



Political communication as a tool to strengthen customary law at indigenous village in Bali

I Gede Mas Suputra

ABSTRACT

Bali is renowned for its cultural diversity and unique local wisdom, particularly within the context of Hindu traditions. Balinese customary law is a foundation that plays a crucial role in preserving cultural values, maintaining traditions, and conserving the local wisdom that defines the island. However, political communication can also be considered both a scientific activity and a political activity within the political system. In general terms, political communication is a communication process that contains political messages. In political communication, messages conveyed by communicators or communicatees do not necessarily need large-scale or deeply political messages. In the context of globalization, Bali, as part of Indonesia, faces challenges in maintaining its cultural identity, especially within the framework of customary law. Balinese customary law is critical in preserving cultural values, Hindu traditions, and local wisdom. Although customary law is private, the state's recognition and protection of the Balinese customary law community are increasingly realized through the amendments to the 1945 Constitution and the ratification of Law No. 11 of 2005. In the political context, implementing Balinese customary law involves political communication strategies, including community education, media engagement, collaboration between legal and customary institutions, shared language, dialogue, and community participation. The standard principles in Balinese customary law emphasize shared understanding when facing differences, and effective political communication is necessary to ensure the sustainable and fair enforcement of customary law.

Keywords: Bali Customary Law, political communication, indigenous village, Indonesia.

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*Sanggar Seni Madwe Karang
mas.suputra@gmail.com

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BACKGROUND

In the ever-evolving era of globalization, many societies face challenges preserving their cultural identities. As part of Indonesia's diverse landscape, Bali is not immune to globalization's impacts. Changes in social and political dynamics have brought forth the need to understand and uphold customary law as an integral part of Bali's cultural identity and Hindu traditions. Bali is renowned for its cultural diversity and unique local wisdom, particularly within the context of Hindu traditions. Balinese customary law is a foundation that plays a crucial role in preserving cultural values, maintaining traditions, and conserving the local wisdom that defines the island. A profound understanding of Balinese customary law is essential in the political context. The use of appropriate political communication strategies can enhance the transfer of knowledge among members of society. Political communication involves conveying politically characterized

messages by political actors to other parties. Political communication activities are empirical as they occur tangibly within social life.

However, political communication can also be considered both a scientific activity and a political activity within the political system. In general terms, political communication is a communication process that contains political messages. In political communication, messages conveyed by communicators or communicatees do not necessarily need large-scale or deeply political messages. For instance, when someone comments on a national leader, expresses support, comments on government policies, and so forth, it can already be categorized as a political communication process. This paper explores political communication strategies in implementing Balinese customary law within the context of political communication. By understanding and implementing customary law wisely, an inclusive political space can be created, maintaining harmony among diverse

cultures and preserving the rich heritage of Balinese Hinduism. Through a deeper understanding of the relationship between Balinese customary law and political communication, this paper can positively contribute to preserving cultural identity and harmony amidst the changing dynamics of social and political landscapes.^{1,2}

Balinese Customary Law and References

When viewed in terms of its utility, political communication can be interpreted as the conduit for politically charged ideas within society, spanning groups, intra-groupings, associations, institutions, and sectors of political governance. Political communication is an approach to political construction. Through political communication, the involved figures lay the groundwork for analyzing emerging issues and the overall process of political change within a nation. Political communication serves several important objectives, including shaping

a positive political image within society, creating public opinion or consensus, participating in elections, and influencing public policies in all aspects of national and societal life. There are various forms of political communication, but those commonly utilized by politicians include Political Rhetoric, Political Agitation, Political Propaganda, and Political Campaigning. When examined through its delivery model, in Harold Lasswell's Model of Political Communication, it is expressed that communication takes the form of verbal expressions consisting of five components: who says what, through what channel, to whom, and with what effect. Lasswell elucidates that his model of political communication indicates that communicators invariably aim to exert influence over recipients. Therefore, political communication is regarded as an effort of persuasion. Furthermore, conveying messages in political communication can yield positive and negative impacts, depending on the manner of delivery by the message sender.³

Understanding of Customary Law According to Soepomo in his book "Several Notes on Customary Law," customary law is defined as unwritten law within legislative regulations (un-statutory law), encompassing the norms of life that, although not established by authorities, are obeyed and supported by the people based on the belief that these norms carry legal force. Customary law is the law that applies to a customary law society. The term customary law society is used in legal education in Indonesia because the law formed and implemented by these customary law societies is customary law; hence, customary law society refers to those who form and implement customary laws. The Balinese customary law society is a society that forms and implements its laws, namely Balinese customary law. Those referred to as the Balinese customary law society are the Balinese people who adhere to Hinduism (Balinese Hinduism) bound by their legal fraternity, both in territorial ties (villages) and genealogical ties (clans). In their bonds to villages and clans, they lead their lives under the regulation and order of their customary law, namely Balinese customary law.⁴



Figure 1.⁵ Kerta Gosa Hall. A landmark known as justice hall in Klungkung regency.



Figure 2.¹¹ Customary law communities are part of Indonesian society. It is worth noting that customary law communities were born and grew before forming the archipelago (Indonesia) as a Unitary State of the Republic of Indonesia.

The fundamental principles of customary law that apply in Bali are the same. Still, there may be differences in the *kalapatra* (place, time, and condition) where customary law is applied. As with the principles and customs existing in the Balinese customary law society, in dealing with existing differences, emphasis is placed on the commonalities in facing these differences. While differences are utilized individually according to one's beliefs without disturbing or imposing them on others. Generally, the principles contained within Balinese customary law

can be outlined as follows:

- a. Appropriateness and Balance: The principle of appropriateness and balance is general in customary law. This principle of appropriateness and balance is inherent in communal societies. Customary law societies are communal societies that prioritize unity and harmony in communal living. Common interests are prioritized over individual interests. Appropriateness teaches society to live in natural decency and moderation, while balance teaches balanced behavior in

life, where each interacts with others in a reasonable equality of existence. The term reasonable balance is used to distinguish it from the concept of equality in the sense of equality in its entirety. However, balance is interpreted as a state or acquisition by its condition. Therefore, in Balinese customary law, the emphasis is on obligations that will be juxtaposed with rights that must be acquired. This is unlike the law in individual societies that prioritize rights over obligations.

- b. Tri Murti as a Belief for the Balinese customary law society about the cycle of human life that will be experienced, namely birth, life, and death. It is believed that these three things will happen in this life. Therefore, this is implemented in the teaching of Tri Murti, namely the existence of three gods who carry out these three life cycles. They are first Brahma, as the creator of this life cycle; second Vishnu, as the preserver; and third Shiva, as the returner to the original state. Apart from the belief in Tri Murti, there are several principles of life in customary law society, namely Tri Hita Karana, which means that there are three causes of happiness, namely: the balance of human relations with God, the balance of human relations with humans, and the balance of human relations with the surrounding nature. These relationships must remain harmonious because harmony is the source of happiness.
- c. Tat wam asi, which means that you are me. The meaning is that in society, one should treat others as they would treat themselves because hurting others is the same as hurting oneself. Therefore, in the Balinese customary law society, there is always an expectation of peaceful and harmonious living to achieve communal prosperity.
- d. Tri Kaya Parisuda means three basic principles that must be followed: think good thoughts, do good deeds, and speak good words. Through this doctrine of goodness, it is hoped that everyone living in society will always spread goodness so that order and peace will always be maintained. These basic principles, as outlined, are mandatory to be implemented in

living within customary law societies, and all of these are implemented in the provisions of Balinese customary law practiced by the Balinese customary law society in their lives.^{6,7}

Customary Law of the Balinese indigenous Villages

The implementation of Balinese customary law is evident in the lives of the customary law society, namely the lives of the community as residents of indigenous villages. In daily life, the Balinese customary law society exists within the framework of indigenous villages as a legal community based on territorial ties where they reside and lead their lives. Indigenous villages, as units of legal society, have territories, residents, rules of life, governance structures, communal property outside the ownership of their members, and no desire from their residents to dissolve them. Membership as a resident of the village is based on (a) enjoying village land for residence or farming purposes, (b) marriage, and (c) voluntary participation as a village resident. With their status as village residents, they will fulfil obligations and acquire rights as village residents. These obligations include responsibilities to the village community, both in material and labour contributions. In contrast, rights acquired include the right to receive services and protection as residents, enjoy village property such as residential plots or agricultural land, use burial grounds, and other rights according to the conditions of the respective village.

When considering how indigenous villages are organized, three types can be identified. The first one is Old Villages, which are villages in the mountains. The kingdom does not influence this type of old village. Village administration is carried out through the Ulu iPad leadership system, where village leadership is determined through succession based on marriage order. The purpose of the marriage order is that the highest village leadership belongs to those who marry first, followed by those who marry afterward. Similarly, when they pass away, they will be replaced by those who marry later, and so on. Second is *Apanage* Villages, which are villages that the kingdom has influenced. These villages are also known as lowland villages

because they are located in lowland areas. The kingdom's influence is evident in these villages through the applicable legal regulations and the establishment of leadership through a selection system. The third one is New Villages. These are newly formed through local transmigration. Villages of this type usually follow the organization of their original village and sometimes even adopt the name of their original village, such as villages in the western Jembrana area, for example, Nusa Sari village, a settlement of people originating from Nusa Penida.⁸

As is known, the customary law currently applicable in Indonesia generally regulates matters of a private nature, primarily in family law regulation. Furthermore, family law applicable in customary law communities significantly influences marriage and inheritance law. Three family systems are known in customary law: 1) Patrilineal family system, tracing lineage through the male line, where descendants of marriage follow the paternal line back to a common ancestor. This system is known in Batak, Minahasa, Bali, and other societies. 2) Matrilineal family system, tracing lineage through the female line. In this system, children are considered descendants of their mothers, as known in Minangkabau society. 3) Parental system, where the mother and father's family are considered equal. Therefore, children born into a bilateral marriage are considered descendants of both the mother and the father. This system is known in Javanese society.⁹

The Balinese customary law society adheres to the patrilineal family system, so children born from a marriage follow their father's family. The patrilineal family system in Bali significantly influences its marriage form, namely the honest marriage form. In this marriage form, the groom will give gifts to the bride's family (*pebaang* in Balinese) in clothes or other symbolic items. The purpose of this gift is as an exchange in the principle of balance known in customary law, as a symbol of the bride's departure from her parental home to enter the groom's family as his wife entirely. With this transition, children born from the marriage will follow their father's lineage.¹⁰

The Application of Political Communication in Upholding Customary Law

In Indonesia, two forms of law operate concurrently: written and unwritten. One of these unwritten laws is customary law. Customary law is unwritten law within Indonesian legislation that contains religious elements applicable to customary law communities. Similarly, Balinese customary law applies to the Balinese customary law society, namely the Balinese people who adhere to Hinduism and are bound by their legal fraternity, both territorially (village) and genealogically (clan). Generally, customary law applies only to matters of a private nature because matters of a public nature are typically regulated by state law (positive law established by the state). Customary law communities are part of Indonesian society. It is worth noting that customary law communities were born and grew before forming the archipelago (Indonesia) as a Unitary State of the Republic of Indonesia. Sujoro Wignjodipuro stated that customary law communities existed alongside the Dutch East Indies before independence. At that time, the Dutch East Indies government recognized and regulated customary law communities in its autonomous government and left it behind.^{12,13}

CONCLUSION

In the context of globalization, Bali, as part of Indonesia, faces challenges in maintaining its cultural identity, especially within the framework of customary law. Balinese customary law is critical in preserving cultural values, Hindu traditions, and local wisdom. Although customary law is private, the state's recognition and protection of the Balinese customary law community are increasingly realized through the amendments to the 1945 Constitution and the ratification of Law No. 11 of 2005. In the political context, implementing Balinese customary law involves political communication strategies, including community education, media engagement, collaboration between legal and customary institutions, shared language, dialogue, and community participation. The standard principles in Balinese customary law emphasize shared understanding when facing differences, and effective political communication is necessary to ensure the sustainable and fair enforcement of customary law.

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