

The Role Of The Village Sabha In Traditional Village Government

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Abstract

The dualism of the village government system in Bali is not found anywhere else in Indonesia, the dualism of the village government is the administrative government of the government led by a village head/village head and the customary government led by Bendesa, but each of these governments regulates two different things. In this customary village government, institutions that play a role besides the head of customs/bendesa, there are also other institutions known as the Village Sabha, whose members are community representatives who are sent to become members of this Village Sabha. This Village Sabha has a position in the traditional village and an important role in the traditional village government system. The position of the Village Sabha in the Customary Village Government system in the Gunaksa Traditional Village, Cempaga Bangli Village, does not expressly regulate the existence of the Village Sabha, but its existence is very felt even though the Village Sabha is not expressly regulated in the traditional village awigs of the Village Sabha is equated with the Loka Kerta Sabha in the Gunaksa Traditional Village, Cempaga Bangli Village, which is a complete customary institution in the customary village government system. The existence of Kerta Loka Sabha is very much needed because it is a partner of traditional villages in the government of traditional villages. The role of the Village Sabha in the Gunaksa Traditional Village, Cempaga Bangli Village as stipulated in the Customary Village Regulation and other regulations has been running for a long time, another name for the Village Sabha with the name Kerta Loka Sabha carries out tasks such as the Village Sabha. As a partner of the traditional bendesa, it prepares a development program every year with the bendesa. Kerta Loka Sabha provides advice and supervises the performance of the village, especially those related to the development program that has been determined. Kerta Loka Sabha also carried out the selection of customary villages, in such a way that the role of Kerta Loka Sabha of Gunaksa Traditional Village, Cempaga Bangli Village, so that the traditional village development program has been running and can be felt by indigenous peoples.

Keywords: Customary Village Government, Village Sabha and Customary Village.

1. INTRODUCTION

Traditional villages in Bali were formed since the Ancient Balinese era after the arrival of the rsi markandya in Bali. To his followers, he distributed land for residence, land for agricultural land from the group of people who lived in groups, so a community or village emerged. The mention and definition of customary villages have been regulated in several regulations. In the 2019 Bali Provincial Regulation Number 4. Bali Provincial Regional Regulation Registration Number. About Traditional Villages in Bali. In the Regional Regulation on Traditional Villages in Bali. Article 1 number 8 states that the definition of a customary village is: "A Customary Village is a unit of customary law communities in Bali that has territory, position, original structure, traditional rights, own wealth, traditions, manners of community life from generation to generation in the bond of a sacred place (*Kahyangan Tiga* or *Kahyangan Village*).

The existence of customary villages with their traditional fittings and indigenous peoples as supporters is very real in the life of Balinese people in general. Traditional Villages in Bali have a very important role in the life of traditional communities. Customary provisions have always been a reference in the entire social life of traditional communities. Every step of indigenous peoples always considers the norms that live in indigenous peoples. According to Surpa I Wayan: "From the past until now in Bali there are customary villages formed by the community itself with the main task of leading, maintaining and fostering community customs, both those who sourced from the teachings of

Hinduism and customs that have been inherited by their ancestors.¹ The Traditional Village Prajuru, led by a person called *Bendesa*, leads the traditional village government, implements and implements *customary awigs/regulations* so that the traditional life system of the indigenous people can run well. carry out and hold ceremonies at the village's temples (*Pura Kahyangan Tiga*). Customary government is also equipped with a Village Sabha institution which has a function as a supervisory institution in the context of development carried out by customary villages. Village Sabha as a partner of Bendesa Adat.

II. RESEARCH METHODS

Types of Research.

The type of research is empirical juridical. Research on problems that occur in the community. According to Achmad Ali, Wiwie Heryani "Empirical studies are studies that view law as a social reality, a cultural reality."²

III. RESULTS OF RESEARCH AND DISCUSSION

The position of *the Village Sabha* in the Customary Village Government system

A customary village is an institution that is managed by the community, has a unit of customary law in an area, and regulates obligations, traditional rights, including disputes related to the customs of the community. Traditional villages have been inherited from generation to generation, maintained and respected by Balinese citizens, so that culture, traditions, religious life and social manners are well preserved to this day.

Traditional villages in Bali have strong ties in carrying out the task of maintaining, maintaining and conducting religious ceremonies in sacred places in customary areas, namely at the Kahyangan Tiga temple. Customary villages also have important duties and roles in managing their customary territories, managing and regulating their own households, with agreements through village deliberations agreed upon by acclamation.

In the social order of indigenous peoples' lives, there is a relationship between one component of society and another, and this can be seen in the life cycle of the existence of people in general who live in harmony with each other, in a unitary community environment, There is an interdependent relationship. Humans as living beings have a reciprocal relationship with the environment. As a characteristic of human beings are social beings and each other needs each other in association in the fields of socio-economy, law, culture and religion as well as other potentials.

The maintenance of community functions, such as rules and rules and norms in a sustainable manner is in the interest of the community itself so that it demands the responsibility of openness and community participation that can be channeled through individuals, groups, which is the foundation of sustainable development to achieve national goals, as well as the life system of indigenous peoples and the sustainability of the social order of indigenous peoples. Developing Hindu culture and religion, the organizational structure in the customary village environment has an important role as its role so far.

The organizational structure of the customary village government has three main institutions, including the bendesa institution, the Village Sabha institution, and the Village paper, but this village paper institution is Ad Hok. The village paper institution will be formed when this institution is needed, for example, there are problems that arise in the customary village environment related to the violation of customary rules, or disputes between customary village residents, or between customary

villages and their citizens, while the existence of *this Village Sabha* must exist in a customary village because its function requires *this Village Sabha* institution to exist.

The Customary Village Regulation regulates the Customary Village Government as regulated in Article 1 number 14. That: "Customary Village Government is the implementation of community life in Customary Villages related to *Parahyangan, Pawongan, and Palemahan* which are recognized and respected in the government system of the Unitary State of the Republic of Indonesia." This customary village government regulates the same community as the official village government, but has a very clear difference in regulation because the official village government regulates the administrative system of the state. This customary village government system in carrying out its functions consists of institutional elements of customary village government and decision-making institutions as regulated in the Customary Village Regulation:

Article 28

(1) Customary Village governance consists of institutional elements of the Customary Village government and decision-making institutions.

(2) The institution of the Customary Village government as intended in paragraph (1) consists of:

a. *Prajuru Desa Adat*;

B. *sabha desa adat*;

c. *Traditional Village Papers* ; and

d. *Banjar Adat/Banjar Suka-Duka* or other names.

(3) The decision-making body as intended in paragraph (1) consists of:

a. *Paruman Desa Adat*; and

b. *Traditional Village Association* .

Traditional Village Awigs in several traditional villages in Bali also regulate the *Village Sabha* in a transparent manner, but it can also be admitted that there are still *Customary Village Awigs* who do not regulate the existence of *Village Sabha* in their awigs, but the existence of the *Village Sabha* is real. Judging from this Customary Village Regulation which has clearly regulated this *Village Sabha*, it is clear that the position of *the Village Sabha* in this Customary Village Government system has a legal basis. This *Village Sabha* is located in each traditional village in the Bali Province area. Regarding the position of the *Village Sabha* as referred to in the Customary Village Regulation, it is:

Article 1.

17. *Sabha Desa Customary* is a partner institution of *Prajuru Desa Customary* which carries out the function of consideration in the management of Customary Villages.

As per Article 1. Number 17 of the Customary Village Regulation clearly states that *the Village Sabha* is a working partner of the customary village *prajuru* together with the customary *prajuru* in running the wheel of the customary village government. It is emphasized in the Customary Village Regulation Article 45 Paragraph (1), Paragraph (2) and Paragraph (3) concerning the establishment of *the Village Sabha*, the membership of *the Village Sabha* is as follows:

Article 35

(1) *The Customary Village Sabha* as intended in Article 28 paragraph (2) letter b is formed by *the Customary Village Teacher* .

(2) *The Customary Village Sabha* as intended in paragraph (1) comes from *the Traditional Village Ruler* sent by *the Customary Banjar*.

(3) The Customary *Village Character* as intended in paragraph (2) shall be appointed by *the Customary Village Coordinator* based on commitment, experience, and expertise in certain fields, to advance the Customary Village.

(4) The organizational structure of *the Customary Village Sabha* is regulated in the *Awig-Awig* of the Customary Village.

Questioning the position of the Village Sabha/Kerta Loka Sabha of Gunaksa Traditional Village, Cempaga Bangli Village, then Kerta Loka Sabha of Gunaksa Traditional Village, Cempaga Bangli Village, is a complete customary institution in the traditional village government system. The existence of the Village Sabha institution / Kerta Loka Sabha of Gunaksa Village, Cempaga Bangli Village, is very much needed because its existence is a partner of the customary village in the traditional village government.

The Role of Village Sabha in Gunaksa Traditional Village, Cempaga Bangli Village.

Article 1 number 12 of Bali Governor Regulation Number 4 of 2020 concerning Regulations for the Implementation of Regional Regulation Number 4 of 2019 Regarding Customary Villages in Bali (hereinafter referred to as Governor's Regulation Number 4 of 2020) states "Customary Village Government is the implementation of community life in Customary Villages related to *Parahyangan*, *Pawongan*, and *Palemahan* which are recognized and respected in the government system of the Unitary State of the Republic of Indonesia. Thus, the existence of customary villages in the province of Bali is a legal entity, and to regulate the residents of customary villages, the arrangement is a traditional government. To complete the government system in the customary village area, several institutions are needed to support the governance system of this customary village. In addition to the Bendesa institution as a high institution in a traditional village, there is another institution, namely the Village Sabha institution. This Village Sabha Institution is as a bendesa partner in implementing the traditional village government. Not all villages declare this bendesa partner institution as a Village Sabha institution, some call it Mudita Sabha Village, some call it Kerta Loka Sabha. As this village institution is called, it is in Gunaksa Traditional Village, Cempaga Bangli Village.

The term Village Sabha in Gunaksa Traditional Village, Cempaga Bangli Village is unknown, it is evident that in the Awig-Awig of Gunaksa Traditional Village, Cempaga Bangli Village, there is no term Village Sabha listed, but what exists is *Kerta Loka Sabha*, where the existence of Kerta Loka Sabha is equated with the term Village Sabha, although in Awig-Awig Gunaksa Traditional Village, Cempaga Bangli Village, only one sentence is included that mentions *Kerta Loka Sabha*. However, the sentence in the pawos has shown that Kerta Loka Sabha has the same function as the village sabha in the management of the traditional village.

Gunaksa Traditional Village, Cempaga Bangli Village, has 20 Village Sabha Members or by other names is *Kerta Loka Sabha* where the management of Kerta Loka Sabha Gunaksa Traditional Village, Cempaga Bangli Village is one Chairman of the Sabha, one Vice Chairman, one Secretary, one Treasurer and 3 chairmen of the Commission each Parhyangan Commission, Pawongan Commission and Palemahan Commission. The existence of Kerta Loka Sabha of Gunaksa Traditional Village, Cempaga Bangli Village, carries out its duties as a partner of the customary village, together with the customary village to formulate the customary village development program. Making important decisions, for example, the construction/repair of temples belonging to traditional villages, making regulations related to the lifestyle of traditional village wagra, such as making *pararem* as a complement to the existence of traditional village awigs.

The duties and responsibilities of Kerta Loka Sabha in Gunaksa Traditional Village, Cempaga Bangli Village, have been carried out as regulated in Article 33 of Governor's Regulation Number 4 of 2020. Which reads: (1) *Bandesa Adat* prepares a Customary Village Development Plan for a Period of 5 (Five) years together with *the Sabha* of Customary Villages. The Kerta Loka Sabha Institution of Gunaksa Traditional Village, Cempaga Bangli Village, has taken a role in the development of customary villages, both in physical and non-physical development in Gunaksa Traditional Village, Cempaga Bangli Village. Together Bendesa made a physical development program and non-fiction development in the form of coaching to indigenous villagers, contribution of ideas in an effort to

advance customary villages, as conveyed by Ida Bagus Gede Purnama (Informant) as a Bendesa official in Gunaksa Traditional Village, Cempaga Bangli Village when the author conducted field research in connection with the role of village Sabha in the customary village government system. The informant explained as follows: The duties of the village sabha as regulated in the Customary Village Regulation and other regulations have been running for a long time, since the previous bendesa, the name of the village sabha in the Gunaksa Traditional Village, Cempaga Bangli Village, is not known but with another name, namely Kerta Loka Sabha. This Loka Sabha paper carries out tasks like the village Sabha. As a partner of the traditional bendesa, it prepares a development program every year with the bendesa. Kerta Loka Sabha provides advice and supervises the performance of the village, especially those related to the development program that has been determined. Kerta Loka Sabha also carried out the selection of customary villages, in such a way that the role of Kerta Loka Sabha of Gunaksa Traditional Village, Cempaga Bangli Village, so that the customary village development program has been running and can be felt by the indigenous people

IV. CONCLUSION AND SUGGESTIONS

Conclusion

- In the awig-awig of the Gunaksa Traditional Village, Cempaga Bangli Village, it does not expressly regulate the existence of the Village Sabha, but its existence is very felt in the Gunaksa Traditional Village, Cempaga Bangli Village. Questioning the position of the Village Sabha/Kerta Loka Sabha of Gunaksa Traditional Village, Cempaga Bangli Village, then Kerta Loka Sabha of Gunaksa Traditional Village, Cempaga Bangli Village, is a complete customary institution in the traditional village government system. The existence of the Village Sabha institution / Kerta Loka sabha of Gunaksa Village, Cempaga Bangli Village, is very much needed because its existence is a partner of the customary village in the traditional village government.

- The duties of the village sabha as regulated in the Customary Village Regulation and other regulations have been running for a long time, since the previous bendesa, the name of the village sabha in Gunaksa Traditional Village, Cempaga Bangli Village, is not known but with another name, namely Kerta Loka Sabha. This Loka Sabha paper carries out tasks like the village Sabha. As a partner of the traditional bendesa, it prepares a development program every year with the bendesa. Kerta Loka Sabha provides advice and supervises the performance of the village, especially those related to the development program that has been determined. Kerta Loka Sabha also carried out the selection of customary villages, in such a way that the role of Kerta Loka Sabha of Gunaksa Traditional Village, Cempaga Bangli Village, so that the traditional village development program has been running and can be felt by indigenous peoples.

Suggestion

- If the rules regarding the position of the Village Sabha/Kerta Loka Sabha are not regulated in the awig-awig of the customary village, then the customary bendesa together with the Village Sabha compile customary regulations in the form of pararem that regulate the duties and positions of the Village Sabha/Kerta Loka Sabha, thus the position of the Village Sabha/Kerta Loka Sabha has a clear legal umbrella.

- In order to have a working relationship between the Village Sabha and the Bendesa, it is recommended to the members of the Village Sabha and the Customary Village to increase cooperation so that a harmonious relationship is established, between the Village Sabha and the Bendesa to create a customary village government that is conducive to carrying out development related to the customary village and indigenous people.

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