

## Pecalang Regulations Within the Framework of the Village Government System

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### Abstract

Pecalang, a traditional village in Bali, is a sub-system in the governance of a traditional village in Bali, whose job is to maintain security and order in the territory of the customary village authority. Pecalang existed before the emergence of village regulations in Indonesia. It becomes a problem when the Pecalang sub-system is viewed from the perspective of village regulations. This problem is studied in this research. The research method used is normative juridical using secondary legal data. The results of the study show that Pecalang based on Article 103 Law No.6/2014 concerning Villages which provides an explanation regarding the Authority of Traditional villages, the presence of customary Pecalang domiciled in each customary village in the Province of Bali already has legality. In addition, Pakraman Village itself has *awig-awig* and *pararem* which function as customary village regulations which in it provide arrangements for Pecalang custom This has clearly illustrated that the presence of customary Pecalang is in accordance with the corridors of the village government system with all the relevant laws and regulations that govern it.

## 1. Introduction

Bali Province, as one of the provinces that is strong in traditional culture, has several traditional mechanisms that have been in effect for generations. This customary mechanism applies in traditional areas in Bali and is still adhered to by the people who live and reside. Nationally, the customs and culture that apply at the village community level have been accommodated in the Article 18 B of the 1945 Constitution of the Unitary State of the Republic of Indonesia (hereinafter referred to as the UUD NRI 1945) which states that the state provides recognition and respect for traditional units as long as they are in accordance with the framework of the Unitary State of the Republic of Indonesia, which will then be regulated through statutory regulations.

The Constitutional Court of the Republic of Indonesia itself through the Decision of the Constitutional Court of the Republic of Indonesia Number 31/PUU-V/2007 has provided restrictions on indigenous peoples which are categorized as still valid so it is felt that they need to be further regulated through statutory regulations, namely; its existence does not threaten the sovereignty and integrity of the Unitary State of the Republic of Indonesia and the substance of its customary legal norms is in accordance with and does not conflict with statutory regulations. One of the things that constitutes a traditional unity whose existence is still recognized in Bali is the Pecalang which is within the scope of village government. According to Made Chandra, Pecalang itself is an organization of indigenous people living in Bali which is responsible for security and matters related to religious activities.<sup>1</sup> In terms of the

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<sup>1</sup> Laksni Sedyowati Anak Agung Putu Sugiantiningsih, I Made Weni, Tommy Hariyanto, Pindo Tutuko, 'Enhancing Environmental Quality through Community Participation Based on Traditional Rules:

legal regulations themselves, Pecalang has been accommodated in Article 1 of Bali Province Regional Regulation Number 4 of 2019 concerning Traditional villages in Bali (hereinafter referred to as Bali Regulation No.4/2019) which provides the definition: "Pecalang adat village or Jaga Bhaya Desa Adat or another name hereinafter referred to as Pecalang, is a traditional Balinese security task force formed by the Traditional Village which has the task of maintaining security and order in the area within the authority of the Traditional Village."

Specifically, Pecalang adat has been regulated in Article 47 of Bali Regulation No.4/2019. Talking about ideal things, traditional Pecalang is expected to provide a sense of comfort and security for members of traditional villages so as to create a community order that lives in an atmosphere of peace, harmony and peace.<sup>2</sup> Pecalang obtains legal strengthening through regulations by the Pakraman village in the form of awig-awig or in the form of Pakraman village regulations. The format of community assistance and support for the police in carrying out their duties and functions in a formal juridical manner is called swakarsa security.

Pecalang as one of the sub-systems of the Pakraman village system was formed based on the will, awareness and interests of the Pakraman village to maintain security and order in its community. Functionally, it is demonstrated by the implementation of Pecalang's duties and functions in traditional and other religious ceremonies and even experiencing a transformation in social tasks, there is not a single activity without the presence of Pecalang. Based on this, it can be analyzed that formally, Pecalang is a form of self-protection.<sup>3</sup>

Whereas in 2016, Law of the Republic of Indonesia Number 4 of 2016 concerning Villages (hereinafter referred to as Law No.4/2016) came into effect and provided quite high flexibility to villages throughout Indonesia. The existence of village regulations is expected to support the implementation of good governance at the village level, including in traditional villages.<sup>4</sup> With a high level of diversity, villages are perhaps the most concrete form of a nation or a government entity that is directly connected to the people. Thus, the village is an arm of the Government of the Republic of Indonesia. In the sense that there is no government in this republic if there is no village government, because the village government is the one that has the most direct contact with the people, or at least historically, the village government building existed before the state government. This causes villages to have a very strategic meaning as a base for providing public services and facilitating the fulfillment of the public rights of local people. Moreover, around 65% of Indonesia's population lives in rural areas. The remaining 35% are in urban areas. Currently the number of villages in Indonesia is 74,754 and in 2017 it is estimated that there will be the addition of around 200 new villages.<sup>5</sup>

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Empowering the New Role of Pecalang in Bali', *Journal of Southwest Jiaotong University*, 54.5 (2019), 1-6 <<https://doi.org/https://doi.org/10.35741/issn.0258-2724.54.5.16>>.

<sup>2</sup> I Wayan Wiasta Made Emy Andayani Citra, I Made Sastra Wibawa, 'Kelembagaan Pecalang Desa Adat Kutuh', *Jurnal Advokasi*, 8.1 (2018), 113-26 <<https://doi.org/https://e-journal.unmas.ac.id/index.php/advokasi/article/view/91>>.

<sup>3</sup> Made Emy Andayani Citra, I Made Sastra Wibawa.

<sup>4</sup> Ulfia Panujiningsih, 'Eksistensi Peraturan Desa Sebagai Perwujudan Good Gevornance Dalam Pelaksanaan Pembangunan (Studi Di Desa Putatgede Kecamatan Ngampel Kabupaten Kendal)', *Indonesian State Law Review (ISLRev)*, 1.2 (2019), 183-204 <<https://doi.org/https://journal.unnes.ac.id/sju/index.php/islrev/article/view/38438>>.

<sup>5</sup> Jimly Asshiddiqie, 'Gagasan Negara Hukum Indonesia', *Jurnal Pembinaan Hukum Nasional*, 2.3 (2017), 1-17 <<https://doi.org/http://dx.doi.org/10.33331/rechtsvinding.v10i3.774>>.

Through the recognition of Bali Regulation No.4/2019 and supported by Law No.4/2016, these traditional Pecalang arrangements must basically be accommodated and their legal basis determined positively in order to prevent abuse of the Pecalang's authority. Through positive law regulations, it is hoped that relations between indigenous communities in villages and existing traditional Pecalang can run simultaneously so that they can participate and become part of nation building.<sup>6</sup> Moreover, in this modern era, villages are one of the social systems affected by the progress of modernity, so villages need to maintain their noble values through a system recognized by the state, one of which is through village regulations. Apart from providing legal certainty regarding the administration of traditional villages in Bali, the regulation of Pecalang in positive law in Indonesia, on the other hand, it is also hoped that the administration of Pecalang is in line with the ideals of the constitution of the Republic of Indonesia.

In conducting the research, the researcher used 3 (three) previous studies, all of which discussed the Pecalang Traditional village in Bali. The originality of the first research in this case was I Wayan Wiasta Made Emy Andayani Citra, Wibawa and I Made Sastra in their 2018 research entitled "Pecalang Institutions in Kutuh Traditional village".<sup>7</sup> In common, these studies both discuss the Pecalang Traditional village in Bali. The difference is that this research discusses more about the Pecalang institutions of the Kutuh Traditional village.

The second research was by Ni Made Liana Dewi with the research title "Synergy of Partnership between the National Police and Pecalang in the System for Maintaining Security in Pakraman village, in 2018".<sup>8</sup> The similarity is that these studies both discuss the Pecalang Adat, the difference is that the research focuses more on the cooperation between the National Police and the Pecalang.

The third research was by Ni Made Anggita Sastri Mahadewi, entitled "Pecalang, a Symbol of Balinese Cultural Strength, this research was conducted in 2014".<sup>9</sup> The similarity with this research is that both discuss the Pecalang Traditional village, while the difference is that this research focuses on Pecalang seen as a typical Balinese culture.

Based on the background that has been described by the researcher, to narrow down the discussion in this research to make it more in-depth, it is narrowed down to the following problem formulation, the first problem is what is the position of the traditional Pecalang in the village government system? And the second problem is how to regulate traditional Pecalang through a village regulation after the enactment of Law No.4/2016?

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<sup>6</sup> Herpin Hadat, 'Eksistensi Tri Hita Karana Dalam Pembentukan Peraturan Hukum Di Bali (Perspektif Filsafat Ilmu)', *Jurnal Magister Hukum Udayana*, 9.1 (2020), 132-41 <<https://doi.org/https://doi.org/10.24843/JMHU.2020.v09.i01.p09>>.

<sup>7</sup> Made Emy Andayani Citra, I Made Sastra Wibawa. *Op Cit*.

<sup>8</sup> Ni Made Liana Dewi, 'Sinergisitas Kemitraan Antara Polri Dengan Pecalang Dalam Sistem Menjaga Keamanan Desa Pakraman', *Jurnal Kerta Dyatmika*, 15.2 (2018), 1-10 <<https://doi.org/https://doi.org/10.46650/kd.15.2.910.1-10>>.

<sup>9</sup> Ni Made Anggita Sastri Mahadewi, 'Pecalang Simbol Kekuatan Budaya Bali', *Sorot: Jurnal Ilmiah Sosiologi*, 1.2 (2014), 1-23 <<https://doi.org/https://ojs.unud.ac.id/index.php/sorot/article/view/86377>>.

## 2. Methods

This research is normative juridical research, namely research that is guided by positive legal provisions which uses research methods for secondary legal data consisting of primary legal materials<sup>10</sup> namely statutory regulations related to Pecalang village in Bali and secondary legal materials, namely library materials. The problem approaches used in this legal research are the statutory approach, conceptual approach and historical approach. The technique for collecting legal materials is carried out through literature studies consisting of statutory regulations and other documents relating to Pecalang village.<sup>11</sup>

## 3. Results and Discussion

### 3.1. Pecalang Adat in Balinese Customary Law

Local Balinese cultural wisdom has immediately become an inseparable part of the implementation of regional autonomy in the Province of Bali. One of these features is the existence of certain functions, structures and tasks originating from community customs which can then run hand in hand with the existing government system in Bali<sup>12</sup> Balinese culture, which is rich in values, cannot be separated from the active role of the community in maintaining the security of their respective villages through an institution called Pecalang. Pecalang comes from the word calang or celang which means alert. As the name suggests, Pecalang is expected to remain vigilant in maintaining the security of its village or area.<sup>13</sup>

Pecalang's position in the Pakraman village system in Bali has its own role in the community. Pecalang itself comes from the word celang which means alert and watchful. The Pecalang system itself is divided into 3 (three) clusters, namely:<sup>14</sup> Pecalang who has the task of carrying out security activities for all community activities within the scope of the traditional village; Pecalang Subak whose job is to regulate activities in the Subak environment, such as supervising the water system and religious activities; and Pecalang Jawatan who has the task of ensuring that all human activities can run in an orderly and orderly manner.

In general, Pacalang has been regulated through Article 47 Bali Regulation No.4/2019 which explains Pacalang's authority as follows: Pacalang as referred to in Article 43 paragraph (2) letter d carries out duties in the field of security and peace and community order in Traditional village Wewidangan. Pecalang is appointed and dismissed by the Traditional village based on the decision of the traditional village Prajuru. Apart from the duties as intended in paragraph (1), Pacalang has the duty of participation in assisting the duties of state security forces after coordinating with the traditional village Prajuru. In improving the ability

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<sup>10</sup> Depri Liber Sonata, 'Metode Penelitian Hukum Normatif Dan Empiris Karakteristik Khas Dari Metode Meneliti Hukum', *Fiat Justisia Jurnal Ilmu Hukum*, 8.1 (2014), 15-35 <<https://doi.org/https://doi.org/10.51749/jphi.v2i1.14>>.

<sup>11</sup> Suteki and Galang Taufani, 'Metode Penelitian Hukum (Filsafat, Teori, Dan Praktik)', ed. by 3 (Depok: Rajawali Pers, 2020), p. 176.

<sup>12</sup> Ni Luh Gede Hadriani, 'Potensi Kearifan Lokal Masyarakat Bali Dalam Pembangunan Hukum Hindu', *Jurnal Hukum Agama Hindu Widya Kerta*, 2.2 (2019), 121-38 <<https://doi.org/https://e-journal.iahn-gdepudja.ac.id/index.php/WK/article/view/153>>.

<sup>13</sup> Mahadewi.

<sup>14</sup> Ni Komang Sutrisni Ni Putu Noni Suharyanti, 'Strategi Pencegahan Dan Pemberantasan Aksi Balapan Liar Di Kalangan Remaja', *Jurnal Hukum Saraswati*, 2.1 (2020), 45-55 <<https://doi.org/https://e-journal.unmas.ac.id/index.php/JHS/article/view/1019>>.



to carry out the duties as intended in paragraph (1), Pecalang received education and training from competent institutions. In carrying out the duties as referred to in paragraph (1), Pecalang receives *oliha* according to *awig-awig*.

Pecalang in each traditional village has its own character according to the village, *kala*, *Patra* based on the *awig-awig* and *perarem* of the traditional village. Different regulatory patterns are the 'fruit' of Mawa Village's original autonomy, namely how to regulate independently, based on cultural identity and traditional rights in line with current developments. There are traditional villages that place Pecalang in a social-religious context, there are also traditional villages that adapt the role of Pecalang according to the dynamics of the development of their community.<sup>15</sup> Widya and Widyani argue that in the Pecalang system in traditional villages in Bali, there are rights and obligations of a Pecalang, namely:<sup>16</sup> Pecalang has the right to what is called *luputan ngayah*, which means that a Pecalang is free from the obligation to be active in community activities, such as: cleaning the environment around the traditional village, carrying out the construction process and/or improving facilities owned by the traditional village; Pecalang has the right to be given special attributes by traditional villages; Pecalang has the right to receive profit sharing from fines for mistakes committed by the community around the village; and Pecalang have the right to use public facilities belonging to the traditional village.

As times progress, the duties and functions of traditional Pecalang also develop by following existing developments. This modern era has forced Pecalang to shift one of its priorities to maintaining the security of the Balinese people, especially with the increasing number of immigrants entering the Bali region.<sup>17</sup>

Talking about Pecalang's authority in the modern era, of course there is a synergy between Pecalang and the institution that directly carries out the mandate to maintain civil order, namely the Indonesian National Police.<sup>18</sup> Law Number of the Republic of Indonesia Number 2 of 2002 concerning the National Police of the Republic of Indonesia (hereinafter referred to as Law No.2/2002) itself has given direct recognition to Pecalang, namely through Article 3 paragraph (1) which provides an explanation that in terms of carrying out security duties, one of the ways can be carried out by forms of independent security. Furthermore, the police have the authority to provide guidance, guidance and training to Pecalang in accordance with Bali Regulation No.4/2019.

Pecalang carries out the task of maintaining order and security of indigenous communities. Securing and ensuring the smooth implementation of traditional or religious ceremonies, such as *Mass Ngaben*, *Nyepi*, *Ngenteg Linggih*, *Piodalan*, *Pengerupukan*, right up to *Eid al-Fitr*, *Christmas*, etc., Maintaining village security and order in daily activities,

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<sup>15</sup> I Wayan Wesna Astara and I Made Mardika, 'Dinamika Peran Pecalang Dalam Menunjang Aktivitas Kepariwisata Di Desa Adat Tuban-Kuta', *WICAKSANA: Jurnal Lingkungan Dan Pembangunan*, 1.1 (2017), 53–71 <<https://doi.org/https://doi.org/10.22225/wicaksana.1.1.2017.53-71>>.

<sup>16</sup> Nyoman Widnyai I Ketut Widia, *Pecalang Benteng Terakhir Bali* (Denpasar: Paramitha, 2010).

<sup>17</sup> I Nyoman Sirtha, *Aspek Hukum Dalam Konflik Adat Di Bali* (Denpasar: Universitas Udayana Press, 2008).

<sup>18</sup> I Wayan Arka, 'Sinergisitas Pecalang Dan Kepolisian Dalam Sistem Keamanan Regional', *E- Proceeding Udwi*, 2019 <<https://eproceeding.undwi.ac.id/index.php/inobali/article/view/67/48>> [accessed 29 December 2022].

creating a peaceful atmosphere, harmony and peace in the Bali region, regulating traffic during traditional ceremonies in Bali, and collaborating with the TNI and Polri in maintaining village security in Bali. Based on this, it appears that Pecalang has an important role in protecting the culture of the Balinese people from various external cultural influences, considering that the province of Bali is a tourist destination that is very popular with foreign tourists.

### 3.2. Form Pakraman Village and Service Village

Bali Province cannot be separated from the customary law system which runs side by side. In the lowest level government system, the village is a very close place for the Balinese people to live and earn a living. In Bali, there are 2 (two) types of villages that run side by side, Pakraman villages and official villages. Viewed from a historical perspective, Pakraman village is a very old traditional system in Bali, while Dinas village is relatively new to the government system in Bali.<sup>19</sup>

Pakraman village has jurisdiction based on the customary law government system, namely "*Prabhumian village*" or "*Wewengkon Bale Agung*". This traditional village area can be fully regulated and managed by the Pakraman village leadership in accordance with their authority known as customary village customary rights. Talking about Pakraman village wealth, it can take the form of movable and immovable assets, some are material and immaterial, and some can be divided. In managing assets, this traditional village can act as a legal entity because the village's wealth is independent of the wealth of each traditional village community.<sup>20</sup>

As part of a large system of customary government, the Pakraman village carries out the following functions, among others:<sup>21</sup> assistance to the government and/or regional government in the implementation of development programs; implementing applicable customary laws; providing interpretation of customary law in cases related to religion, social society and civil law; carry out guidance and development of traditional values that apply in Bali; and maintain and utilize village assets for the maximum prosperity of the traditional village.

As a social organization that grows and develops in Bali, Pakraman Village is imbued with Hinduism, therefore the basic concepts of Hinduism are used as the basis for developing and empowering Pakraman village, such as the Tri Mandala and Tri Hita Karana concepts. The Tri Hita Karana concept teaches a pattern of balanced relationships between Pakraman

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<sup>19</sup> Wayan Sugiarta IGK, Arya Sunu, Dewa Bagus Sanjaya, 'Harmonisasi Integrasi Desa Pakraman Dengan Desa Dinas Yang Multietnik Dan Multiagama Dalam Menghadapi Pergeseran, Pelestarian, Dan Konflik Adat Bali', *Jurnal Ilmu Sosial Dan Humaniora*, 3.2 (2014), 441-54 <<https://doi.org/https://doi.org/https://doi.org/10.22225/wicaksana.1.1.2017.53-71>>.

<sup>20</sup> Krisna Suksma Yogiswari Ida Bagus Putu Eka Suadnyana, 'Peranan Komunikasi Persuasif Dalam Implementasi Ajaran Tri Hita Karana Pada Sekaa Truna Truni', in *Prosiding Seminar Nasional Media Dan Komunikasi Politik Di Era Revolusi Industri 4.0* (Denpasar, 2020) <<https://doi.org/https://bit.ly/3s0AvCg>>.

<sup>21</sup> I Gede Iwan Suryadi I Gusti Ketut Gede, I Wayan Wirga, 'Model Pemberdayaan Desa Adat Pada Dua Desa Tujuan Wisata Bali (Studi Komparatif Desa Adat Intaran Dan Kuta)', *Jurnal Bisnis Dan Kewirausahaan*, 12.1 (2017), 62-73 <<https://doi.org/https://doi.org/https://e-journal.iahngdepudja.ac.id/index.php/WK/article/view/153>>.

village manners, both with God as the creator (*parhyangan*); both with each other (*pawongan*) and with the natural environment (*pabelasan*).<sup>22</sup>

Likewise, the Tri Mandala concept related to *palemahan* has become the basis for developing the spatial planning of Pakraman villages in Bali. Meanwhile, the customs as part of the Pakraman village are based on *catur dresta*; *purwa idresta* (customs that grow and are passed down from generation to generation and are believed to be still useful today); *loka idresta* (customs that grow at the local level or certain areas); *dresta village* (customs that apply to a particular village); *idan isastra idresta* (i.e. teachings or rules of life written in religious literary sources as written in palm leaves). With the existence of *catur idresta* which underlies customs in Bali, this has led to the emergence of various variations in the life of Pakraman villages in Bali, which are expressed by the village *imawa icara*, meaning that each Pakraman village has its own procedures for implementing its government and customs.<sup>23</sup> Referring to Article 1 Number 1 of Law No.6/2016 it is defined that: "Village is a village and a traditional village or what is referred to by another name, hereinafter referred to as a village, is a legal community unit that has territorial boundaries with the authority to regulate and administer government affairs, the interests of local communities based on community initiatives, original rights and/or recognized traditional rights. and respected in the government system of the Unitary State of the Republic of Indonesia."

The urgency for the state to recognize traditional villages in the government system in Indonesia, which was the ideal of the founding fathers of the nation, is to provide clarity on the position and goals of forming more independent villages with strong social capital.<sup>24</sup> Pakraman village government system in Bali, there are several variations that really depend on the region. The Pakraman village government in Bali adheres to a system that does not separate those who are governed from those who rule. This is because the highest power in the Pakraman village lies in the *paruman ikrama*. Meanwhile, the village head and other *prajuru* are only implementing officers who carry out all the decisions of the *paruman krama idesa*. In addition, the duties and obligations as *prajuru* are generally contained in the *awig-awig* of each Pakraman village.<sup>25</sup>

Based on data collected by the Bali Province Central Statistics Agency (BPS), there are at least 636 service villages in Bali Province as of 2021.<sup>26</sup> In order for the two villages above to coexist, it is necessary to understand each other's duties, responsibilities and commitments. The official village and the Pakraman village in Bali are in a harmonious condition and there

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<sup>22</sup> I Wayan Surpha, *Eksistensi Desa Adat Di Bali* (Denpasar: Upada Sastra, 2017).

<sup>23</sup> Komang Indra Apsaridewi Ida Bagus Alit Yoga Maheswara, Made Gede Arthadana, 'Aspek Legalitas Hukum Pidana Dengan Hukum Adat.', *Jurnal Hukum Dan Kebudayaan*, 1.2 (2020), 44-59 <<https://doi.org/https://ejournal.unhi.ac.id/index.php/hkb/article/view/1086>>.

<sup>24</sup> Muhammad Rauf, 'Politik Hukum Pembentukan Desa Adat Dalam Sistem Pemerintahan Di Indonesia', *Jurnal De Lega Lata*, 1.2 (2016), 408-17 <<https://doi.org/https://doi.org/https://doi.org/https://e-journal.iahn-gdepudja.ac.id/index.php/WK/article/view/153>>.

<sup>25</sup> Muhammad Rauf.

<sup>26</sup> Provinsi Bali Badan Pusat Statistik, 'Nama Ibu Kota / Kabupaten, Jumlah Kecamatan, Desa, Dan Satuan Lingkungan Setempat Di Provinsi Bali', *Badan Pusat Statistik, Provinsi Bali*, 2021 <<https://bali.bps.go.id/statictable/2018/04/11/59/nama-ibu-kota-kabupaten-jumlah-kecamatan-desa-dan-kelurahan-di-provinsi-bali-2021.html>> [accessed 2 January 2023].

is a communication relationship between the elements of the official village and the Pakraman village in the government structure. Harmony between official villages and Pakraman villages will improve the development process both in terms of governance and community empowerment for the better.<sup>27</sup> Regarding the context of synergy between Pakraman village and Dinasi village, the presence of traditional Pecalang is certainly present to participate in implementing and strengthening the synergy that exists between 2 (two) village entities that have different systems but remain within the same frame, the frame of the Unitary State of the Republic of Indonesia.

### 3.3. Traditional Village Regulations go hand in hand with Service Villages

Village Regulations are village-level legal products stipulated by the Village Head together with the Village Consultative Body in the context of implementing village government. Village regulations are further elaborations of higher laws and regulations by taking into account the socio-cultural conditions of the local village community.<sup>28</sup> The wider authority of villages is given by statutory regulations, making villages have governance like a regency/city. One of the main discussions that must be considered is what authority the village has and what the village regulations are. The results of this evaluation resulted in the Regional Regulation being canceled because it conflicted with higher regulations and hampered the business climate.

In many cases, the administration of government affairs which is the authority of the village must be implemented with village regulations to provide arrangements for the administration of village government affairs, such as when a village wants to establish a Village Revenue and Expenditure Budget (VREB), village financial management which is used to fund the implementation of village government. and village community empowerment must be stated in the Village Regulations concerning the VREB, and its determination is carried out by the Village Consultative Body as a village government institution whose task is to accommodate and channel the aspirations of the community together with the Village Head. Then create formal regulations regarding the Village Medium Term Development Plan (VMTDP), determine the organizational structure and work procedures of the village government, in essence there are still many other village regulations that must be formed and stipulated by the village government with village regulations.<sup>29</sup>

The correlation is that so that the same thing does not happen due to limited human resources, knowledge and skills possessed by the village government, increasing knowledge of the authority and form of village regulations is something that the village government must

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<sup>27</sup> Galih Wahyu Pradana I Made Prastika Angga, 'Sinergi Desa Dinas Dan Desa Adat Dalam Penataan Konsep Tri Hita Karana Sebagai Upaya Pembangunan Desa Yang Berkesinambungan', *Jurnal Publika*, 9.4 (2021), 530-41 <<https://doi.org/https://doi.org/https://bit.ly/3s0AvCg>>.

<sup>28</sup> Indra Permana Elviandri, 'Pembentukan Peraturan Desa: Tinjauan Hubungan Kewenangan Kepala Desa Dan Badan Permusyawaratan Desa', *Jurnal Equitable*, 6.1 (2021), 1-21 <<https://doi.org/https://doi.org/https://bit.ly/3s0AvCg>>.

<sup>29</sup> Fence Wantu Kadek Wijayanto, Lusiana Margaret Tijow, 'Kedudukan Peraturan Desa Dalam Sistem Pembentukan Peraturan Perundang-Undangan Nasional', *Jurnal Ius Cevile*, 4.2 (2020), 200-216 <<https://doi.org/https://doi.org/https://doi.org/https://doi.org/https://e-journal.iahn-gdepudja.ac.id/index.php/WK/article/view/153>>.



have so that the village regulations stipulated do not conflict with existing statutory regulations. higher and hinder the business climate. On the other hand, the accountability of local-scale policy makers must be adequate so that the village Regulations established can make villages independent, innovative and prosperous and touch all levels of village society.<sup>30</sup> From a formal juridical perspective, village regulations themselves have a legal basis for their formation. This has been regulated in Law No.6/2014 which is further regulated in Minister of Home Affairs Regulation Number 111 of 2014 concerning Technical Guidelines for Village Regulations (hereinafter referred to as Permendagri No.111/2014).

Law No.6/2014 is an instrument for building a vision towards an independent, democratic and prosperous village life. Village independence is not the village being alone in supporting itself and being in a space that is devoid of politics, but is also related to the dimension of justice which is in the context of the relationship between the village (as a local entity) and larger supra-village (central and regional) powers. Locally-internally, village independence means strong local capacity and initiative. Local initiatives are ideas, wishes and desires of village entities based on local wisdom, communalism and social capital (leadership, networks and social solidarity). Thus, strong local initiatives are a local foundation for village independence.<sup>31</sup>

In Bali Province, traditional villages then have their own position within the legal framework of village government. Traditional villages or what are known as Balinese Pakraman villages in accordance with Law No.6/2014 have the authority to regulate their own government, regulate village finances, carry out village empowerment and development activities, and obtain control functions and equipment from the regional government.<sup>32</sup> Talking about the Pakraman village itself certainly cannot be separated from the role of *awig-awig* as a legal instrument that applies in the official village. The *awig-awig* itself has a special jurisdiction which only applies in each traditional village where the *awig-awig* is made, similar to village regulations.<sup>33</sup>

In formal juridical terms, *awig-awig* began to be regulated in 1986 through Level I Regional Regulations of Bali Province Number 6 of 1986 concerning the Position, Function and Role of Traditional villages as Units of Customary Law Communities (hereinafter referred to Bali Regulation No.6/1986). This then developed until now the Bali Provincial Government has given full recognition to the validity of the traditional village law product in the form of

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<sup>30</sup> Lia Sartika Putri, 'Kewenangan Desa Dan Penetapan Peraturan Desa', *Jurnal Legislasi Indonesia*, 13.2 (2016), 110-25 <<https://doi.org/https://doi.org/https://doi.org/https://e-journal.iahngdepudja.ac.id/index.php/WK/article/view/153>>.

<sup>31</sup> Marsono, 'Penguatan Kapasitas Pelayanan Publik Pemerintahan Desa: Membangun Konstruksi Model Pelayanan Publik Desa', *Jurnal Desentralisasi*, 13.1 (2015), 1-15 <<https://doi.org/https://doi.org/https://doi.org/https://bit.ly/3s0AvCg>>.

<sup>32</sup> Dyah Poespita Ernawati, 'Analisis Sinergi Desa Pakraman Dan Desa Dinas Dalam Peningkatan Partisipasi Masyarakat Dalam Pembangunan Desa Di Provinsi Bali', *Jurnal Ilmiah Manajemen, Ekonomi, Dan Akuntansi*, 3.1 (2019), 240-51 <<https://doi.org/https://doi.org/https://doi.org/https://bit.ly/3s0AvCg>>.

<sup>33</sup> Sumardjo, 'Eksistensi Awig-Awig Dalam Menjaga Harmonisasi. Habitus: Jurnal Pendidikan Sosiologi Dan Antropologi', *Habitus: Jurnal Pendidikan Sosiologi Dan Antropologi*, 2.1 (2018), 25-39 <<https://doi.org/https://doi.org/https://doi.org/https://doi.org/https://bit.ly/3s0AvCg>>.





itself has *awig-awig* and *pararem* which function as traditional village regulations which provide regulations for traditional Pecalang. This clearly illustrates that the presence of traditional Pecalang is in accordance with the corridors of the village government system with all the relevant laws and regulations that regulate it.

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