

Tenganan Village

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Submission date: 10-Sep-2019 04:56PM (UTC+0700)

Submission ID: 1170120302

File name: Tenganan_Village.pdf (310.77K)

Word count: 8681

Character count: 46062

**Breaking the Tradition:
Exogamy Marriage in Tenganan Village, Bali**

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Abstract

In Tenganan Pegringsingan that marriage is very closed because the citizens can only do endogamy marriage. In contrast, exogamous marriage is strictly prohibited. Violation of the prohibition of exogamy marriage, the bride and groom are subject to *adat* sanctions. This research uses qualitative approach. Reasons for applying adat sanction to exogamy marriage, ie preserving of tradition, maintaining the kinship system, and maintaining balance. The form of adat sanction against the prohibition of exogamy marriage, namely fine sanction, and moral sanction. In contrast, the implications of adat sanctions against exogamy marriage, namely non-insurrection, are not welfare, and the loss of their rights.

Keywords: adat sanctions, marriage, exogamy, Tenganan, Bali.

INTRODUCTION

Marriage is an individual act in society which means the transition from adult life to family life. It is one of the many events that go through the life cycle. Jaman (1998: 42) said that in the life cycle of the Hindu community in Bali is believed to have four phases of life traversed from one phase to the others. The phases of human development start from *brahmacari* – a phase to undertake self-learning – move to *grehasta* – a phase to build a family – then continue to *wanaprasta* – a phase to develop spirituality – and finally end with *bhiksuka (sanyasin)* – a stage to complete spritual journey by devoting life to the Suprme Power, Hyang Widhi, and separating oneself from the social and material bonds. In this regard, marriage is one of those phases which is exactly located in *grehasta*, the second stage of human life development.

According to Hindu religious teachings marriage is a form of *yajñya* (holy sacrifice). In *grehasta*, a married couple designates their life to pursue *dharma* (good virtue), *artha* (material needs), and *kama* (pleasure). *Dharma* is the rules relating to the *dharma* of religion and state. *Artha* is the necessity of married life to obtain welfare in the form of material and knowledge and *kama*, that is the enjoyment gained in the family according to religious teachings (Artayasa, et al, 1998: 4–5). The purpose of marriage in the script of Manawa Dharma Sastra are to pursue: (1) *dharma sampati* (together husband and wife embodies the implementation of *dharma*); (2) *praja* (giving birth); and (3) *rati* (sexual pleasure and other satisfaction). In these three objectives, *praja* is essential for the family to give birth to good sons or daughters (*suputra*) to continue the family line. Balinese Hindus believe that a family with saputra will bring the family's ancestors to better reincarnation and finally to reach *moksa* (eternal unification to the Supreme God) (Suja, 1999: 4-57).

There are three aspects involved in every marriage in Bali, the social, religious and legal aspects. From the social aspect, marriage is the basis for family formation as a member of society. Marriage will also change the couple's social status within society in which he and she are considered adult and to bear a social and cultural responsibility to nurture society. From the aspect of religion, marriage is considered a sacred and noble institution. It is sacred as it aims to prevent people from unwanted things, such as adultery and rape. It is noble because of its reproduction process to avoid humans from extinction. Hence, marriage is always performed by religious ceremonies witnessed by family and community members for its validity. Besides this, the validity of marriage is also assessed from the legal point of view since marriage itself is a legal act that creates the rights and obligations to both husband and wife (Cahyono, 2002: 12-13).

In the socio-cultural context, there are two models of marriage, endogamy and exogamy models. Sanderson, (2011: 447-448) notes that exogamy is a cultural rule that forbids marriage in the fellowship of one's own group of persons, whereas endogamy is the preference of individuals to mate within their own group. Clayton (1975: 45) suggests that there are two types of rules related to marriage: (a) endogamy which refers to rules prescribing that an individual must marry someone within a certain group; and (b) exogamy, which require that a person should marry someone outside of a certain group".

The endogamous marriage model reflects the preferences of individuals in their own group. This model of marriage has been widely practiced in many societies and is used in various groups, one of which is a caste system in India that requires marriage to occur endogamically. In Europe, in the middle ages, the royal family married with other royal families. A similar tendency occurs in the United States in which blacks marry blacks, whites marry white, and Jews show a very strong preference for get married to his or her fellow Jews (Sanderson 1993: 448-449; Andreski 1996: 92).

Before 1951, in Bali a man who married to a woman with a higher caste was regarded a crime because he violated the law and consequently would be punished by death penalty through for example *labuhan geni*. Krepun (as referred in Wiana, 2006: 161-162) states that *labuh geni* is a death punishment by burning alive the bride. Friederich (1959: 101-102) in his book entitled "The Civilization and Culture of Bali" demonstrates the enforcement of *adat* sanctions to cross caste marriages. He states that

.....in Bali, all marriage of high-caste women with men of lower birth (provided they bare acknowledged) are punished with death. The guilty women is burned alive. A hole is made in the ground and with combustibles, into which the women is cast. This punishment is called *labuh geni* (to fall or to be cast into the fire). The man is weighted with stone and drowned in the sea. This is called *labuh batu*. This penalty, especially the burning of the women, is not always carried out so relentlessly. In several cases which came to my knowledge both the man and the woman were drowned. In another case, where the man had escaped vengeance by flight. The women, at the command of the father (a *Gusti* in Kuta), was killed with the

crease by a relation her's brother, after being adorned with flowers and fine clothes, and rendered fearless by opium and strong drink".

Following the progress of human civilization, in Bali those *adat* sanctions mentioned above were revoked in 1951 by the Government of Bali as they were considered cruelty and barbaric. In the time of the rule of traditional kingdom those sanctions were functional to show off the power of the traditional rulers imposed upon society in order to protect the interests of the rulers. Since the power of the king had turned to the national government, the *adat* structures considered harmful to *jaba* caste (commoners) were challenged and protested. As a respond to the protest movement of the commoners, the customary sanctions over cross-caste marriage were revoked based on Decision of Regional House Representatives (DPRD) No. 11 on 12 July 1951 (Dwipayana, 2001: 240). In this regard, Budiana (2008: 114) observes that due to the revocation the cross-caste marriage in Balinese society has gradually been a socially and legally accepted form of marriage. This abolition was possible partly due to the process of nation building in the early independence state.

Indeed, scholars of Bali Studies have been examining marriage in Balinese society, among others, Boon (1976), Duff-Cooper (1991) and Cresse (2008). Unlike the issues of cross-caste marriage, gender and property relations to marriage, the issues of endogamy marriage in Balinese society seems to be underexplored. Hence, this article aims to discuss the endogamy marriage in Bali by focusing on the *adat* community of Tenganan Pegringsingan, Tenganan Village, Karangasem District. This type of marriage is particularly interesting as it has been practiced for decades due to strong and respected customary law in the community that has shaped villagers' cognitive on what is considered ideal marriage within the village.

TENGANAN VILLAGE: ENDOGAMY AND EXOGAMY

Tenganan village itself is around 2 hours from the capital city of Denpasar to the east. Tenganan village is one of the ancient villages in Bali which is located in Manggis District, Karangasem Regency. Geographically this village is in position 8° 14' 30 " - -8° 14' 07 South Latitude, 114° 54 '52" -115° 12' 57 East Longitude. This village area is quite strategic because it not only has extensive agricultural land, but also has tourism objects. Tenganan village is 3 km from the sea / Candidasa beach with a temperature of 20° C-30° C, and is located at an altitude of 70 m above sea level. This pakraman village covers 917, 200 ha with land use consisting of: (1) fields covering 583,035 ha (66.41%), (2) rice fields covering 255,845 ha (25.73%), (3) settlements covering 78,304 ha (7.86%), and (4) forests covering 197,321 ha (20%). ased on the extent, dry land is the most widely followed land followed by paddy fields, forests and settlements.

Tenganan village consists of three indigenous groups, namely Banjar Kauh, Banjar Tengah, and Banjar Kangin. Although it consists of three banjars, this Pakraman village has only one hamlet head, namely Tenganan Pegringsingan Hamlet. According to Gede Suardika as the hamlet head of Tenganan village (interview 30 July 2018) stated that the condition of the population in this village amounted to 211 families consisting of Banjar. Kauh 72 families, Banjar Tengah 50 families, and Banjar Kangin 89 families.

Based on gender, the total population of each banjar Tenganan village is (1) Banjar Kauh 193 people with details of men 100 people, and women 93 people. (2) Banjar Tengah 151 people (men 80 people and women 71 Orang), and (3) Banjar Kangin (Br. Pande) 278 people (145 men and 133 women). The total population in this village is 623 people. Among the three banjars, Banjar Kangin has the most population, followed by Banjar Kauh, and Banjar Kangin.

Social Relation of Tenganan Community

Every human being will go through a life cycle which starts from infancy, childhood, adolescence, puberty, post-marital period, pregnancy, old age and death. One important transitional moment in the life cycle is the transition from adolescent to a married life. Marriage does not only regulate sex behavior, but it also serves several functions including: (1) giving the rights and obligations and protecting the children of their intercourse, (2) meeting the human needs of a life partner, fulfilling the need for property, and (3) maintaining relationships between groups kinship (Koentjaraningrat, 1992: 93-94).

Regarding the rights and obligations, many local communities, including Tenganan Community, rely on their customary law. It consists of a collection of norms containing legal precepts made deliberately by the community. Customary law is also seen as a reflection of the spiritual aspects of a society that are closely related to the social order of society which regulates the kinship system. Marriage in Bali is difficult to understand without understanding the kinship system. As Geertz (1959) puts that kinship is one of the seven essential plates that shape Balinese lives. Budiana (2008: 11) states that Balinese Hindus embrace the patrilineal kinship system through which the role sons is very important both for his kinship and community. In this regard, a son acts as the successor of his family lineage through the transfer of rights, and duties. He also has the right to inherit family's property and has an obligation to maintain family's sanctuary well as to conduct religious ceremonies, including *pitrayadnya* (ceremonies for his ancestors). In the context of local community affairs, the son is regarded the *krama* (members) in customary hamlet (*banjar*) or customary village (*pakraman*).

Unlike the patriarchal kinship model across Bali, Tenganan Pegringsingan is the only society in Bali that embraces bilateral kinship system. In the village, both son and daughter are entitled to be heirs. Rights and status between them are the same in the eyes of customary law. With this kinship model, villagers have a close relationship with their relatives from the mother's blood line and from the father's blood line as part of their extended family. The bilateral kinship model is retained through endogamy marriage which may result a married couple having a close blood relation. Once they get married, they share community's rights and obligation as a family.

Rights and Duties Tenganan Villagers

Surpha (2002: 56-57) argues that every member of customary village (*desa pakraman*) has a set of obligations and rights. Such obligations may include: (1) to perform *ayahan desa* (labour for the village) in terms of renovating village temples, conducting ceremonies of *dewayajña* (offering to gods) and *bhutayajña* (offering to demons), and so forth; (2) to comply with the customary rules

(*awig-awig*); (3) to maintain security and harmony; (4) to maintain the reputation of the village. The rights being a customary village member include the entitlement to express opinions in the meeting, to use the facilities belonging to the village, to seek assistance in performing the religious ceremonies or in the event of danger, and so forth. With the existence of a number of rights and obligations allow a *krama* to mutual support in reciprocity other *kramas* in th village.

Local institutions in Tenganan Pegringsingan Village consists of *luwanan*, *bahan duluan*, *kliang desa*, *tambalapu roras*, and *pengeluduan*. *Luwanan* is the highest institution consisting of six pairs serving as executive advisers. *Bahan duluan/bahan roras* is an executive body with decision making authority. *Keliang desa* is a body to undertake daily village administration. *Tambalapu roras* is the institution in charge of delivering orders *kliang village* (village chief). On the contrary, *pengeluduan* is a specifci body to assist *keliang desa* in preparing religious ceremonies (Timur, interview 27 March 2018).

In Tenganan Pegringsingan, *krama* (adat members) are differentiated into three models. They are: *krama desa*, *krama gumi pulangan*, and *kumi gumi*. *Krama desa* is a full member of the adat village society because he can be appointed to occupy positions in the local institutions, is given the rigths to participate in a *sangkepan* (meeting), get medical services, and to utilise village assets. *Krama gumi pulangan* is a *krama* who no longer has a status as a full member because he has been replaced by his married son. In contrast, *krama gumi* is a *krama* who has become a widower or widow. *Krama gumi pulangan* and *krama gumi* are not obliged to participate in local institutions, and *sangkepan desa*. Consequently, they are not entitled to the collective assets.

Decisions in the village are made through assemblies (*sangkepan*). Regularly, *krama* should attend assemblies at *Bale Agung* (a great building for holding meetings).. *Sangkepan* is conducted not only to solve various problems in the village, but also to make decisions of its development (Sujaya, 2007: 39-40). *Kliang desa* every night is required to conduct a village meeting with his committees at *Bale Agung* to discuss village matters. If the male *kliang desa* members cannot attend the meeting he could be represented by his wife. If there is an issue that could not be resolved through village meetings among *kliang desa*, the assembly will be conducted by inviting *kliang gumi* (*Kliang Gumi* is a position in Tenganan village that is mandated to represent its citizens who are no longer members of the village. This position consists of six members based on marriage seniority. Even though they are not members of the village, the role of *kliang gumi* is quite significant. They were consulted during the traditional village meetings, and were involved in religious rituals. Opinions are needed because they are not only considered as senior citizen, but also have experience and understand the various traditions of the community and *krama desabulu angkep* (all adult members male and female). The attendees have an equal rights in making decision, and the issue may be decided through voting (Yudiana, interview March 27, 2018).

In the legal context, to preserve the integrity of customary law, every customary provision is given a sanction. If a *krama* (members) violates the *awig-awig*, he will be subject to adat sanctions. As many

adat scholars have mentioned, for example Van Vollenhoven, Soepomo, and ter Haar, that without sanctions, *awig-awig* will have no authority to be obeyed by society as adat sanctions are a form of action or attempts to restore harmony including a spiritual balance due to the disturbance of *adat* violations (Dharmayuda, 2001: 36-37).

Marriage Tradition in Tenganan

Recently, marriage in Balinese society has become more open. Its openness is shown by that the fact that marriage does not only occur between caste, ethnicity, religion, but also nation. In contrast to this tendency, the village of Tenganan Pegringsingan has retained its marriage tradition based on endogamy. It is embraced that through endogamy villagers are deeply bound by a conception rooted in traditional cultural values. Endogamy marriage also determines someone's status in the village. Without endogamy marriage, the married couple cannot be a *krama desa*. *Krama desa* is *krama* (residents) who have privileges in the Tenganan Pegringsingan pakraman village.

Before getting married, every youth in the village has to join village youth organizations, such as *maajak-ajakan*, *metruna nyoman* and *seka daha*. *Maajak-ajakan* is the association for newly rising adults both boys and girls before they can join *metruna nyoman* and *seka daha*. *Metruna nyoman* is a traditional youth organisation boys, while *seka daha* is the organisation for the girls. In both *metruna nyoman* and *seka daha* organisations, they are choached and trained by the village high figures on various matters, such as traditions, rules, norms, and religious ceremonies in the village. Through this process, they can gain knowledge and skills on the village matters including *adat* sanctions for committing exogamous marriage. Passing through this learning process they may next enter to the *grehasta* (married) period in which the bride and groom have understood the various traditions in his village. Hence, they will not be difficult to adapt to their spouses life, family, and society.

This marriage is crucial to the well-being of the newly formed family. In Tenganan Village, without endogamy marriage, practically village supports to pursue welfare will be absent such as utilizing village assets as well as others social and cultural supports. As Wiana (2006: 45) puts that welfare does not only about material wealth but also social and spiritual wealth, which include (1) biological needs that is the need for clothing, food, boards, and health; (2) the social need that is the need to accept and to be accepted in the social life of the community, and (3) the philosophical need that is the need for education and culture in it including religious life.

Therefore, welfare in Tenganan Village is pursued through endogamy. The welfare in this regard is not only in the form of rice, but also money derived from village-owned assets such as *subak*, income from tourism, paddy yields, and garden yields. The distribution of village supports is done routinely per month, and incidentally at the *Ngusabha Sambah* (*Ngusaba Sambah* is *yajña* (sacred sacrifice) which is addressed to God along with His manifestations which are carried out every year exactly to the fifth sasih (June). This *Yajña* is the biggest ritual in Tenganan Pegringsingan with the ceremony procession held for 35 days. *Ngusaba sambah* is carried out with the aim as a form of devotion and

gratitude to God for His gift of protection, safety and welfare) ceremony. The amounts of supports are defined by someone's position in the local institutions. For those who serve as *luwanan* he/she will get the distribution of a 100 kg of rice every month, and a sum of 143 USD monthly. As *Usabha Sambah* she/he will receive a 300 kg of rice, and a sum of 214 USD. For members of *Bahan Roras* (*Bahan Duluang/Keliang Desa* and *Bahan Tebenan*) they will receive 100 kg / month of rice, 250 kg of rice and 179 USD at *Ngusabha Sambah* ceremony respectively. For *Tambalapu Roras*, they will receive 100 kg / month of rice, and for *Usabha Sambah* they will receive 250 kg of rice, and 179 USD. Finally, for the members of *Pengeluduan*, they receive 100 kg of rice monthly, and in addition will receive 300 kg of rice and 214 USD for *Ngusabha Sambah*.

However, for those who are involved in exogamy marriage will be sanctioned by *adat* rules of revocation of the status as a villager. Hence, they are not entitled to be a *krama desa* with the consequences that they lose heir rights in Tenganan Pegringsingan including to occupy positions in the local institutional structures. In the text section, the issues on sanctions especially reasons to give sanctions and the forms of sanctions will be discussed in length.

SANCTIONS OF EXOGAMY IN TENGANAN

Reason of Sanctioning

Preserving Tradition

In the context of the preservation of tradition that people cannot live without tradition even though they are not satisfied with their traditions. Tradition is the whole material thing and idea that comes from the past that is really still present today, has not been destroyed, discarded or forgotten. Viewed from the aspect of material objects, physical buildings such as palaces, temples, chariots and so on belong to tradition. In the context of aspects of ideas, thoughts and behavior is influenced and depicted the special meaning of the legitimacy of his past. In understanding the traditions, attitudes or mind orientations of material things and ideas derived from the past that are levied by people in the present. This attitude and orientation occupies a special part of the overall historical legacy and elevates it to tradition (Sztompka, 2008: 69-74).

The majority of the population on the island of Bali is Hindu. They have a variety of traditions, one of the tradition is marriage tradition. Covarrubias (2013: 147-161) states that the marriage customs of each district in Bali are different. Often considered normal in one village, it does not occur in another village because there are no general rules that can be enforced or applied across the island of Bali. A man is not morally bound to be loyal to his wife's custom, whereas disloyalty from the woman is considered a terrible crime, and legally punished in the past by the death of a guilty partner.

Maintaining Social Cohesion

Human in his life not only as an individual being, but also as a social being. In his capacity as a social being, human can not live in solitude without the help of others so that the attitude of help each other and solidarity is needed. This provides an obligation to pay attention to the needs of others. Koentjaraningrat (1992: 55) states that every human who lives in society will be bound by a form of

social unity because of the bond of territory or place of life. As a unity of social law, citizens usually have a feeling of unity that can manifest a sense of group personality.

Each group of people has certain ways of managing the relationship between life and life by not distinguishing a social life in small and large groups. The rules of life in society must be accepted by community members as a limitation. Free unlimited life is unknown in social life. Each member of the community feels bound in social life so that the necessary restrictions for the smooth life of society and the implementation of the interests of community members with each other. Awareness of the rules of living and binding in social life is a condition for the creation of an orderly, safe, and peaceful atmosphere of life (Team Compilers, 1989/1990: 19-20).

Society is essentially a system, functionally integrated into the form of equilibrium. The concept of functional structural thinking emphasizes order and ignores conflicts and changes in society. The main concepts include function, dysfunction, latent function, manifest function and equilibrium. Functional followers also see that society and social institutions as a system that all parts of the interdependence of each other and work together to create balance. They do not deny the existence of conflicts within society, but they believe that society will develop mechanisms that can control the emergence of conflict (Nasikun, 2011: 41-42)

Talcott Parsons (Dortier, 2004: 105) states that functional structural has four important functions for all systems, namely adaptation, goal, integration and latent pattern. Adaptation, the system must adapt to the environment and adapt the environment to the needs. Goal is a system must define and achieve its ultimate goal. Integration is a system must regulate the relationship between the parts that become components. In contrast, the latent pattern of a system must complement, nurture and improve both individual motivation and cultural patterns that create and sustain motivation.

Balinese people including Tenganan Pegringsingan pakraman village also want an atmosphere of orderly, safe, and peaceful life by being balanced with the surrounding nature. Balanced attitude is based on the awareness that the universe is the complexity of the elements that one and the other has a close relationship and establish a system of dignity. Dharmayudha and Çantika (1991: 6) stated that traditional life in Bali is based on the value of balance which is manifested in two elements, namely (1) adaptation and trying to connect with natural elements and life around. (2) want to create an atmosphere of peace and tranquility among fellow creatures and the natural world of human life. Both elements are used as guidance of the Balinese community in all activities of his life. The values and principles of balance are perceived into the philosophical teaching of *tri hita karana*. In contrast, Kaler (1983: 86) states that literally the word "*tri hita karana*" comes from the word *tri*, *hita* and *karana*. *Tri* means three, *hita* means good, happy, and, sustainable, while *karana* means causation or source of cause. So *tri hita karana* is the three elements that are the source because of the emergence of goodness. The three elements are always attempted to create the balance of the relationship between man and God, between human beings, and man with nature. In keeping the three balance is poured in *awig-awig* of *pakraman* village.

Projodikoro (2000: 13-14) states that one's life can be expressed equally in society if it does not violate the law. An unlawful act leads to defilement in the body of society, and unrest in the balance of society. No matter how small a shock, will bring shock to the balance of society. A little bit of shock will affect the community as a whole. Wiana (2007: 28-29) states that obtaining balance on earth is not easy because it seizes human potential. The frenzied balance of human life should be in accordance with the philosophical of *tri hita karana*. If man missteps, the balance will be disturbed. Krishna in the book of Bhagavagita states that happiness must be achieved with a firm, equal and balanced attitude in accepting the joys and sorrows in this life as stated in the sacred poem, "sukhamdhukam jayate" means to win with joy and sorrow. It can not be denied that many people fail in their lives because they can not maintain a balance of self, and forget in receiving success.

In the context of equilibrium, one of the ways used by the Tenganan Pegringsingan community is to apply *adat* sanctions to exogamy marriages. Violation of exogamy marriage results in disruption of balance not only with *parhyangan*, *pawongan*, but also *palemahan*. In the context of the *parhyangan*, a violation of the exogamic marriage is considered too courageous against the god Shiva manifestation of God in the *Awig-awig*. *Awig-awig* prior to use, *dipasupati* (blessed the magic power of Lord Shiva) so it has a sacred value and must be obeyed by society. If violated, *awig-awig* becomes contaminated resulting in an imbalance of its people. In the context of *pawongan*, violations of exogamy marriage cause community shock because the bride's and groom's behavior does not obey *awig-awig*. In the context of *palemahan*, a violation of exogamy marriage causes the environment to be polluted due to lethargy (dirty). Thus, the balance between *parhyangan*, *pawongan*, *palemahan* can only be recovered by means of traditional sanction to the bride and the groom in the form of revocation of all rights. Without *adat* sanction Tenganan Pegringsingan remains polluted or disturbed by its balance because it has always been the subject of gossiping its own community (Sudi Astika, interview 5 March 2018).

FORMS OF SANCTIONS

Fine Penalty

For Hindus in Bali, the term "adat sanctions" is more popularly known as "*pamidanda*". Windia (2003 29) states there are three types of *pamidanda*, namely *arta danda*, *sangaskara danda*, and *jiwa danda*. *Arta danda* is a fine in the form of material in the form of various objects that have economic value or in the form of money. The money is in the form of banknotes or *Uang Kepeng*. *Sangaskara danda* is a fine sanction in the form of performing certain ceremonies. This penalty is imposed because the deeds of its citizens are considered to cause a *leteh* (a condition that is considered sacred). The actions in question include theft, murder, issued dirty words, *berate* and *berbagainya*. The *leteh* caused is not only thought to be materially harmful but also causes a mental imbalance. The sanction of the custom of *sangaskara danda* is a *prayascita* ceremony (ritual ceremony) or *pacaruan* ceremony (sacrificial ceremony). The *jiwa danda* or *atma danda* is a sanction related to the soul of the offender. In ancient times those who violated the death penalty by stabbed with a *keris* or drowned in the sea. Today, however, the soul of the *danda* can be a thorough observer in front of village meetings.

Dharmayuda (2001: 34-37) classifies the types of pamidanda into five kinds, namely (1) *danda arta* (sanctions in the form of money), (2) *swing penunun kesisipan* (perform certain duties in lieu of mistakes made), (3) *rerampagan* (confiscation), (4) *kadaut karang ayah* (obligation for those who occupy the yard of the village), (5) *pangaskara* (everything related to inner cleansing ceremony), (6) *kasepekang* (ostracized), and *kanoroyang* (excluded from adat). Among the various types of adat sanctions, *adat* sanctions against exogamy marriage in Tenganan Pegringsingan are sanctions of *denda arta* and *kanoroyang* sanctions. Sanctions of *denda arta*, nominal amount has been set on the paos 7 awig-awig Tenganan Pegringsing Village as follows:

Mwah tingkah i wong desa ika sinalih tunggal ngasampingang piyanak nyane, wiyadin nyama luh, mwah nyolongang kacolongan, pada tan kawasa, ika w nang kadanda olih desa, gung arta 75.000 mantuk ka desa saungkul.

[And about one of the villagers letting their children marry out of the village, whether their daughters or their sisters or assisting / giving a chance, is completely forbidden, and fined by the village of 75,000, all submitted to the village] (Tenganan Adat Village, tt: 90).

The above quote indicates that the fine sanction to be paid by the parents of the bride in the form of original kepeng as much as 75,000 original kepeng money. Currently in Bali the original kepeng money per keteng (beans) costs 0.2 USD. Thus, the fine of *arta dana* that must be paid by the parents of the bride 16 USD.

As the times progressed, fine sanctions have changed. Changes indicated that the bride's parents no longer have to pay a fine of 16 USD, but 1.3 USD. This change is done with consideration of humanity. The bride and groom not only all rights are revoked, but also must pay a fine. With the revocation, practically the bride lost all her rights in Tenganan Pegringsingan Pakraman Village. On the contrary, *kanoroyang* sanctions constitute the lifting of all things-the bride rights of his village. Couple were ostracized and expelled from Tenganan Pegringsingan Pakraman Village. With *kanoroyang* sanctions, both bride and groom lose all their rights or are considered not citizens anymore (Lodri, interview 28 March 2018).

Moral Sanctions

Any disruption or impact to the balance of life of individuals or persons as a whole in the order of law is regarded as a *adat* offense (Ter Haar, 2001: 226). The *adat* offense is any deed or incident which is contrary to the harmony, order, security, sense of justice, and awareness of the community concerned either as a result of an act committed by a person, a group of persons or a customary committee himself. Acts that violate customs are seen to cause shock and disturbance to the balance of the cosmos. Shocks can also lead to community reactions in the form of *adat* sanctions (Widnyana, 1993: 6).

Lesqiller in his dissertation entitled "Het Adat Delectenrecht in de Magische Wereldbeschouwing" as quoted by Socroyo Wignjodipoero explains that *adat* sanctions are necessary. Without the sanctions, the customs of disturbed magical tranquility can not be recovered. *Adat* sanctions are also

intended to nullify or neutralize an unlucky situation aroused by a *adat* offense (Team Compilers, 2010: 76-77). Sianturi (1986: 30) states that *adat* sanctions have several functions, namely (1) as a means of coercion in order for a person or a citizen to obey the prevailing norms, (2) as legal norms to obey, and (3) as a legal consequence for a person which violates the legal norm. In line with the opinion of Sianturi, Çantika pointed out that *adat* sanctions can be used to restore to the state of *trepti* (order), and *sukerta* (tentram) ie the balance of *satyam* (truth), *siwam* (decency), and *sundaram* (happiness) embodied into philosophy of *tri hita karena* (three causes of happiness) (Team Compilers, 2010: 94-95).). Putra (2015: 324-325) argues that sanctions need to be given to those who violate because without sanction, the sanctity and balance of the village can not be restored as before.

Among the above *adat* sanctions, the violation of exogamy marriage in Tenganan Pegringsingan is subject to *kanoroyang* customs sanction. *Kanoroyang* sanctions are the most severe moral sanctions in Tenganan Pegringsingan. Moral sanctions are inner sanctions of shame or guilt (sinful) (All-Barry, 2001: 292). Covarrubias (2013: 69) argues that moral sanctions in Bali carry a much heavier burden than corporal punishment, minor mistakes that result in fines, and the seizure of property, or the temporary suspension of society. Penalties for major errors vary between the frightening boycott of all village activities to the permanent exclusion, the complete expulsion from the village. One who is removed from his village is not allowed to enter other communities. He truly becomes a wasted man as a punishment that is much heavier than physical death for the Balinese mind because one is openly humiliated, kills himself.

Wayan Koti Cantika (Windia, 2008: 50-51) states that there are two *adat* sanctions pertained heavily in Bali, namely *kasepekang* and *kanoroyang* sanctions custom. In the *kasepekang adat* sanction, a person subject to sanctions is still acknowledged as *krama*, but is excommunicated from various *banjar / pakraman* village activities. On the contrary, in the *kanoroyang adat* sanction, a person is not only excommunicated, but also regarded as non-existent. For its citizens who are subject to *kasepekang adat* sanction already considered heavy, let alone *kanoroyang adat* sanction. *Krama*, who sanctioned by *kasepekang*, its status is still recognized as *karma adat*, but it is placed outside the rule of law. That is, *krama* in question is not subject to *adat* law rules such as not getting notices (*tan polih arah-arahan*), not get *kentongan* (*tan polih pasuwaran kulkul*), and get no help from *banjar*. He also can still use the grave, but did not get the help of *banjar* service or *pakraman* village. On the contrary, in the *kanoroyang adat* sanction, the relevant status is no longer a citizen of *pakraman* village because it is not only ostracized, but also expelled from his village. Utomo (2017: 125-128) argues that the act of defiling the inner atmosphere against the sanctity of the offenders must be subject to *adat* sanction in the form of obligation to hold a traditional ceremony, that is, a cleansing ceremony.

In the context of *adat* sanctions against exogamy marriage in Tenganan Pegringsingan, the result is not only felt by the couple, but also his parents. Parents of the bride each month must pay 0.14 USD to the village at the time of *sangkepan*. Although the nominal fine penalty is not much, but the inner burden is not inevitable during his life because of the fine sanction must be paid in front of the open

village kratama sangkepan. By paying a fine, the bridegroom's family has an inner burden and a guilty conscience for the actions of his son for not obeying the values, norms and rules that apply in his community. The inner burden of the bride's parents and her family is also felt to be the subject of public gossip that her parents can not educate their child.

PLURALISTIC RULES OF MARRIAGE IN TENGANAN

Functionally, the custom created in a social system is intended to create an order social in society. According to Comte and Spencer, society is seen as a social system made up of interdependent parts of one another (Poloma, 1992: 25). Therefore, the customary institution as one of the existing structures in society is expected to provide a sense of security and comfort so as to create a harmonious society life.

Humans in social life need rules. Rules are needed to limit the attitudes, behaviors and deeds of man to one another. Free unlimited life is unknown in social life. Every society feels bound in a social life and they are in need of limitation in order to create an orderly, safe and peaceful life (*Majelis Pembina Desa Adat Daerah Tk.I Bali, 1992/1993: 19*).

Masyarakat Bali diatur oleh dua organisasi desa yang berbeda secara substansial dan fungsional, yaitu *desa pakraman* dan desa dinas. Masing-masing desa ini mempunyai struktur dan fungsi sendiri sehingga keterikatan anggota masyarakat kepada kedua organisasi ini berbeda. Lieftrinck (Dharmayudha, 2001:2-3) menyatakan bahwa *desa pakraman* merupakan republik kecil yang memiliki hukum atau aturan budaya adatnya sendiri. *Desa pakraman* juga memiliki susunan pemerintahan bersifat demokratis dan memiliki otonomi serta memiliki ciri khas, yaitu bertanggung jawab atas Pura Tri Khayangan (Pura Puseh, Pura Desa dan Pura Dalem). Sebaliknya, Swellengrebel mengutarakan bahwa *desa pakraman*, yaitu "*desa is often defined as a community of worship. An important part of its function does, indeed, lie in the religious field*".

The Balinese community is governed by two substantially different and functional village organizations, namely *pakraman* villages and village official. Each of these villages has its own structure and function so that the community members' attachment to these two organizations is different. Lieftrinck (Dharmayudha, 2001: 2-3) states that *pakraman* village is a small republic with its own customary laws or cultural rules. *Pakraman* village also has a democratic government structure and has autonomy and has a distinctive characteristic, which is responsible for *Tri Khayangan* Temples (*Pura Puseh, Pura Desa and Pura Dalem*). In contrast, Swellengrebel points out that the village of *pakraman*, ie "village is often defined as a community of worship. An important part of its function does, indeed, lie in the religious field".

Goris (1954: 59) argues that the traditional village or *pakraman* village in ancient Bali was called *banwa* or *banua*. Covarrubias (1986: 56) states that adat villages are unity of a closed area or limited to ancestor worship and community administrative rules. Each traditional village is equipped with elements of the unity of the temple (shrine) as a binder of a village, namely *Khayangan Tiga* Temples (*Pura Desa, Pura Puseh, Pura Dalem*). In line with Covarrubias, Suputra stated that the *pakraman*

village includes two things, namely the traditional village as a container, and customs as the contents of the container. *Pakraman* village as a traditional institution accommodates the social, cultural and religious activities of the Hindu community in Bali, whereas the customs are the living manners of the Hindu community in Bali which has become a community tradition as the nation's cultural heritage (Wisnumurti, 2010: 175-176).

The unity bond of the territory that is manifested in the form of *pakraman* village community is regulated by the Provincial Regulation of Bali Number 03 of 2001. The regulation states that *pakraman* village is a unit of customary law community in Bali Province which has a unity of tradition and manner association of Hindu society living down inheritance in the bond of *Kahyangan Tiga* (*Kahyangan Desa*) which has a certain territory and own property. Based on the regional regulation, there are six basic elements that make up the village of *pakraman*, namely: (1) customary law community unity in Bali Province; (2) having one unity of tradition and manners of social life of Hindu society from generation to generation; (3) in the bond of the Throne of Three; (4) has certain territory, (5) owns its own assets; and (6) have the right to take care of their own household (Surpha, 2002: 133-134). Others claim that the *pakraman* village is a territorial entity whose citizens jointly conceive and activate religious ceremonies to maintain the sanctity of the village. The sense of unity as indigenous villagers is bound due to the reef of the village (territorial territory), the *awig-awig* of the customary village (the village rule system with its implementing regulations), and *Khayangan Tiga* Temples (three temples in the village as a system of prayers for indigenous villagers) (Assembly Pembina Lembaga Adat Daerah I, 1989/1990: 1-20).

The Balinese are organized in a traditional organization, the traditional village or *pakraman* village. Surpha (2002, 16-17) states that *pakraman* village is an institution that serves to maintain and enforce the customs that apply to each village *pakraman*. Traditional violations are seen as a disgraceful and destructive harmony of village life. In preventing these denials, the village of *pakraman* is in charge of organizing and managing the life of the community of the villagers in relation to *pawongan*, *palemahan*, and *parahyangan*. Pitana (Budiana, 2004: 221) states that *pakraman* village should be able to be a vehicle for the development of various positive values that exist in Balinese culture, such as democracy, tolerance, adaptation, creativity, flexibility, and as a means of eliminating various traditions that are inconsistent with the times. Thus, *pakraman* village as an institution governing Balinese manners must be able to sort and choose the traditions that need to be developed and abandoned traditions.

In the context of marriage, at the time of the kingdom in Bali must occur fellow caste itself. If marriages were made between men higher than their female counterparts, marriage ceremonies exhibited discriminatory treatment. The bride at the time of the marriage ritual is not directly coupled with the groom, but with a kris belonging to the groom or replaced with a house pole (scene) that has been decorated in the groom's dress (Hobart 1980: 109-110). However, in recent decades, marriage in Bali tends to be more open. The openness is shown that marriages can be intercultural, interreligious, and different citizenship. The marriage does not only occur in ordinary marriage, but

also the *nyeburin* marriage. Ordinary marriage is a marriage done where the wife entered the husband's family, while in the *nyeburin* marriage, the husband who entered the neighborhood of his wife (Sudarma, 2012: 7).

Unlike Tenganan Pegringsingan Pakraman Village that marriage is very closed because marriage can only be done endogamically village among fellow citizens themselves. In contrast, exogamy marriage is a forbidden marriage even subject to customary sanctions. The adoption of adat sanctions in the marriage reflects the disenchantment in marriage because it deals with the values of humanity, religious teachings, and marriage laws in Indonesia. According to I Ketut Sudi Astika (interview, March 17, 2018) as a *kliang adat* of Tenganan Pegringsingan states that the provision of customary sanctions against exogamy marriage is intended as a deterrent effect for those who violate it. With the application of adat sanctions, for the last ten years only two people have engaged in exogamy marriages. That is, residents of Tenganan Pegringsingan community very appreciate and obey the rules prevailing in his village including not violating the exogamy marriage.

The application of adat sanctions to exogamy marriage signifies a disenchantment in marriage. Wertheim (Wisnumurti, 2010 369) says that emancipation is related to the liberation of man from the natural world, the liberation of man from the self-imposed forms of mastery and slavery created by man himself, the human creative potential of the strangling structures of society especially of annihilation. The non-independence against exogamous marriage in Tenganan Pegringsingan is very much against the Law of the Republic of Indonesia No. 39 of 1999 concerning Human Rights contained in Article 3, paragraph 3, and Article 4 as follows:

Article 3, paragraph 3, contains that everyone is entitled to the protection of human rights and basic human freedom without discrimination.

Article 4 contains that everyone has the right to life, the right not to be tortured, the right to personal freedom, thought and conscience, the right to religion, the right not to be enslaved, the right to be personally recognized and equality before the law is a human right which can not reduced in any circumstances and by anybody (Anonymous, 2016: 4-5).

The above quote indicates that the application of adat sanction to exogamy marriage signifies the non-independence in marriage because marriage is very closed and its citizens are not protected by law.

CONCLUSION

Tenganan Pegringsingan Indigenous Peoples are full of traditions of interbreeding marriage among their own indigenous people. This marriage is considered an ideal and respectable marriage model. In contrast, exogamous marriages are prohibited, and subject to *adat* sanctions. Sanctions are not only imposed on the couple, but also on their parents.

The reasons for *adat* sanctions on exogamy marriages, namely the preservation of traditions, maintaining the kinship system, and maintaining the balance. In the context of traditional preservation, *adat* sanctions are used to safeguard and preserve and preserve endogamy marriage as the most ideal, and honorable model of marriage. With the preservation of tradition, the authenticity of cultural elements, especially the endogamy marriage of fellow indigenous people is not extinct. In the context of kinship, *adat* sanctions are used to maintain and maintain the purity of the bilateral kinship system in the *adat* village. With this kinship, the two brides share equally in the eyes of the law that has the same rights as the heirs. In contrast, in the context of equilibrium, *adat* sanction in exogamy marriage is used to maintain the balance of *tri hita karana*, namely *parahyangan*, *pawongan* and *palemahan*. Exogamy marriage is considered to have brought public shocks so the balance of Tenganan Pegringsingan Pakraman Village is disrupted.

The form of *adat* sanction against exogamy marriage, namely sanction of fine and moral sanction. Associated with fine sanction, the groom's parents must pay some money to his village for the offense committed in the marriage. Conversely, in the context of moral sanctions, the groom and his parents are burdened inwardly because the marriage is a forbidden marriage. Violations of the marriage are also believed to bring the shake of society so that the groom and his parents during his life must bear the shame.

The customary sanctions on exogamy marriage indicate a disemancipation, no gain, and loss of all rights. In the context of non-divisiveness, marriage is so closed that marriage can only be done endogamically among its own indigenous peoples. Except for endogamy marriages, subject to *adat* sanctions. In the context of not getting welfare, the rule in this *pakraman* village except the people who make endogamy marriage among indigenous peoples themselves who can be a *krama desa* are entitled to receive welfare from the village. In the context of losing his rights, a violation of the exogamy marriage then all bridegroom rights are repealed by his village. Revocation of all his rights, consequently the bride has absolutely no right in his village or is not considered its citizens anymore.

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