Along with the times, the change in the legal status of women to *purusa* is to do *nyeburin* marriages (Sukerti, 2014:98). The procedure for the implementation of marriage is carried out

by asking for a hand and the procedure for *nyeburin* is in principle the same as the procedure for an ordinary marriage. It's just that the legal consequences of the two marriages can be different.

In *nyeburin* marriages, men can be said to have left *kedaton* so that the right to inherit in their original homes is lost (Arthadana, 2021:30). The status of men in *nyeburin* marriages changes to *pradana* while women become *purusa*. The meaning of *purusa* and *pradana* in Balinese customary law does not always relate to inheritance, but also to all beliefs related to *Ida Sang Hyang WIdhi Wasa* (God Almighty) and in all cultural activities related to religion or Hinduism in Bali, in the life of society and society in Bali. *Purusa* and *pradana* have always been the starting point and a sequence of behavior, behaving or playing a role or in interpreting a life (Agung, 2016:127). The marriage that is carried out will have an impact on the position of husband and wife where women will be in the position of *purusa* and men as *pradana*. Then in terms of inheritance, women will become heirs in their families while men lose the right to inherit from their families of origin unless there is a gift made sincerely by their parents.

The regulation regarding the inheritance of each region in Bali actually differs depending on the customs of each. One of them is the village; each village may have different rules called *awig-awig*. In Bali Governor Regulation Number 4 of 2019 concerning Traditional Villages in Bali, it is explained that *awig-awig* is a rule made by the Traditional Village and/or *Banjar Adat* which applies to *Krama Traditional Villages*, *Krama Tamiu* and *Tamiu*. Some examples of *awig-awig* include *awig-awig* in Penatahan Village, Kapal Adat Village and Kesiman Village. *Awig-awig* Penatahan Traditional Village regulates marriage and inheritance only to the extent that the incident must be reported to the local Village Customary *Prajuru*. Then in the *awig-awig* of the Kapal Adat Village, it regulates in more

detail regarding inheritance including who is entitled to become heirs and the *purusa* categories who can inherit and cannot inherit which is explained in Palette 4 Pawos 106 which states "*sang sane dados ngwarisin: Pratisentana purusa and Pratisentana pradana (sentana rajeg)*". Then it is regulated which is not entitled to inherit in Pawos 108 Number 2 which states: "*tan polih pah-pahan utawi pah-pahan pateh: waris sane nilar sasananing agama Hindu lan kawitan manawita sangkaning malebet Agama sewos, Alpaka Guru Rupaka, Sentana rajeg kesah mawiwaha utawi pratisentana nyeburin ninggal kedaton*". Furthermore, in *awig-awig* the Kesiman Traditional Village mentions in Pawos 71 it states: "*sane kamanggehan ahli waris minakadi: pretisantana saking purusa, sentana rajeg lan santana paperasan lanang utawi wadong*" which means that those who may inherit are sons and daughters who became *sentana* and adopted children who had been blackmailed (ceremonially).

*Nyeburin* is a marriage system in Bali where the boy goes to the girl's house and after that belongs to the girl's family. In this marriage, the woman acts as the *purusa* and the man acts as *pradana*. This happens when the girl's parents do not have a son to take care of their property which requires them to find their child a *sentana nyeburin* to continue their lineage (Sujana, 2015:142). In this case, it is the male parent who has to give permission for their child to be brought to the woman's house. In this funky marriage, the husband from the beginning of the marriage has been living in the wife's family home. He was separated from his original family and accepted as a member of his wife's family because it was his wife who proposed to him. In addition, the marriage ratification ceremony (*mabyakaon*) is carried out at the wife's house, and it is the wife who delivers the "offerings" needed for the ceremony of releasing the husband from his family of origin. The marital status must be made clear, namely announced to members of

banjar where the bride is from with the intention of getting social recognition, guaranteeing legal certainty, among others keeping the possibility of lawsuits arising in the future regarding whether the marriage is legal or not (Sukerti, 2014:245). The marriage of nyeburin that applies in the family life of the people in Bali is not only recognized as an effort to continue the lineage for families who do not have sons, but more than that, sentana has developed with various purposes, among others, to protect their assets from falling into the hands of another family.

In the decision No. 58/Pdt.G/2011/PN.Tbn regarding inheritance disputes over inheritance in the form of land inherited from nobility in the family of origin of the plaintiff. M is the older brother of K, K is the biological son of MR. M and K are two siblings from the same family in Penatahan Village in Tabanan Regency. The position of the defendant is the biological mother of M and K where MR's husband died before the inheritance lawsuit from M and K. so the position of M and K in this case as the plaintiff and MR's biological mother as the defendant. The object of the dispute being sued by the plaintiff is the inheritance inherited from his late biological father or the defendant's husband. It can be explained that the judge's consideration in deciding the case refers to the testimony of expert witnesses regarding the elimination of inheritance rights due to certain conditions and the decision of the short case which is considered detrimental to other parties for using the decision as evidence that seems to justify a change in a person's status, is deemed invalid and invalid by law. This resulted in the decision handed down, in this case, was to reject the plaintiff's claim in its entirety and punish the plaintiffs to pay the entire court fee.

Hans Kelsen in the theory of justice holds that law as a social order can be stated if it can regulate human actions in a satisfactory way so that they can find a share in it as well as subjective justice.

With regard to the Tabanan District Court Decision No. 58/Pdt.G/2011/PN.Tbn which decided that the plaintiff was not entitled to his inheritance that he had submitted, the theory of justice in applying this decision by rejecting the plaintiff's argument had given justice to the defendant where the defendant defended the rights of the plaintiff's biological child who neglected by the plaintiffs themselves.

Then related to the theory of legal certainty, Gustav Radbruch argues that legal certainty is a guarantee of law that contains justice. In Tabanan District Court Decision No. 58/Pdt.G/2011/PN.Tbn contains legal certainty regarding the inheritance rights of men who are lost as a result of having carried out a *nyeburin* marriage. Furthermore, the theory of benefit by Jeremy Bentham states that the law aims to achieve benefits where the law becomes happiness for as many people as possible. In Tabanan District Court Decision No. 58/Pdt.G/2011/PN.Tbn decided that the plaintiff was not entitled to the inheritance because he had carried out an abusive marriage and had committed acts including acts of disobedience to his parents so that he was not entitled to become heirs. Furthermore, Denpasar District Court Decision No. 85/Pdt.G/2012/PN.Dps concerning inheritance disputes over inheritance in the form of land inherited from the nobility. The position of the parties is that Plaintiff P is a cousin of the defendants O, I, R and K who came from a place in Denpasar. The object of the dispute being sued by the plaintiff is the object of land located in the "Jero Abiantimbul" neighborhood located at Jalan Imam Bonjol No. 411, Banjar Pekandelan, Pemecutan Klod Village, West Denpasar District, Denpasar Municipality where the inheritance of this land is the legacy of the grandfather of the Plaintiff where the biological fathers of the parties are brothers. In connection with the judge's consideration in deciding the case above, it refers to the testimony of expert witnesses regarding the abolition of

inheritance rights due to certain conditions, namely *nyeburin* marriage. The verdict handed down by the judge was to reject the plaintiff in a partial reckoning, to grant the claim for a partial reckoning and to state that the defendant of the convention was the legal heir of his grandfather named I Gusti Made and to punish the plaintiff of the convention to pay court fees. Furthermore, in the decision, an appeal, cassation and PK process is carried out to date and upheld the decision of the high court which stated that the plaintiff was entitled to the inheritance based on an agreement.

When viewed from the theory of justice, the Denpasar District Court Decision No.85/Pdt.G/2012/PN.Dps provides justice for all parties involved in the decision, both in terms of the plaintiff and the defendant, because the plaintiff's parents who have carried out the marriage are so abusive that the relationship the plaintiff has broken up with the defendants who currently control the land. Then, when viewed from the perspective of legal certainty theory, this decision, is still based on Balinese customary law which uses a decision system that gives inheritance rights on the decision line. Finally, in the theory of expediency in this decision, there is an agreement between the parties to continue to give the plaintiff the right because he has participated in carrying out his responsibilities both on a scale and a basis for the object of the dispute.

According to the author, the current customary inheritance law is very ideal. This is because the existing customary inheritance law upholds matters of nobility. The inheritance that becomes the object of either material or immaterial is given to the next generation for regeneration which is closely related to rights and obligations. As for the things that the author can give an example of is a holy place. For the Balinese people, the holy place is a unifying family that is obligatory to be cared for and maintained. These holy places are known as *sanggah*, *merajan*, mother, orphanage, *dadia* and temples,

which are the terms according to traditional customs in each region on the island of Bali. It is this holy place that indirectly creates things and obligations in the life of the Balinese indigenous people. The rights and obligations are generally known as *sanan* and *tetegenan*. Sacred places usually indirectly have assets. Assets are often called *catu*, *pelaba*, *sanan*, *padruen*, middle *druwe* and land evidence. Either in the form of land or objects that function as a source of finance in terms of maintenance and sustainability carried out by the heirs/descendants, especially from men/*purusa*.

### ***The Implications of Inheritance Rights of Men Who Do Nyeburin's Marriage in Right and Obligations in the Original Family***

Marriage according to Hindu religious law is known as *wiwah*, it can be found in various Hindu literature and law based on *the Book of Manu Smerti*, *wiwaha* has a religious and obligatory nature because it is associated with a person's obligation to have offspring along with the obligation to atone for the sins of parents by means of lowering a son (he saved the spirits of parents from hell) (Sumiarni, 2004:90). A boy who becomes important or prioritized because men are considered as the next generation. That in *Adhi Parva* which is one of the sources of Balinese Hindu law which tells about *Sang Jarat Karu*. *Sang Jarat Karu* is a male *Brahmin* who is compassionate and obedient to asceticism and practising *brahmacari*. Once upon a time when he was imprisoned, *Sang Jarat Karu* met his ancestor who was hanging upside down on the bridge between heaven and hell. The ancestor told *Sang Jarat Karu* that he did not get a place because his generation named *Sang Jarat Karu* did not get married. *Sang Jarat Karu* feels guilty because his ancestors did not get a place. His ancestors also asked *Sang Jarat Karu* to free him by marrying and getting offspring so that his ancestors were not trapped between the threshold of the bridge between heaven and hell.

Balinese society is a religious society; of course, the standard measure that can be used is the ideal family according to religious teachings and beliefs, namely physical and spiritual happiness. In the view of the Balinese people, boys do have important values in carrying out life in the real world, both in family and social life. For boys, hope is hung as the next generation to replace their father's position in society when they are married, maintain and provide for their parents if they are unable, carry out religious ceremonies and always *astiti bhakti* (worshipping) the ancestors who reside in *sangguh* or *merajan* (Sumiarni, 2004:5).

Burdening marriages have implications for the position of the husband. In this case the husband follows the wife. This form of marriage seems to deviate from *kepurusa* system which emphasizes that offspring are continued by male offspring (*purusa*), when closely observed, *nyeburin* marriage is consistent with the lime-like family system because in this marriage the status of the wife is *purusa* because it has been designated as *sentana rajeg* in the family. This woman who has the status of *purusa* is the one who will continue the generation of her parents. *Sentana rajeg* (*sentana* means descendants, heirs; *rajeg* means strong, upright; *karajegang* means confirmed, enforced) is a daughter whose status is confirmed as the successor of the descendants or *purusa*. In the book *Manawa Dharmacastra* (IX: 127), *sentana rajeg* is referred to as *Putrika* whose position is the same as that of a son, namely as a descendant and heir to his parent's property (Windia, 2009:8).

In *nyeburin* marriage, as described above, the woman is *purusa* and the man is *pradana*. In accordance with the prevailing customs in the Balinese customary law community, only boys have the right as heirs and he will continue the descent. There is even an assumption that sons are the saviors of their ancestral spirits from the waste of suffering and bring them to the realm of happiness as stated in the Book of *Manawa Dharma*

*Sastra* book IIX Article 137 and Article 138 which states in Article 137, namely "Through a son he subdues the world, through his grandson he attains eternity but through the sons of his grandson he attains the realm of the sun." While girls are not like that, therefore families who do not have sons and only have daughters, then the daughter can replace the position of the son. If a family does not have children at all, both male and female, then the family can adopt someone else's child first from the *purusa* by extorting the intended child to be his own child.

The kinship legal status of a married man is the same as the legal status of a daughter who is married out, that is, she is released from the legal kinship relationship with her family of origin (her biological parents). Because the contents of a legal relationship are rights and obligations, the rights and obligations of men who marry in their original home no longer exist just as happens to the daughters of women who marry outside. Because of such a position, in order to take a closer look at the position of a man who marries in inheritance, especially in his home of origin, it must be seen how the position of daughters in the family and inheritance is really.

In the decision of case No. 65/Pdt.G/2000/PN.Gin stated that the three plaintiffs were entitled to an equal share of the Disputed Land. The land that is the object of the dispute is the inheritance which is the inheritance belonging to his parents or who in this case is referred to as the heirs, namely Tjokorda Agung and Tjokorda Istri Saren, which according to Balinese customary inheritance law is included in the *Gunakaya* property. Although in the lime system the relationship of a boy with *pradana* status results in the legal relationship of the boy with his two biological parents being severed and not entitled to become heirs. However, it is the freedom of the heirs to give their assets to their children without distinguishing their status and position. This is reinforced by the Decision on Case

Number 65/Pdt.G/2000/PN.Gin. Equitable distribution by parents regardless of the marital status of their children is a step of justice taken by their parents.

In a *nyeburin* marriage, a man joins his wife's family, lives in the wife's house and all of his descendants take his wife's lineage. The consequence is that children born from savage marriages will become heirs in their mother's lineage. The women in this marriage act as *purusa* and men as *pradana*. This happens when the girl's parents do not have a son to take care of their property which requires them to find their child a *sentana nyeburin* to continue their lineage (Sujana, 2015:142). In this case, it is the male parent who has to give permission for their child to be brought to the woman's house. In this funky marriage, the husband from the beginning of the marriage has been living in the wife's family home. He was separated from his original family and accepted as a member of his wife's family, because it was his wife who proposed to him. In addition, the marriage ratification ceremony (*mabyakaon*) is carried out at the wife's house, and it is the wife who delivers the "offerings" needed for the ceremony of releasing the husband from his family of origin. The marital status must be made clear, namely announced to members of *banjar* where the bride is from with the intention of getting social recognition, guaranteeing legal certainty, among others keeping the possibility of lawsuits arising in the future regarding whether the marriage is legal or not (Sukerti, 2014:245).

*Nyeburin* marriage system makes the position of men from their original families shift to women, but Bali adheres to a patrilineal system, which raises questions regarding the position of men who have carried out *nyeburin* marriages in their original families, including the right to inherit in their original families. *Pesamuhan Agung* by the Main Assembly of Pakraman Village which resulted in Decision Number: 01/KEP/PSM-3/MDP Bali/X/2010 stating that those who have

"left *kedator*" leave their home, in this case married, are not entitled to inheritance at all. Men who have carried out a *nyeburin* marriage will perform a blackmail ceremony so that the man enters the woman's family and occupies the second place after women so that in terms of inheritance only when the wife dies can the husband inherit his property. A man who has carried out a *nyeburin* marriage will be considered to have left the house just like a woman who marries out. Men who have status as *pradana* no longer have obligations in their original homes both on a scale and *niskala*. Then also the man will lose his rights, especially the right to inherit in his family of origin. Previously in Peswara 1900 stated that only those who change/leave religion are categorized as losing their inheritance rights. However, with the decision of the Pakraman Village Ulema Council Number: 01/KEP/PSM-3/MDP Bali/X/2010, those who have left *Kedaton* are not entitled to inheritance rights in their families of origin. Changes in marital status for a person, either becoming a *purusa* or becoming a *pradana*, do not change a person's role in the family, both male and female. Physically, status is closely related to responsibility for the legacy and ancestors left behind.

#### 4. CONCLUSION

Based on the results explained above, therefore, it can be concluded that (1) a man who does a *nyeburin* marriage will lose his right to inherit in his family of origin because of a change in his status to *pradana* in his wife's family. A man who does a *nyeburin* marriage will be considered to have left *kedaton* so that he has the same position as a woman who marries out. Likewise in his wife's family, a man who has *pradana* status does not get inheritance from his wife's family as long as his wife is still alive because her wife is a *sentana rajeg* and is the main heir in his family. Then there is the inconsistent application of customary inheritance law, when there is a customary inheritance dispute that reaches the judicial process

(litigation) and has been decided by the panel of judges based on considerations or norms regarding inheritance outside the customary law itself. Balinese customary inheritance law is very flexible in giving space or status options to the people who will carry out marriages, this can be seen in the *awig-awig* elaboration of marriage procedures in which indigenous people are given two options (choices) in carrying out marriages, namely by ordinary marriage and *nyeburin* marriages, where the choice of *purusa* and *pradana* status is directly attached to the choice of the marriage system used by the parties to carry out the marriage. (2) Burden marriage has implications for the position of the husband so that here the husband follows the wife. The rights and obligations as husband and wife are still the same as in a normal marriage, except that in a marriage the position of the wife is higher than the position of the husband in terms of responsibilities. A man who has carried out a *nyeburin* marriage will be considered to have left the house just like a woman who marries out. Men who have status as *pradana* no longer have obligations in their original homes both on a scale and *niskala*. Then also the man will lose his rights, especially the right to inherit in his family of origin.

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