

## CASTE SYSTEM OF HINDU COMMUNITY IN BALI: HISTORICAL JURIDICAL PERSPECTIVE

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### ABSTRACT

*Social stratification of the Hindu community in Bali historically consists of wangsa, caste system, and warna system. Wangsa system was begun in the dynasty of king Sri Krishna Kepakisan from Majapahit. There was a possibility that the caste system was originated from India, enacted in Bali, but the implementation was softer in Bali. Warna system prevailing at the time of Bali Kuna kingdom, before the knights of Majapahit defeated the King of Bali. In the life of Hindu community, Sudra class was considered to occupy the lowest level. As a result of the lowest level, the sudra caste should be obedient to very harmful and discriminatory rules. The rules was imprinted on the books of Hindu Law, in the colonial era it was strengthened with peswara. Based on these regulations every violations committed by sudra class can be executed, exiled and killed his honor. At independence era, those punishment were removed and new regulations was published on the practice of catur warna system, in order to achieve equality.*

**Keyword:** Hindu community, caste system, wangsa system, warna system

### INTRODUCTION

The influence intensity of the Hindu religion and culture in the life of the Hindu community in Bali can be understood in their social stratification system. In Bali Age community, social stratification was very simple. People were distinguished with other in terms of position and role, solely on the basis of the order of marriage. In some cases, older people (krama) was given some authority over the implementation of some aspects of the tradition. While in the common life, they adopted ideas of equality (egalitarian). For examples Sidetapa Village, Village Pedawa, Trunyan.

In the tradition of Balinese living in plains areas, aspects of social life was dominated by elements derived from Hinduism<sup>2</sup>. Some aspects of dominant influence of Hinduism were (1) power was concentrated in the hands of the king who was considered descendants of god and often called the “Queen Dewagung”, (2) the existence of figure pedanda, and (3) the existence of the caste system.<sup>3</sup> These three aspects, according to Swellengrebel, defined similar between the caste system and the wangsa system. But actually the Hindu community in Bali did not recognize the caste system as it was in India, but in practice was a *wangsa* system, which also has other meanings in Hinduism namely the *warna* system.

For comparison, a caste in India forbid its members to contact with the lower castes such as *dalits* / contemptible people, forbid them from eating food given by the lower castes. In Bali, however, was not similar to the case, though a similar ban above was imposed , but in conjunction with the entry of modern understanding and human rights principles, then the

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<sup>2</sup> Ida Bagus Gde Yudha Triguna, 1997, *Mobilitas Kelas, Konflik, Dan Penafsiran Kembali Simbolisme Masyarakat Hindu Di Bali*, (Class Mobility, Conflict, and Reinterpretation of Symbolism of Hinu Society In Bali (disertasi) Universiata Padjadjaran Bandung,p.10.

<sup>3</sup> Swellengrebel, 1960, *Bali, Studies in Life, Thouht and Ritual*, Bandung : The Hague Van Hoeve, p.20-30.

books prohibiting the relationship between higher caste with lower caste was gradually faded and left. For example, a brahmin was prohibited to stay at a house of *sudra*. Likewise, there was a ban on brahmin caste to eat any food as the rest of *sudra* caste. If it was breached, the brahmin will be considered into *sudra*.<sup>4</sup>

On the other hand the *warna* system determined the status of people not due to their birth as the caste system but based on their function in everyday life that they get from their intellectual efforts. All of these systems used the same term for each level such as brahmins, *ksatrya*, *weisyas*, and *sudra*.

The caste system has brought a legal consequence on these groups, so that the rights and obligations were also different in the community. The caste system locates the position and status of a person in the society as higher and lower called vertical stesel<sup>5</sup>. It was influenced by sociological and historical factors at the coming era of Hinduism to Bali.

In the days of empire and colonial era, the caste system in Bali of any term: caste, *warna*, *wangsa* has turned out to bring certain legal implications including family law. Until nowadays, it still leave negative implications in family life and society. Based on the research results of Sadnyini<sup>6</sup> there still discrimination against *sudra* class, especially in inter-caste marriages. On the other hand there was still discrimination in the use of language and *sudra* clergyman.<sup>7</sup>

Based on the background of the case above, the author was interested to write a history of the caste in Hindu community of Bali and the laws that govern it. Thus, an article can be presented with the title “the Caste of Hindu Community in Bali” ( Historical Juridical Perspective)..

## QUESTIONS OF STUDY

The problems arise as follows:

- 1) How was the history of castes in Bali?
- 2) How was the caste regulations in the life of Hindu community in Bali?

## OBJECTIVES OF STUDY

- 1) To examine the history of caste in the Hindu community in Bali.
- 2) To examine the regulations governing castes in the life of Hindu community in Bali.

## METHODOLOGY

This paper uses historical juridical approach. Secondary data was used. It was consist of primary legal materials, sourced from *lontar* governing caste relations in Bali, secondary legal material was derived from reviews of books related to the history of the caste in Bali.

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<sup>4</sup> Lontar Widi Pepincatan.

<sup>5</sup> Md Pasek Diantha dan I Gede Pasek Eka Wisanjaya, 2010, *Kasta Dalam Perspektif Hukum dan HAM*, Udayana University Press, p.17.

<sup>6</sup> Ida Ayu Sadnyini, 2015, *Dinamika Sanksi Hukum Adat Dalam Perkawinan Antar-Wangsa Di Bali (Perspektif HAM) (disertasi)* Program Pascasarjana Universitas Udayana Denpasar, p. 295.

<sup>7</sup> *Jaba wangsa* merupakan bagian dari stratifikasi masyarakat Hindu di Bali disebut *catur wangsa* terdiri dari empat golongan yaitu golongan *brahmana*, *ksatrya*, *wesya*, dan *sudra*. Golongan *sudra* dalam *catur wangsa* tidak sama dengan golongan *sudra* dalam sistem kasta di India. Golongan *sudra* pada masyarakat Hindu di Bali menyebut dirinya sebagai golongan *jaba wangsa*. *Jaba* artinya berada di luar yaitu di luar golongan *tri wangsa*.

## DISCUSSION

### History of Caste in Bali

Customary law for the Hindu community in Bali was closely related to aspects of social stratification. The aspect of social stratification may affect the existence and implementation of the law by members of the caste. In general common people called *wangsa* as caste, the caste system was different from the *wangsa* system and *warna* system. Hindu community in Bali recognize the three systems of social stratification that actually have different properties.

### *Caste System*

Historically the concept of caste was brought by the Portuguese to Indonesia in the 16th century. The term caste came from the Latin *castus* that meant clean, pure, a term which was aimed at the social structure of society at that time. Caste was a system of institutionalized inequality, so that the caste system was different with *warna* system.<sup>8</sup> Wiana and Raka Santri<sup>9</sup> explained that the term caste in the real meaning, classified people based on social status differences that were hereditary.

For comparison caste system in India discriminated human dignity based on descent. Caste divided the society into four groups vertically geniological<sup>10</sup>. Starting from the highest caste brahmin, then *ksatrya*, *weisyas*, and the lowest was *sudra* class. In fact there were people who was lower than *sudra* class called *candala* class (defects), this group was also called Paria caste. The classification was then used as a reference by the majority of Hindu community in Bali.

Ardika<sup>11</sup> argued that caste system was a system dividing society into a number of separate units in complete. Relations between units was determined ritually in a form of classification. Caste was also described as a social group which has two characters as follows:

- a. Member was classified by what group they were born (the group members based on descent).
- b. Member was strictly prohibited to marry with people from outside the group. Everyone in the group, has the title in what way they were called.

The influence of the caste system of Hindu community in Bali was very large. Until nowadays, people cannot distinguish between caste system and *wangsa* system. It is because in the *wangsa* system, *wangsa* brahmins still considered himself as the highest stratification. But they forgot the obligation they must do, that was regulated by lontar *Brahmakta Widhi Sastra* and lontar *Tri Agama*<sup>12</sup>. The lontar mentioned about the duties and obligations of each caste in society. Tasks to be implemented was a holy duty or obligation according to Hindu teachings. Therefore, the caste system was a manifestation of social stratification regulated by religious norms. Therefore, each caste has rules or Book of Law to be obeyed, if it was breached, it may result in being fired (*petita*) of caste membership. *Petita* meant lowered the

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<sup>8</sup> I Wayan Ardika, dkk, 2013, *Sejarah Bali Dari Prasejarah Hingga Modern*, Penerbit Udayana University Press, p. 272.

<sup>9</sup> I Ketut Wiana dan Raka Santri, 2006, *Kasta Dalam Hindu Kesalah Pahaman Berabad-abad*, Penerbit Percetakan Ofset BP Denpasar, p. 25-26.

<sup>10</sup> *Ibid*, p. 18.

<sup>11</sup> I Wayan Ardika dkk, *Op. Cit.*, p. 317

<sup>12</sup> Anak Agung Putra Agung, 1964, *Perubahan Sosial dan Pertentangan Kasta di Bali Utara, 1924-1928*, (*tesis*), Fakultas Sastra Universitas Indonesia, p. 62.

caste, in contrast to the term *nyineb* meaning deliberately omitted their identity in order not to be known to exist.

### **Wangsa System**

Wiana and Raka Santri<sup>13</sup> stated that the *wangsa* was derived from *wang* and *sa*. *Wang* meant descent / origin, whereas *sa* meant one, so *wangsa* meant one descendant. To prove that the *catur wangsa* system was indeed came from one descendent, it should be known in advance about the history of *wangsa* system in Bali. Thus, the history of *wangsa* system starting from the reign of Majapahit era in Bali after the collapse of *Beda Hulu* kingdom in Bali by troops of Gajah Mada will be described briefly.<sup>14</sup> Before the Majapahit era there was no caste system in Bali, the prevailing system at the era was the *warna* system. By the blessing of the king of Majapahit the son of a Brahmin named Empu Kepakistan that was empu Krishna Kepakistan was appointed, with the title of king of Sri Krishna Kepakistan. Proved clearly that at that time was still using the *warna* system. The evident from the appointment was the brahmin status later changed to be *ksatrya*. Changes in duties or functions<sup>15</sup> caused the empu showing class of brahmins, turned into Sri showing the *ksatrya* class.

During the reign of Sri Krishna Kepakistan, he start creating *wangsas* which later classified as brahmin, *ksatrya*, *weisya*, and *sudra*. Descendent of royal family and *ksatrya* Baliaga at that time rejected the caste system, then they were classified in caste *sudra*. This group then call themselves as the class of *jaba wangsa*. This group was outside the group which call themself a descendant of brahmin Dang Hyang Nirartha and Dang Hyang Astapaka. Caste of *ksatrya* and *weisya* were descendants of the King of Majapahit and Arya leaders who followed to Bali<sup>16</sup>. The three groups were called tri *wangsa* group. The caste classification was then confirmed again with the customary law, which gives it more special rights to a higher caste<sup>17</sup>. The existence of privileges was then attached to hereditary, so that the public perception was stronger that the *wangsa* was indeed the same as caste.

The existence of a doubt from the people that the *wangsa* system was associated with the caste system, with the reason as follows:

- a. Because of the *warna* system applied previously in Bali and Java, while Hinduism does not recognize the caste system.
- b. The presence of the king's habit to raise or lower a person's dignity.
- c. Age Balinese were left to continue their social system without any caste / social stratification.

The fact was that in Bali *wangsa* system gradually grew into a kind of caste system, but keep in mind for many times that the *wangsa* system was not the the caste system, so that no one considered that he was in high or low class. Thus all groups existing in Bali have the same position no matter what the *wangsa* was, in the eyes of the law, both positive law and customary law. In India, immigrants who was mostly Aryans monopolized the higher castes, while in Bali Majapahit elite migrants who monopolized the higher caste.

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<sup>13</sup> Wiana dan Raka Santri, *Op.Cit*, p. 120.

<sup>14</sup> Nyoka, 1990, *Sejarah Bali*, Penerbit Toko Buku Ria Denpasar Bali, p. 1.

<sup>15</sup> *Ibid*, p. 18.

<sup>16</sup> Baca Ketut Wiana dan Raka Santri dalam buku yang berjudul *Kasta dalam Hindu Kesalahpahaman Berabad-abad*, p. 97-106. Baca juga buku I Ketut Wiana dalam buku yang berjudul *Catur Warna, Kasta Dan Wangsa*, p. 133-150.

<sup>17</sup> Wiana dan Raka Santri, *Op.Cit.*, p.100.

According to Michel Foucault<sup>18</sup> a French expert of philosophy whose very much contribution in developing a postmodern view. Foucault's idea<sup>19</sup> that emerged in the 1970s, the "genealogy of power" which basically show how science has experienced subjugation by and for humans, as well as against the human himself in the frame of power. Power and knowledge was a central theme of Foucault's thought. According to him there was interdependent mutual relationship in the two things. Power system created and maintained the truth. Truth was a product of the practices of certain powers. Basically there was no knowledge that was neutral, but always biased towards the interests of the ruler at the time. Otherwise there was no power that did not use knowledge to maintain its dominance. So the ideas of Foucault has anti-absolute, anti-establishment, anti-uniformity, and anti-finalists character.

Based on the above theory, power was closely related to the knowledge. In the era of royal family, Dalem Batur Enggong with his legal advisors Dang Hyang Nirarta, were only brahmin mastering knowledges, then make some rules that benefitted the rulers of that era. The rules included restrictions on the *sudra* class. Kingdom politics aimed at maintaining social status they had for generations. Thus the respect and honors can be enjoyed for ever, it was contrary to the idea of Foucault's anti-establishment.

### ***The Warna System***

*Warna* derived from the Sanskrit word Vri- which meant choosing jobs. *catur warna* divided Hindu society into four occupational groups. The *warna* was determined by the purpose (function) and karma (deeds). There was a possibility that the first *warna* system was applied in the Hindu community in Bali. The evident was the *Bila* inscription which dated to the Saka year 995 (1073) in which the society has adopted a division of society on *catur warna*. So the *warna* system has been existing in the Bali Kuna era and was not a hereditary right, social stratification based on this *warna* system adopted horizontal stelsel.

The sacred books of Hinduism such as the Vedas, Manawa Dharmacastra, and Bbhagawad Gita used the term "*warna*". Based on the theory of Vedas, the *warna* was a social organization that make a difference between status and power (usually associated with spiritual supremacy associated with the earthly).<sup>20</sup> *Warna* system also consists of four categories that resembles the caste system and the wangsa system, namely: brahmin, *ksatrya*, wesya, and *sudra*. But in fact the concept of *warna* was different with the concept of caste and the concept of *wangsa*. *Warna* concept was the concept of social stratification based on their function in society.

*Hymn Purusa Sukta* teachings in the *Rg Veda* compared the society to an elephant. Brahmin was the head, *ksatrya* as arms, *Weisya* as its trunk, and *sudra* as its legs. It added that there was no element of the overall which may claim to be the most important and superior than others. This system was a collaboration and exchange, to serve each other was the essence of the theory of *warna*<sup>21</sup>. So *Mahapurusa* concept taught that there were four kinds of people who were born from the body Mahapurusa (God). Brahmin was born from the head, *ksatrya* was born from the hands, *Weisya* was born from the stomach and the *Sudra* was born from

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<sup>18</sup> Munir Fuady, 2007, *Sosiologi Hukum Kontempore Interaksi Hukum, dan Masyarakat*. PT. Citra Aditya Bakti, p. 130

<sup>19</sup> Sindung Haryanto, 2012, *Spektrum Teori Sosial Dari Klasik Hingga Postmodern*, AR –Ruzz Media, Yogyakarta, p. 294.

<sup>20</sup> I Wayan Ardika, *Op. Cit.*, p. 317.

<sup>21</sup> *Ibid*, p. 317.

the feet. The fourth type of the profession needed each other in social life. Therefore, the four professions should be viewed as a whole. However, the nature and dignity of all four types of *warna* were to be interpreted as equals<sup>22</sup>. Changes of meaning and attitude will depend on a shift in values occurred in the life of the Hindu community<sup>23</sup>.

Based on the theory *Receptio in complexu*<sup>24</sup> introduced by Salomon Keyzer followed by LWC van den Berg, an advisor for East languages and Islamic Law in Indonesia, Javanese Muslims have included Islamic laws integrally that bind to the people concerned. In other words, Islamic law was binding for the native Muslim. So far it can not be proven otherwise. The law applied to the native groups were not formed by the original law (*inheems volksrecht*), but by the law of his religion, because when a person joined into a religion, he accepted fully and subject to the laws of his religion. This theory was adopted by the colonial government set out in Regering Reglement (old RR) particularly in Articles 75, 78, and 109.

From the conclusion of the above theory, the Hindu community in Bali should apply the *warna* system, not the caste system or *wangsa* systems, therefore Hinduism embraces *warna* system. Sacred books of the Hindus such as the *Vedas*, *Gita Baghawad*, *Manawa Dharmacastra* were proven to use *warna* system. The loss of *warna* system in determining a person's status in the society was due to the involvement of power and science in political affairs of the empire and colonial era.

Based on Hinduism, the *warna* system was the status of a person on the basis of profession earned through his own ability, so the *warna* was not at all based on ancestry / blood. In other words social stratification based on the *warna* system was in accordance with human rights principles<sup>25</sup>. In the *warna* system already contained the principles of respect for human dignity, the principle of equal status, and the principles of justice in accordance with their respective professions.

In connection with the ideas above PHDI (Central Indonesian Hindu Parisadha) has published Bhisama namely Bhisama Sabha pandhita No. 03 / X / PHDI Pusat / 2002, which regulated the practice of *catur warnas* according to the scriptures of *the Vedas* and other Hindu Literature. Bhisama mentioned that *catur warna* was the Hindu doctrine about division of tasks and responsibilities of the people over the “*guna*” and “*karma*” and did not related to caste and *wangsa*.

## **Caste Regulation in the Hindu Community in Bali**

### ***Social Stratification of Hindu community***

Social stratification of the Hindu community in Bali adhered to vertical social stratification, called *catur wangsa*. According to Soerjono Soekanto<sup>26</sup>, social stratification was defined as differentiation of society into classes as multilevel or hierarchical. He expressly cited the Hindu community in Bali was divided into castes. Social stratification was a vertical system of social life. The criteria in determining position of people in the society was based on the descendent.

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<sup>22</sup> Made Pasek Diantha dan I Gede Pasek Eka Wisanjaya, *Op. Cit.*, p. 50-51.

<sup>23</sup> Wiana dan Raka Santri, *Op.Cit.* p. 320.

<sup>24</sup> H.R. Otje Salman Soemadiningrat, 2002, *Rekonseptualisasi Hukum Adat Kontenporer*, Penerbit Alumni, Bandung, p. 75-76. *OP. Cit*

<sup>25</sup> Ida Ayu Sadnyini, *Op. Cit.*, p. 74-75.,

<sup>26</sup> Soerjono Soekanto dan Mustafa Abdullah, 1980, *Sosiologi Hukum dan Masyarakat*, Penerbit C.V. Rajawali Jakarta, p. 179.

Soetandyo Wignjosoebroto<sup>27</sup> explained that in cultural environment and the Hindu religion, the difference between inter- status or strata was bound by very impermeable boundary. This stratification was maintained by a highly authoritative tradition that produced layers termed the caste. The tight of inter-caste boundaries was possible, because the criterias of a caste membership was very clear, that was measured by the nature of birth, finally their difference of high and low status in the society was enjoyed since the birth.

The same view was also expressed by Svalastoga<sup>28</sup> arguing the classes that were open and closed. Closed class system was like a caste system in India or within certain limits as *wangsa* system in Bali. Bali *wangsa* system limited the possibility of class movement of persons from a bottom layer to the layer above it. An open system gave an opportunity to everyone to move from a class in accordance with the achievements, or in other words, social mobility in the sense of open class connoted on the basis of very high economic, social, education, position, and power. Opinion of Svalastoga was also supported by the opinion of Putra Agung stating that the Hindu community in Bali was very rare to have inter-caste mobility vertically<sup>29</sup>. Status criteria that was vertical, tightly based on clear criteria of descendent will not change as the status that was horizontal (*warna* system).

Immanuel Kant condemned the inequalities of status by virtue of descent, because it will have implications for the injustice. It was often ignored that equality and privilege posed based on biological misconceptions like *wangsa* in Bali, found explicit expression in the term “blood”. Blood as it was known was not related to genetics. The proof that everyone can donate blood or accept blood of others if necessary in conjunction with a medical, without affecting the character or disposition of the recipient, except to be associated with diseases associated with blood diseases.

Koentjaraningrat applying social stratification in Bali, revealed that: according to the tradition mentioned in the sacred books of the Hindus in Bali, society was divided into four layers, namely: brahmin, *ksatrya*, *wesya*, and *sudra*. According to him, the influence of the sacred books of the Hindus appeared, it was brought by the Hindus in East Java at the time of the greatness of the kingdom of Majapahit.

The caste system in Bali, grew and flourished since the colonial era. As a result, this caste system contributed to the law difficulties to keep neutrality or impartiality of position.<sup>30</sup> The sacred books of Hinduism referred to the religious rules in the Dutch colonial law using term *godsdielige Wetten* in terms of customary law, lasted until the 19th century. It was proven in accordance with the theory of “*Receptio in complexu*” as acceptance in its entirety<sup>31</sup>.

## Caste Regulations in Hindu Scriptures

### *The Book of Manawa Dharmacastra*

In Book III point 13 determined only *sudra* woman to be the wife of a *sudra* man. A *wesya* or *sudra* woman become wives of *wesya* men. A *sudra*, *wesya*, and *ksatrya* woman become wives of a *ksatrya* man. A *sudra*, *wesya*, *ksatrya*, and brahmin woman become wives a

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<sup>27</sup> Soetandyo Wignjosoebroto, 2008, *Keragaman Dalam Konsep Hukum, Tipe Kajian Dan Metode Penelitiannya, dalam Butir-Butir dalam Hukum*, Memperingati 70 Tahun Arief Sidarta, Penyunting Niken Savitri, Penerbit Refika Aditama, Bandung, p. 179.

<sup>28</sup> Svalastoga, 1989, *Diferensiasi Sosial*, Penerbit Bina Aksara, p.53.

<sup>29</sup> Anak Agung Gede Putra Agung, *Op., Cit*, p.135.

<sup>30</sup> Satjipto Rahardjo, 1991, *Ilm Hukum*, PT. Citra Aditya Bakti, Bandung, p. 151.

<sup>31</sup> Iman Sudiyat, 1985, *Asas-Asas Hukum Adat Bekal Pengantar*, Penerbi Liberty Yogyakarta, h2-3.

brahmin man.<sup>32</sup> The desired principle of the regulation was marriage of fellow profession, because at the time of making the Book of Manawa Dharmacastra Hindu society in India applied a system of “*catur Warna*”, not the caste system which distinguished the human being due to heredity. But there was also interpretation as the principle of polygamy, because there were some women from other *warna* who become wives of a *weisyas*, *ksatryas*, and Brahmins man. The phrase was also influenced by the way of thinking of men at that time, who want to benefit himself. Actually the desired principle was equality of profession in family life so there was no difference or very sharp rivalry between husband and wife. But in the progress of this book implementation in India, the concept of the *warna* had changes to the concept of caste and racism. UN assessed India as a country that adopted racism with discrimination between the Aryan race (Europe) and the Dravidian race (Asian). Punishment for marriage of different *warnas* that were later adopted by Hindus in Bali was *pratiloma* marriage listed in the book VIII in Article 374 to Article 385.<sup>33</sup> This marriage in the Hindu community in Bali was known as down caste (*nyerod*) and rise caste (*menek wangi*). Please note in the book of *Manawa Dharmacastra* was not found *labuh geni* punishment for down caste marriage as the result of research conducted by R Frederich in Bali.<sup>34</sup>

### ***The Book of Religious Law***

In the Book of Religious Law<sup>35</sup>, this book came from Manawa Dharmacastra (Manu Teachings ) was written in the era of Kertayuga and also derived from the book of *Kutaramanawa* written by Begawan Bergu during the *Treta Yuga*. In this book was explained that the outrages committed by the *sudra* will be punished heavier than others, as listed in Article 231 and 234. Article 262 of the law of inheritance also set out different division for children born of *sudra* wife. Children born to *sudra* mothers will inherit much less compared to the children born of equal wives.

### ***Book of Kutara Manawa***

One article that regulated the relationship between the group of *sudra* with other groups was a marriage between a *sudra* woman with a brahmin or *ksatrya* male called *anuloma*, while *sudra* men married a Brahmin or *ksatrya* woman called *pratiloma*. These terms had similarities with that of found in the book of Manawa Dharmacastra. Thus there was strong possibility that the basis for preparation of Kutara Manawa Majapahit was Manawa Dharmacastra of India. The article governing *anuloma* and *pratiloma* was Article 213, *Kutara Manawa* tended to side with the men of upper classes.

### ***The Law Book of Adigama***

Code of Adigama also be made at the time of the kingdom of Majapahit, circa 1323 Isaka or 1401 AD. One article that regulates the *sudra* was Article 75 which required the *sudra* to speak very politely. If it was violated the *sudra* will be fined. This offense was called *salah idep* (do not know manners). This rule was still valid in the Hindu community in Bali<sup>36</sup>. This

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<sup>32</sup> G. Puja Dan Tjokorda RRai Sudarta, 1973, *Manawa Dharmacastra, Weda Smerti Compedium Hukum HInndu*, Penerbit Lembaga penterjemah Kitab Suci Weda, p. 136.

<sup>33</sup> Baca lebih lanjut pasal-pasal Menawa Dharmacastra yang telah direkomendasikan di atas.

<sup>34</sup> R. Prederich, 1959, *The Civilisation and Culture*, New York, Calcuta : Susil Gupta Private Ltd, p. 101-102.

<sup>35</sup> I Gusti Poetoe Djelantik dan Ida Bagus Oka, 1918, *Adigama*, Batavia Landsrudkkrij, p. 67-69.

<sup>36</sup> Masyarakat Hindu di Bali dalam percakapan sehari-hari mengenal *sor-singgih* (halus-kasar) bahasa yang diucapkan, artinya orang dari kasta rendah akan menggunakan bahasa yang sangat halus, sikap yang sangat hormat terhadap golongan yang ada di atasnya. Namun kebiasaan tersebut semakin berkurang dalam kehidupan sehari-hari, dewasa ini perilaku mengarah pada sistem *warna* yaitu hormat pada orang dengan melihat fungsi atau pekerjaannya.

provision became hereditary habits, the lower caste people in Bali, the more delicate language to their higher caste.

### **Lontar Purwadigama**

In Lontar Purwadigama<sup>37</sup>, was set out about violations by *sudra* men marrying brahmin and *ksatrya* women, doing *gamia gemana* (incest marriage), damaging the temple, urinating on a sacred place, married a pastor's wife, killed a pastor, killed cattles in a cage. All such actions were called *Asu Mundung* offense. Those violating this offense were punishable by death.

### **Lontar Indraloka**

In lontar Indraloka<sup>38</sup>, was set out of people who will become priests must learn from the brahmin priest. In addition, restriction on imitating the brahmin priests journey were also set. Then expanded into restrictions for not imitating the behavior of the king. The impact of such actions will lead the country into heat, the animals become emaciated, famine, people will behave crazy, rampant disease, rebellion arouse everywhere, there will be an outbreak that led to the death of people.

### **Lontar Brahma Tatwa**

Lontar Brahma Tatwa<sup>39</sup>, regulated *patiwangi* punishment (honor killing). If the brahmin female married to a male of the *sudra* group will be punished *patiwangi*.<sup>40</sup> This punishment was accompanied by a decrease in caste and rename process. If *patiwangi* punishment was not conducted, it will cause the earth to become dry, pests and diseases will attack plants and humans. *Patiwangi*<sup>41</sup> legal consequences of the punishment will also be received by children who were born, even the result of the *patiwangi* punishment will be accepted until the brahmin woman became a widow or died. After doing the *patiwangi* punishment a brahmin women was no longer recognized by her family.

### **Lontar Widi Papincatan**

This manuscript regulated the behavior of a Brahmin or *tri wangsa* containing restrictions to obey. Violations of the restrictions resulted in a brahmin or *ksatrya* be down caste. At the time of implementation of this rules, many Brahmins and *ksatrya* dropped into a *sudra* caste. Today people whose ancestors were decreased caste in ancient times, seek to find origin of their ancestors caste, in order to get their respect back in the community.

### **Lontar Dandang Bang Bungalan**

Lontar Dandang Bang Bungalan arranged several things, among others, about *sudra* men married to brahmin women will be reborn as animals such as deer for 100 years, then became a bird for one year, and then to be fish for 100 years, after which he will became a snake or any sort of disgusting creatures for 100 years, and never will be reincarnated as a human being.

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<sup>37</sup> Baca Lontar Purwadigama milik Ida Pedanda Gde Ngenjung, Gria Liligundi, Gedung Kertia, p.5.

<sup>38</sup> Made Kembar Kerepun, 2003, *Pande menggugat, Telaah Singkat Atas Dokumentasi Masalah Pande*. Denpasar Maha Semaya Warga Pande Provinsi Bali, p. 21-27.

<sup>39</sup> Ida Bagus Putu Gria, 1923, Lontar Brahma Tatwa, Ditemuka di Desa Sesandan Tabanan Gria Jumpung.

<sup>40</sup> *Patiwangi* adalah sejenis upacara. Makna yang dikandung di dalamnya adalah penerapan sanksi dengan upacara adat. Arti *patiwangi* menghilangkan derajat, heharuman, kehormatan seorang perempuan dengan jalan mengelilingi *bale-agung* (bangunan panjang) yang terdapat di Pura Desa (salah satu *Tri Kahyangan Tiga*, di *Desa Pakraman*). Kemudian pengantin ditusuk dengan pucuk daun andong yang dilambangkan sebagai keris.

<sup>41</sup> Sadnyini, *Op Cit*, p.308

Thus the contents of the books and lontar above, were used as guidelines for the Hindu community and law enforcement at the royal and Colonial era. This was reinforced by the old Article 75 RR revealed that: the religious law was customary law for the indigenous people including Hindus in Bali was Hindu Law as their Indigenous Law. Thus the Law issued by the Dutch was also guided by the Hindu law.

### **Caste Regulations at the Colonial Era**

#### ***Paswara 1876***

Peswara stipulated a restriction of marriages of a brahmin women with men who were not equal. The sanction will be lowered caste, and penalized for the lifetime disposal ( lifetime *Selong*) outside Bali. Ksatya and wesya women if marrying *sudra* men will get fined. This regulation was lighter than the previous regulations. In the days of the Kingdom, according to research of Friederich, that kind of marriages were burned alive (*labuh geni*)<sup>42</sup> Although law of death penalty was not found in Hindu, but in practice, a king has the authority to execute the offenders. The king's commandment was a law that must be obeyed.

#### ***Paswara 1900***

Paswara was set on the prohibition of marriage between brahmin women and *sudra* men called *Asu Mundung* offense, while the prohibition of marriage between *ksatrya* and wesya woman with *sudra* men called Alangkahi Karang Hulu offense. Both marriages were the same in punishment as Peswara 1876. In this peswara also set about violations of *gamia gemana* (incest), *bada wasa* (gay sex), false of *karma* (having sex with animals). Peswara also governed inheritance laws, discriminating the part of the inheritance of children born from equal or not equal marriage. The division was extremely detrimental to children born of marriages that were not equal.

#### ***Paswara 1910***

Paswara was set out about punishment of unequal marriage which has change from lifetime alienation to ten years (sanctions in form of-*Selong* or go out of Bali Province for ten years). After ten years of disposal or alienation they were allowed to return to their village but women will be included as *sudra*.

#### ***Peswara 1927***

The Peswara also regulated marriage that was not equal, but the sanctions have changed again, the disposal was done only for six months and carried out in Bali Island. In addition to the disposal, the women was downgraded by *patiwangi* sanctions. These sanctions were still in force in certain areas until today 2015.

Initially starting with the caste conflict in North Bali, exactly in the Buleleng (Singaraja) in 1924 until 1928. After Indonesian independence, the Constitution of 1945 did not regulate caste differences, then the influence of the world with the release of the Universal Declaration of Human Rights in 1948 has inspired the Bali Local Government on 1951 to issue Decree No. 11 of DPRD Bali in 1951 that revoked peswara 1910 and amended by Beslit Resident of Bali and Lombok dated 13 April 1927 No. 532, in the case of inter-caste marriage called *Asupundung* and *Alangklahi Karang Hulu*. Therefore, the existence of the Decision should be no longer a restriction on inter-caste marriages in Bali. In reality, however, there were still many women in inter-caste marriages treated unfairly by the public.

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<sup>42</sup> *Labuh geni* adalah hukuman yang dilakukan untuk perempuan *brahmana* dengan cara terjun ke dalam api unggun. Hukuman ini sering dilakukan oleh janda seorang raja di Bali, yang meninggal dunia untuk membuktikan rasa cinta dan kesetiaannya kepada sang raja suaminya.

Due to such circumstances PHDI Center in 2002 published *Bhisama Sabha Pandita* PHDI Centre No. 3 of 2002 on the practice of *catur warna*. *Bhisama* apparently has not succeeded in practicing *catur warna*. In 2010 through the MDP (Assembly of Pakraman Villages Bali Province) issued a decree<sup>43</sup> confirming *Bhisama* PHDI Center. Later developments have shown that, marriage in Bali were heading toward marriage based on *catur warna*<sup>44</sup>. The Hindu society has begun to accept various forms of inter-caste marriage, in research of Sadnyini used the term “marriage of Inter-wangsa”. Forms of the marriages were: 1) inter-wangsa Marriage in the usual form, 2) Marriage *nyeburin* inter-wangsa, 3) inter-wangsa marriages in *gelahang*, as well as the legal consequences of divorce inter-wangsa. All forms of the marriage and its legal consequences, has begun to be accepted by the community without any punishment, although still in small number. It has shown that pioneers of progress in terms of respect for the dignity of all groups based on “*catur warna*” has already emerged.

## CONCLUSION

### *The history of Caste in Bali*

Starting from the time of the Bali Kuna, in that era the Hindu community in Bali did not recognize caste system, which was known was the *warna* system. The *warna* system was social classification based on the functions and roles in the society. Differences of position in the *warna* system was in form of horizontal line. After being defeated by Majapahit, Bali under the leadership of Sri Krishna Kepakistan implemented the caste system called wangsa system. The wangsa system was similar to the social classification of caste system based on birth / blood (ancestry). Difference in one's position was in vertical line.

From the three systems, today wangsa system was used and its implementation was similar to the caste system in India, but the implementation of the Hindu community in Bali was not as sharp as in India.

### *Caste Regulations on Hindu communities in Bali.*

Caste in the Hindu community in Bali was set on Hindu law books such as The Book of Manawa Dharmacastra, Book of religiois laws, Book of Kutara Manawa, Book of Law Adigama, Lontar Purwadigama, Lontar Indra Loka, Lontar Brahma Tatwa, Lontar Widi Papincatan, Lontar Dandang Bang Bungalan. At the Colonial Period it was set in peswara in 1876, Peswara, 1900, Peswara 1910, Peswara 1927. In the era of Independence was issued the Council Decision No. 11 of 1951, *Bhisama* PHDI of 2002, and Decision of MUDP to implement the *catur Warna* in accordance with the teachings of Hinduism. The decision aimed to encourage the Hindu communities to appreciate the dignity of groups and did not discriminate people based on their descendent position.

## SUGGESTION

The whole society may be together hand in hand to participate and implement the *warna* system without disrespecting groups of each other. By the *warna* system, principle of equality that every person was born with equal dignity to live in peaceful society (*shantih*) will be achieved.

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<sup>43</sup> Himpunan Hasil-Hasil Pesamuhan Agung III MDP Bali, 2010, Penerbit Majelis Utama Desa Pakraman (MDP) Bali.

<sup>44</sup> Baca penelitian Sadnyini dalam bentuk Disertasi, telah ditemukan berbagai macam bentuk perkawinan antar-kasta dalam masyarakat.

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