

Participation of *Desa Pakraman* Society in Environmental Law Enforcement in Bali

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ABSTRACT

Participation of Desa Pakraman society that reflected in Awig-Awig Desa Pakraman in Bali have a big contribution in enforcing environmental law especially toward the relation between human and 'palemahan' (nature and environment). The daily activities of Desa Pakraman society in the scope of social and national life in always concerning development activities such as working together for the sake of environmental conservation. By local wisdom in Bali through the philosophy of Tri Hita Karana as a system of three components that cannot be separated, namely, human relation with God, human with human and human with the environment. Tri Hita Karana is the basis of Desa Pakraman society in Bali in doing their religious activity, social activity with other and activity in relation with environmental development.

Local knowledge is still alive in Bali. This can be seen in Awig - Awig Pakraman (Villager Law). This local wisdom is still recognized by indigenous people who live in Bali keep evolving as time goes by. Bali as a tourist destination by having many different customs and culture and continues to reflect diversity within the framework of the Unitary Republic of Indonesia. Even in the national legal system, the Balinese local law and wisdom is still recognized. Customary law is a source of substantive law in the formation of legislation in Indonesia. As a matter of fact, Pancasila which is the source of all sources of law in Indonesia derived from traditional and local wisdom Therefore, customary law in Bali which is set in Awig - Awig Pakraman Village is a substantial part of the source of law in Indonesian Positive Law. .

Keywords: Desa pakraman, awig-awig, enviromental law, law enforcement

INTRODUCTION

Background Problem

God Almighty (Ida Sang Hyang Widhi) bestows good and healthy environment that should be protected and developed to support human's life. Environment as God's gift is one unity and everything is included in it. They are related and support one another and should be protected to be inherited for the next generation. In general provision of Article 1 of the Indonesian Act No 32 Year 2009 Section 1, stated that environment is a unity between things, power, condition, human being, and their behavior that influenced the nature itself and human being viability and prosperity.

In this case, environment should be seen entirely by using holistic approach and having regular system with everything related or included in the explanation of regional regulation of Bali Province No 4 Year 2005 about pollution management and environment destruction which always becomes important issue in the development process nationally and internationally. United Nation conference discussed economy development concept that was resulted in Stockholm Declaration on The Human Environment in the year 1972 formulated development concept as "development that meets the needs of the present - without

compromising the ability of - future generations to meet their own needs.” This development concept centered on the principle of organizing resource wisely and to support a sustainable process.¹ However, we have seen in the effort of developing and renewing the environment, there have been many disasters. Pollution and destruction influenced and even decrease environment's function and quality.

At the explanation of the regional regulation; the environment in Bali Province shows the sign that the Biological Oxygen Demand (BOD) mark the death of river in Buleleng and Perancak River. The environment problem in Bali is caused by the increasing development process, the dense population, garbage problem, the tourism industry development; emerge of ignorance toward the environment. It is expected through *Perda* (Provincial Law) and *Awig-Awig Desa Pakraman* that social society can be actively participates to solve the destruction of the environment.

According to Supriadi, environment as an asset is needed for society prosperity.² Otto Soemarwoto said environment resources have limited regeneration and assimilation.³

The problem of enforcing environmental law in Indonesia has become a big question since many years ago, Indonesia is well-known by its diverse culture and the people are highly respect their custom and ancestor heritage. Civilized society highly respects their nature and environment. In the island of Bali with Hinduism, people has already respect the nature and environment since the culture was born and developed from long time ago.

Balinese society has an organization called *Desa Pakraman* (social organization that exist in every village). *Awig-Awig* is the basic legal principle to organize every activity of the society. Local wisdom that highly respected by Balinese society in fact is often denied. Many customs, rules that defined are effectively obeyed although the sanction is not really strict and firm. It is recognized that there are still many obstacles in the implementation of *Awig-Awig Desa Pakraman*. People's participation is really needed in obeying the rule that already agreed and written in *Awig-Awig*. Environmental issues are not only the responsibilities of the society but also government and the business sector.

Problem

The problem to be discussed here is how the participation of *Desa Pakraman* society in enforcing environmental law in Bali?

AIMS OF STUDY

General Aim

To get a broad view toward people of *Desa Pakraman* participation in Bali in enforcing environmental law and environment preservation.

Specific Aim

To know and analyze the existence of *Desa Pakraman* in the preservation and protection of the environment.

OBJECTIVES OF THE STUDY

- a. Theoretically to broaden the writer's horizon in developing knowledge in enforcing environmental law in order to be delivered to many people.

¹ Quoted from Bali Provincial Regulatory Explanation No. 4 of 2005 on Control of Pollution and Environmental Degradation.

² Supriadi. (2008). *Hukum Lingkungan di Indonesia Sebuah Pengantar*. Jakarta: Sinar Grafika. p. 4.

³ Otto Soemarwoto. *Ekologi Lingkungan dan Pembangunan*. Jakarta: Jambatan. p. 59.

- b. Practically as a principle for the government in enforcing environmental law and for those involved in the preservation and the protection of the environment.

RESEARCH METHOD

It is a normative research that reviewing law and regulation and *Awig-Awig Desa Pakraman* based on primary and secondary legal entity

Research Approach

There are two kinds of approaches used in this research

a. Statute Approach

Statute approach means using rule and regulation that has higher, medium and lower level in the customary law as stated in *Awig-Awig Desa Pakraman*.

b. Concept Approach.

Concept approach is aimed to understand the definition or concepts that become the core or the title of the research. The concept in the writing is the people's participation and environmental law concept.

Data Source

Source of legal material are: primary, secondary and tertiary source. Primary legal material is the constitution and *Awig-Awig Desa Pakraman* or positively valid customary law. Secondary legal material is by library research and study on document and scholar opinion. Tertiary legal material is other supported material.

Method of Collecting Data

The method of collecting data was conducted by library research and the legal material by using card system that has been prepared.

Method of Analyzing Data

Relevant primary and secondary data has been collected through inventory, identification, classification into relevant and irrelevant data. Relevant data were interpreted and analyzed to draw conclusion with the issue in this research.

RESULT AND DISCUSSION

People's participation is meant to empower and to increase people concern toward environment protection and management. *Desa Pakraman*, according to Article 1 number 4 of Region Regulation Bali Province No 3 Year 2001 means:

"The unity of customary law society in Bali Province that is one unique tradition and custom of Hindu people passed down and bound in *Kahyangan 3* or *Kahyangan Desa* that has its own region and wealth and is authorized to rule their own household affairs"

Beside ruled by Region Regulation No 3 Year 2001 the people of *Desa Pakraman* specifically are ruled by customary law (unwritten law) in form of *Awig-Awig Desa Pakraman*. *Awig-Awig* is regulation made by the people of *Desa Pakraman* that become the principle of *Tri Hita Karana* implementation as *Desa Mewacaran* and *Dharma* in each *Desa Pakraman*.

Besides related with God Almighty, the people of *Desa Pakraman* are also related with others and environment. At Region Regulation No 3 Year 2001 and *Awig-Awig*, the human relation with environment is called *Palemahan*. It is stated that the territory of customary village and its border are determined by the people who live in there. The authority of *Desa*

Pakraman are to organize the village assets, working with government with regard to religion, culture and society.

Based on *Awig-Awig*, Pancasila (five principles of Republic Indonesia Ideology), an the Constitution, the authority of *Desa Pakraman* in developing its territory especially related with *Tri Hita Karana* means a big role of *Desa Pakraman* to preserve the environment through enforcing administrative environmental law hold philosophy characteristic that shape fairness values and certainty of every rules in *Desa Pakraman*. Principle of *Desa Pakraman* according to Regional Regulation No 3 Year 2001 is *Tri Hita Karana* that hold constitutive characteristic as ethic principle value for the whole holy principle in the life of *Desa Pakraman*.⁴

For Balinese people the concept of *Tri Hita Karana* is formulated and implemented in the form of *Awig-Awig* so the definition according to Regional Regulation and according to I Wayan Surpha is provision that regulate social interaction to create stable harmony in society. According to I Nyoman Sirtha Professor of customary law in the Law Faculty Udayana University, the life of Balinese society is in one unity called *Desa Pakraman* *Desa Adat* that has their own law called *Awig-Awig*. *Awig-Awig* in every *Desa Pakraman* in Bali is basic law principle of the society in their daily life. In relation with environment safety, *Desa Pakraman* is responsible to preserve the environment inside and outside of its territory. With a clear formulation in *Awig-Awig* with the purpose to prevent pollution and damage e.g arrangement of poultry (*ubuhan*), plant (*pepayonan*), *Palemahan* (road, alley etc), *teba* (place to throw rubbish) etc, Balinese people often do work together periodically and those who do not attend will get penalty as customary sanction.

In relation with enforcing environmental law beside constitution and Regional Regulation, customary law as written in *Awig-Awig Desa Pakraman* is also applied. Law enforcement according to Satjipto Rahardjo is a term that has various definitions that is a process to create law desires that us mind of act creator in regulation.⁵

Furthermore according to Satjipto Rahardjo in his book "*Hukum, Masyarakat & Pembangunan*" stated that the true law character is an effort to control the society so that the life can be in harmony. The effort includes the action to measure people behavior.⁶

According to Soerjono Soekanto, the factors that influenced law enforcement are: i) Legal Factor, ii) The Law enforcement official, including the official and the institution that created and implemented the law, iii) The law enforcement proponent facilities, iv) The society, and v) Culture factor that is created by human and social life⁷

In English, the word *penegakan hukum* means law enforcement, in Dutch is *Rechthandaving*. According to Andi Hamzah law enforcement in Indonesia is a thought that law enforcement is always a form of force so there are some people who thought that it is only related with condemnation. The thought is strengthen by the habit to say police, attorney, judge as law enforcement official though administrative official is also part of the law enforcement official.⁸ Moreover according to Andi Hamzah, *Handhaving Millieurecht 1981* is control and implementation (with threats) the use of administrative instrument of legal certainty and

⁴ Quoted from Bali Provincial Regulatory No. 3 Of 2001 on *Desa Pakraman*

⁵ Satjipto Rahardjo. (1993). *Masalah Penegakan Hukum Suatu Tinjauan Sosiologis*. Bandung: Sinar Baru. p. 15.

⁶ Satjipto Rahardjo. (1980). *Hukum, Masyarakat dan Pembangunan*. Bandung: Alumni. p. 2.

⁷ Soerjono Soekanto. (1993). *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*. Jakarta: Raja Grafindo Persada. p. 5.

⁸ Andi Hamzah. (2005). *Penegakan Hukum Lingkungan*. Jakarta: Sinar Grafika. p. 48.

regulation could be reached for common people.⁹

According to Jimly Asshiddiqie law enforcement is an effort to enforce and legal norm function in real life as a basic of behavior in relation with legal relation in the social and national life. If we look at the subject it could be broaden and could be defined in narrow definition. In broad definition law enforcement involve every legal subject in every legal relation. Those who do or does not follow the normative rule or something based on the existence of legal regulation norm means they are enforcing the law. In narrow definition it is the law enforcement of mere formal and written law.

On the other side, the definition of law enforcement given by the scholars as stated by Jimly Asshiddiqie, in broad definition in formal or customary regulation in *Awig-Awig* is where the regulation is not written it seems that the values hold a very important role in environment law enforcement.

He firmly stated that what is meant by law enforcement is an effort to make law in broad narrow or in wide material view as basic behavior principle for every legal subject or law enforcement official that hold task and authority by constituent to guarantee legal norms functioned properly in social and national life.¹⁰

By observing the previous definitions of *Desa Pakraman*, according to Windia *Desa Pakraman* is an organization of Hindu society in Bali based on the unity of region - where they live along with their spiritual activity and social interaction. There are three elements of Tri Hita Karana: i) *Parhyangan* - relation with God Almighty, ii) *Pawongan* - relation with society based in Hinduism, iii) *Palemahan* - related with environment.

In relation with law enforcement especially environmental law enforcement *Palemahan* element takes an important role, it means the society must obey the rule and preserve the environment

According to I Ketut Sudantra¹¹ et al written *Awig-Awig* in general contain basic principle however further provision of *Awig-Awig* embodied in *Perarem* or result in *sangkep (rapat)* *Desa Pakraman* with the more binding power. *Perarem ngele* aims to accommodate new rule that is not written in *Awig-Awig* yet.

In *Desa Pakraman* meeting often discuss how to solve the problems in their territory in preventive and repressive way, such as environment problem, flood, garbage, work together, fire, making cemetery etc. Before doing their activity it usually started with the sound of *Kulkul* to call the society after that they are given instruction and job description by the head of the society. The work is done together by the spirit of togetherness and for those who cannot come will get fine or penalty except if they are ill.

In Bali there are many religious ceremonies related with the environment as an offer to God for safety, harmonious life. The ceremonies are *Tumpek Bubuh* (ceremony for plants), *Tumpek Kandang* (ceremony for animal), *Tumpek Landep* (ceremony for dagger, iron etc). Those ceremonies reflect gratitude to God for the gift. Besides to ask for safety from disaster we also ask for having folded harvest. People participation is done without pressure.

According to I Gede Parimartha Balinese people has understood local concepts and local wisdoms such as *Desa Kala Patra*, *Tri Hita Karana*, *Tri Samaya*, *Rwa Bhineda*, *Menyamebraya*, *Tatwam Asi* etc. Those indigenous concepts inspire the life spirit of Balinese

⁹ *Ibid.*

¹⁰ Jimly Asshiddiqie, *Penegakan Hukum*, available at URL : <http://www.docudesk.com>,

¹¹ I Ketut Sudantra et al. (2011). *Penuntun Penyusunan Awig-Awig*. Bali: Udayana University Press. p.19.

but are now facing the challenge of globalization.¹² Local genius has central position to maintain the custom.¹³ The local wisdom existed in the Balinese culture could be used as a method in the enforcement of environmental law.

Everyone has a right to participate in *Desa Pakraman*. This participation (*palemahan*) will increase self-reliance and will develop and create partnership between human and environment. By having *Awig-Awig Desa Pakraman* society must put in belief that the environment must always be sacred because human cannot be separated from nature and its harmonious life. So in this case according to I Ketut Sudantra what is written in *Awig-Awig* must be a harmonious relation between its component that is *Awig-Awig* as a law and *prajuru* or official as a component of *Desa Pakraman* society.

One of the serious problems about environment in Denpasar is garbage, thus to resolve this, *Awig-Awig Desa Pakraman* in relation with regional regulation no 5 year 2011 about garbage control rule how to develop and increase people awareness in controlling the garbage. Constitution, regional regulation and *Awig-Awig* shall be always in harmony. In the end of the day, *Awig-Awig* will continually support *Desa Pakraman* to increase participation to preserve the nature and put forward the idea of prevention in enforcing environmental law.

In relation to customary law that has been poured in Awig - Awig Pakraman Village, according to Tolib Setiadi in Indonesian society that is owned by indigenous tribes differ from each other even though the basis and nature is one that is all his Indonesian.¹⁴ Therefore custom (habit) of Indonesia is said to be a Unity (different areas and tribes that exist) but Tunggal Ika (still one too) that is the basis and nature of all his Indonesian. According to the authors is precisely what has been said by Artadi , and what was raised by Tolib Setiadi , associated with customary law that has been poured in Awig - Awig in accordance with their respective customary village but still running side by side among Awig-awig each village indigenous within the Unitary State of the Republic of Indonesia.

Within the framework of the national legal system in Indonesia, is the highest law of 1945 so that all products are laws that exist below it must not conflict with the 1945 Constitution. Customary law is the law of indigenous peoples in Indonesia or the people who shape the laws written and valid from generation to generation.

Further confirmed by I Ketut Sudantra, et al, all customary law is still alive, in accordance with the development will be no justice in violation of laws and regulations with the legislation of the Republic of Indonesia. The opinions I Ketut Sudantra, 1945 respect for customary law customary law as set forth in Awig - Awig Pakraman Village . In the philosophy of Tri Hita Karana Bali relationship between man and *palemahan* (natural environment). So the role of the community Pakraman Village gets the highest setting in the national legal system in Indonesia. When linked with Law. 32 of 2009 (UUPPLH) or the field of environmental law in the general provisions of Article 1 paragraph (30), local knowledge is a noble values that apply in order to among other people's lives to protect and sustainably manage the environment, until now Awig - Awig Pakraman give a very big role in the management and conservation of the environment is through the relationship between man and *palemahan* (nature).

Furthermore by I Ketut Sudantra, et al, Village Pakraman is a Balinese Hindu society based on unity of the region where the religious and spiritual lives with the most basic patterns of relationships and patterns of social interaction Bali, a village Pakraman before consists of

¹² I Gede Parimartha. (2013). *Silang Pandang Desa Adat dan Desa Dinas di Bali*. Bali: Udayana University Press. p. 126.

¹³ *Ibid*, p. 127.

¹⁴ Tolib Setiadi. (2008). *Intisari Hukum Adat Indonesia (Dalam Kajian Kepustakaan)*. Bandung: Alfabeta. p. 75.

three elements, parahyangan, pawongan and palemahan. So it can be said villagers Pakraman outwardly and spiritual wisdom that is Awig - Awig Pakraman village has positive values. This is the role of the village can be said Pakraman traditional village plays a very large in environmental law enforcement in general and Bali in particular in Indonesia.

According to Otto Soemarwoto, in cultural development, people develop the institutions that regulate social life of human groups. Organize social life as proposed by the Soemarwoto Otto, in line with Awig - Awig Pakraman Village in Bali which also controls the social life of the Balinese. Regarding local wisdom by Parimartha, it can be learned from the Balinese way of life inherited a view and stays alive until now. Of course the things that are inherited to the present as an example the village of kala patra, Tri Hita Karana, and others who are still living in the community of Bali, Bali has a uniqueness in the relationship between man and nature (environment) so that the law enforcement have uniqueness further guided by the wisdom Parimartha also by the ability of creative, local genius (local genius) are able to build, fix the dynamic life endlessly. Here the local genius interpreted as self-expression, manifestation of personality that characterizes the essence of life and culture.

Customary laws that govern life in Bali society Pakraman Village to this day still observed and perceived as living in accordance with the legal community spirit Pakraman Village, and also in accordance with the development of globalization. Public participation Pakraman Village accordance with the philosophy of Tri Hita Karana role not only in the relationship between humans and the attenuation but also the relationship between human beings in relationship with the Almighty God.

Speaking of local knowledge, Awig-awig Pakraman has a very large role in environmental conservation or Awig-awig is as a means of environmental preservation. Awig-awig Pakraman Village has philosophical, sociological and most importantly juridical value. Prof. Astiti, described Awig-awig standards are made by indigenous peoples (in Bali) based on a sense of justice and propriety that live in the community.¹⁵

Furthermore, according to Prof. Astiti, in principle, Awig-awig regulate parahyangan (as a reflection of the relationship between man and God Almighty), pawongan (as a reflection of the relationship between man and man), and palemahan (thus mirroring the human relationship with the environment).¹⁶

From the opinion of Prof. Astiti and according to the author Awig-awig is the assignment of the unwritten customary law which have for years been carried from generation to generation equipped with sanctions that are based upon agreement of the indigenous people has consequences are required to be preserved or according to the positive law must be followed if violated will be sanctioned.

According to the author, Awig-awig role as local knowledge is huge because it is implemented with full voluntary without coercion. Community participation in the law enforcement can be referred to as a pioneer in the future.

Still according to Prof. Astiti Awig-awig as a means of social control. Awig-awig serves to maintain-Siwak Siwak or rules and patterns of existing relationships.¹⁷

Hence, when linked to national law, first according to the 1945 constitution, according to Law No. 32 In 2009 UUPPLH, awig-awig is consistent with both national interests and the

¹⁵ Tjok Istri Putra Astiti. (2007). *Awig-Awig sebagai Sarana Pelestarian Lingkungan Hidup (Kearifan Lokal Dalam Pengelolaan Lingkungan Hidup)*. Denpasar: U.P. Universitas Udayana. p. 97.

¹⁶ *Ibid.*

¹⁷ *Ibid.*, p. 98.

interests of local (regional). Indonesia as a multicultural society with different cultures, as a rule Awig-awig growing autonomous in accordance with the times, the village Pakraman can find attenuation problems in environmental management, this is where local wisdom can be used as a legal basis by villagers Pakraman in their participation to build the nation, state, community, especially to build a healthy environment. What is mandated by the 1945 constitution in Article 28H clause (1) of the human right to a good environment and healthy living has reflected and implemented in the Awig-awig, as local wisdom. Can be interpreted with the awareness volunteerism has published the obligation of society to save the environment.

Association of public participation in the development of the local village, according to Prof. Sirtha, the local autonomy of each region compete to build their respective regions.¹⁸

In this point, in reality national interests in the making of the national law must always pay attention to the principles of customary law or the principles of customary law which has been stated in Awig-awig Pakraman Village .

According to Prof. Sirtha, customary law and communal togetherness has a very strong community ties. This situation illustrates, that the community as a unit plays a very decisive for life of humans.¹⁹ This means that the interests of the individual under customary law is always offset by the public interest, even individual rights in customary law always balanced by the rights of the public.²⁰ Pakraman Village who has properties in the context of community togetherness or preserving the environment is always a shared responsibility. Awig-awig which already governs the relationship between man and the Almighty God, human relationships and the relationship between humans and the attenuation (natural environment). It is already reflecting a moral obligation, a legal obligation of the village community participation Pakraman to enforce environmental laws.

In day-to-day implementation, as has been previously described, community Pakraman Village in preserving the environment is no uniqueness in accordance with the customs or in accordance with the religious life in Bali, performs sacred ceremonies, offerings with no purpose beyond human capabilities more in saving the environment. All costs incurred for these activities most of the funding comes from individual or the indigenous peoples, unless there is help from the government. This illustrates the importance of Awig-awig so that the community can perform its tradition.

In the maintenance of order or the behavior of the villagers of Pakraman, according to Artadi in his book entitled "Customary Law Bali with various problem", Awig-awig attached to the deepest indigenous spiritual and physical life, and it's not about magic, because it Awig-awig horizontally arranged public relations, also set the vertical relationship of society as individuals or groups to God Almighty.²¹

It is true what has been delivered by I Ketut Artadi, Awig-awig is leading door and the legal basis for the people who have been entrenched Pakraman Village in saving palemahan (environment). One example is the sanction most feared *kesepekan* or disposed of society and there are also sanctions which are imposed restore cosmic balance, this can create a sense of shame.

¹⁸ I Nyoman Sirtha. (2007). *Peran Hukum Adat Dalam Pelestarian Lingkungan Hidup Daerah (Kearifan Lokal Dalam Pengelolaan Lingkungan Hidup)*, Denpasar: UP Universitas Udayana. p. 108.

¹⁹ *Ibid*, p. 110.

²⁰ *Ibid*.

²¹ I Ketut Artadi, *Hukum Adat Bali dengan Aneka Masalahnya*. Denpasar: Pustaka Bali Post. p. 79.

Hence, the existence of Awig-awig Pakraman Villa, in the event of a violation, there are forms of sanctions that have been set.²² In relation to restore the balance, in Bali there are sanctions as *mecaru* (holy ceremony) penalties in certain amounts, in which the perpetrator cleans sacred places. In Awig-awig also arranged activities *pesuka Dukaan* in which community shares all the responsibility in the happiness as well as in the sadness.

According to the author, these sanctions need to be emphasized because of the existence of such Awig-awig regulate the realities of society. With the sanctions that have been agreed upon by the villagers of Pakraman, it is the community responsibility to keep the philosophy of Tri Hita Karana especially with regard to the relationship between people (citizens, communities or natural attenuation, environment). From this philosophy is expected the participation of the community has a better impact to prevent struggle within the community, therefore, national law is very needed to guarantee the protection of it.

According to Wayan P. Windia, the values of fairness based on customary law which is inspired by Balinese Hinduism, developments in the field of education, technology and the economy, the legal principles that are universal.²³ The purpose of writing Awig-awig maintains Hinduism, Balinese culture and creates peace in the village Pakraman (*kesukertaan*).²⁴

Hence, when listening to the opinion of Windia in the philosophical foundation of the Awig-awig formulatin, the problems that may arise, how the villagers Pakraman to restore the principles of harmony, where the role of a great looking Awig-awig Pakraman Village.

According to Prof. Sirtha, Pakraman in Bali is a traditional institution which has a religious and social character of the government of the autonomous nature of rights based on its origin.²⁵ Furthermore, according to Prof. Sirtha, in other words, in the village governance Pakraman can define rules by itself.²⁶

Uniqueness owned by the villagers of Pakraman traditional village in Bali as it has been described earlier in preserving the environment, people usually do that on holy days by worshiping together and ask the Almighty God to prevent natural disasters, calamities, so that the earth is held steady (safe). This ritual matters on an ongoing basis continuously from generation to generation.

For example the holy day of Nyepi Day (New Year Saka) in Bali for Hindus that falls each year. Before Nyepi day, according to Nyoman Adiputra et al (n.d), the community has been busy carrying out a series of ceremonies that are basically doing the purification of the universe.²⁷ Tradition in Bali do *melasti* to sea, or into the river and brought all forms of *Pratima*, also held *Catur Tawur Kesanga yadnya Butha* ceremony is, in places the ground, road intersection which has a meaning of purification of the world.

On Nyepi day in Bali, there is no activities undertaken by the community for 24 hours, *ameti Geni* (not light the fire), observe the work (not working), not traveling and other activities at all lonely. This brings the impact that the environment is not polluted because of the people in Bali need to stay at home for 24 hours. This has been an instrumental tradition owned by Pakraman Village in saving the environment and society, and it is clear in the Awig-awig that

²² *Ibid*, 83.

²³ W.P. Windia. (2013). *Hukum Adat Bali Dalam Tanya Jawab*. Denpasar: Udayana University Press. p. 37.

²⁴ *Ibid*, p. 37-38.

²⁵ I Nyoman Sirtha. *Aspek Hukum Dalam Konflik Adat di Bali*. Denpasar: Udayana University Press. p. 1.

²⁶ *Ibid*.

²⁷ N. Adiputra, dkk, *Hari Raya Nyepi dan Maknanya Dalam Kelestarian Lingkungan Hidup (Kearifan Lokal dalam Pengelolaan Lingkungan Hidup)* UPT Universitas Udayana, Denpasar, p. 157.

in case of violation will be subject to customary sanctions and to prevent these violations in Bali formed *pecalang-pecalang* (law enforcement) assigned to watch the people.

The existence of local wisdom in Bali in connection with the philosophy of Tri Hita Karana in particular the relationship between humans and the natural environment is very important. According to A.A. Gede Raka Dalem in his "philosophy of Tri Hita Karana and Implementation in World Tourism" hotels should be built on Balinese architecture.²⁸

According to the Regulation No. 3 Year 2001 concerning general provisions of the Village Pakraman in figure (4) is a public entity that has the composition of the original law, the right of the origin of the special nature of culture rooted in Balinese Hindu religion, based Tri Hita Karana has Goda Three Goda village. The rationale for the setting of the village Pakraman is diversity, participation, indigenous autonomy, democratization and empowerment of rural manners. Onwards in figures (9) mentioned fundamental things in this regulation are pushing to empower participation, develop the role and function of Pakraman village. Therefore, this regulation confirms the Village Pakraman autonomy.²⁹

Indonesian Act No. 3 Year 2001 on this Pakraman village in addition to the legal basis and expand the area of law and strengthen the legal basis of local knowledge of Tri Hita Karana which has been implemented in Awig-Awig Pakraman Village, especially in the development in the environmental field. Tri Hita Karana philosophy with constitutive characteristics as a benchmark for the overall ethical in Bali.

The assertion about the role of the village can also be seen on Desa Pakraman provision Regulation No. 4 Year 2005 on Pollution Control and Environmental Destruction in Article 4, community have equal opportunity to participate in the control of pollution and or destruction of the environment. Forth in Article 5 point (2) any person who attempts to contain the potential for pollution and/or destruction of the environment must provide correct and accurate information about the control of pollution and/or destruction of the environment.³⁰

Both in Regulation No. 3 In 2001 and Regulation No. 4 of 2005 providing community participation especially Pakraman village is not limited in the Village Pakraman customary village, but also Bali Province in general. Local knowledge is in the Village Pakraman whereabouts remain strong with the provision of regional regulations, or Awig-Awig as rules of customary law are not in conflict with the rule bottom higher.

The principle of public participation Pakraman Village or can be described as follows:

1. Awig-awig Panjer
 - a. Krama Banjar Celuk
 - b. Krama Banjar Kaje
 - c. Krama Banjar Sasih
 - d. Krama Banjar Antap
 - e. Krama Banjar Kangin
 - f. Krama Banjar bekul

²⁸ A.A. Gede Raka Dalem. *Filosofi Tri Hita Karana dan Implementasinya dalam Dunia Pariwisata*. Denpasar: UPT Universitas Udayana. p. 87.

²⁹ General explanation of PERDA (Provincial Act) No. 3 year 2001(4) dan (9), with regard to Desa Pekraman, Provinsi Bali, p. 173.

³⁰ Perda No. 4 year 2005, with regard to *Pengendalian Pencemaran dan Perusakan Lingkungan Hidup*.

Krama is the members of the community (village residents Pakraman) each have an obligation to save the environment in the respective territory. Public participation in environmental enforcement has been required in Awig-Awig. What has the author described earlier with full awareness of citizens to conduct development activities that are of mutual work.

2. Awig-awig Pedungan Village, District of South Denpasar, Badung regency Regency

In figure 2 Pawos 6 villagers mentioned “*inucap linggihnya Wenten kalih soroh*” (There are two (2) kinds of *Krama*) namely:

- a. Residents whose religion is Hindu
- b. Guest of the Village

These two (2) of this etiquette in activities attenuation (environment, nature) always work together in activities related to the attenuation (environment, nature).

3. Awig-awig Padangsambian Village, “*Wewidangan desane Kapah dados 13 banjar*” (is divided into 13 part)

- a. Banjar Tegal Fruit Dalem
- b. Banjar Buana Kubu
- c. Banjar Buana Village
- d. Banjar Buana Agung
- e. Banjar Balun
- f. Banjar Baru
- g. Banjar Padangsambian
- h. Banjar Pindah
- i. Banjar Klinch
- j. Banjar Batu Paras
- k. Banjar Tegallingah
- l. Banjar Batu Kandik
- m. Banjar Gunung Sari

From some Awig-awig traditional village that has been described, basically every traditional village has Palemahan (region, nature, the environment). And each and every existing traditional villagers “Krama Pengarep” (fixed) and Krama Newcomer (TAMIU). Manners and etiquette entrants remain in public life in Bali as rural customs, manners entrants are also burdened with obligations to work together in sustaining the environment.

Palemahan (natural environment) in Pakraman Village is a Tri Hita Karana which is embodied in the Village Pakraman that must be preserved in the daily lives of indigenous people. Harmonization is absolutely necessary in public life between rural manners with palemahan (nature, environment) in the sense that the environment is to get a good spiritual happiness, physical processing environment through regularly and wisely, so that the environment be productive and remain stable.

Here would seem such a big role in keeping the village Pakraman territory, keeping the environment and the local knowledge possessed by each Village Pakraman.

Role of Village Pakraman in environmental conservation is very important. In Article 5 of Regulation No. 3 Year 2001 on the Village Pakraman mentioned Pakraman Village has the following tasks: a) Make Awig-awig, b) Setting the village manners, c) Setting the village

wealth management, d) Together with the government carry out development in all fields especially in the field of religion, culture and society, e) Maintaining and developing cultural values Bali in order to enrich, preserve and develop the national culture in general and in particular regional culture, based on *paras-paros*, *sagilik-saguluk*, *salunglung - sabyantaka* (consensus), and f) Protect rural manners.

CONCLUSION

From the foregoing description of the results of this research can be concluded as follows:

1. Activity of Village community play a very important role in environmental law enforcement. *Desa Pakraman* always put environmental protection and the preservation of the environment as part of its duties and its *Awig-Awig*.
2. *Awig-awig* is the legal basis for the Pakraman Village used in daily life, especially in the protection and the preservation of the environment.

SUGGESTION

Let us together give full support to develop the activities of the village residents Pakraman to save the environment by enforcing the environmental law in the preservation of the environment as stipulated in the constitution of Indonesia (UUD NRI 19945).

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