

Regulation Model for Traditional Village to Entering New Normal Society in Umeanyar Village, Seririt District, Buleleng Regency

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Abstract. This study aims to find the form of regulation based on customary law in Umeanyar Village, Seririt, Buleleng Regency to preventing pandemic Covid-19. The problem of this research is how to make a regulation in Umeanyar Village to stop the spread of Covid-19 in village areas. This research was held within 1 (one) year. The type of legal research using an empirical legal study with data collection by purposive sampling techniques through interviews, observation, documentation and literature studies. The result shows that there is regulation design in the form of pararem and customary village-level policies that apply in order to create a new life in Umeanyar village, Seririt District, Buleleng Regency. This policy is expected to help local government to resolve the spread of the Covid-19 virus in local areas.

Keywords : Regulation, New Normal, Umeanyar Village.

1. Introduction

The Corona Virus Disease (Covid-19) pandemic is still exist until 2021. The Covid-19 pandemic in Indonesia at the beginning of 2020, in fact until early 2021 it showed an increase cases [1]. The public is continuously encouraged to apply healthy lifestyle behaviors by wearing masks wherever they are, maintaining distance when in crowds, diligently washing hands, maintaining body immunity, and so on.

The application of social distancing or restrictions on community activities is the central government's first step in overcoming the Covid-19 pandemic as outlined in Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19). In addition, the call to work, study, and worship from home or known as work from home (WFH) is an appeal from the President as well as the head of government.

In order to accelerate the response to the Covid-19 pandemic in Indonesia, the President established a Task Force for the Acceleration of Handling Covid-19 (Gugus Tugas Percepatan Penanganan Covid-19) in the form of Presidential Decree No. 9 of 2020 concerning Amendments to Presidential Decree No. 7 of 2020. The main task of the Task Force here is to optimize the handling of the pandemic from the central to the regional levels. The task force is technically tasked with increasing national resilience in the health sector whose composition consists of ministries, non-ministerials, TNI, Polri, and regional heads [2].

For almost a year, countries in the world, including Indonesia, are still struggling and have not been separated from the spread of the Corona virus. It can be seen in Indonesia that until February 2021 the number of confirmed cases collected by the Committee for Handling Covid-19 and National Economic Recovery reached 1,111,671 people with 175,236 active cases while 905,665 and 30,770 deaths) [1]. The data shows that various regulations or policies implemented by the government to deal with this virus are not effective.

In the study of the sociology of law, there is the opinion of Lawrence M. Friedman who argues that the effectiveness and success of law enforcement depends on the existence of three legal systems, namely the structure of law, the substance of the law and legal culture [3].

The structural component is the institution created by the legal system with various functions in order to support the operation of the system. This component makes it possible to see how the legal system provides services for the cultivation of legal materials on a regular basis. The substantive component is the output of the legal system, in the form of regulations, decisions that are used by both the regulating and regulated parties. The cultural component consists of values, attitudes, perceptions, custom, ways of doing, ways of thinking, opinions that affect the workings of law by Lawrence M. Friedman called legal culture. This legal culture serves as a bridge that connects the rule of law with the legal behavior of all citizens. In seeing the effectiveness of a rule, it must be based on these three components which are indeed a benchmark for the success or failure of law enforcement in society.

In the of law, we can see that law enforcement officers who have a big role in enforcing the rule of law are going awry, whether to take action if the community continues to carry out gatherings with the aim of praying or just letting it go because it is part of cultural preservation. If you look at Bali with its various cultures and beliefs, many parties will later be subject to sanctions for violating health protocols when carrying out religious rituals.

In terms of substance, namely a legal norm contained in regulations, decisions, and policies, it is also the main focus in terms of whether or not a rule of law applies in society. If you look at the example in Bali, the local government here has also issued various regulations that regulate the implementation of community activities, especially in holding religious ceremonies. One of the important regulations issued by the Bali Provincial Government together with the Bali Province Parisada Hindu Dharma Indonesia (PHDI) and the Bali Province Traditional Village Council (MDA) is the Joint Decree Number: 020/PHDI-Bali/III/2020 & Number: 04 /SK/MDA-Prov Bali/III/2020 Regarding Provisions for the Implementation of the Panca Yadnya Ceremony and/or Traditional Activities in the Status of the Covid-19 Pandemic in Bali. Based on the Joint Decree, it is stipulated that :

“All *Panca Yadnya* ceremonies that are *ngawangun* (planned), such as the work of *melaspas*, *ngenteg linggih*, *cremation*, *ngaben massal*, *mamukur*, *maligia*, *Rsi Yadnya (Padikshan)*, as well as other *ngawangun* works, such as "*maajar-ajar*, *nyegara gunung*" and others -others, so that it is POSTPONED until the time limit for the cancellation of the Covid-19 Pandemic Status.”

Buleleng Regency as one of the areas in Bali Province is one of the areas that applies PKMM due to the high number of positive cases. As for responding to the regulation from the center, the Buleleng Regency Government also issued a Buleleng Regent Circular Number 304/Cvd19/II/2021 concerning the Enforcement of Restrictions on Village/Kelurahan-Based Community Activities and Traditional Villages in the New Era of Life Order in Buleleng Regency.

In addition to issuing the Circular above, the Buleleng Regency Government has also made other breakthroughs in an effort to immediately deal with the Covid-19 pandemic in Buleleng Regency. Through the Godly Village competition, the Buleleng Regency

Government tries to find villages in Buleleng Regency that should be used as examples in handling and preventing the Covid-19 pandemic. The activity initiated by the Bali Regional Police was won by Umeanyar Village, Seririt District [4]. Umeanyar Village is considered to have independence in order to maintain health and food security, economy, and micro security because of its cohesiveness which is able to move the community consciously and independently in the COVID-19 pandemic situation to maintain health and safety.

From the success of Umeanyar village for winning the first place in the God's tough village competition (*Desa Tangguh Dewata*), it is necessary to be attention to the regulations that are made and enforced, whether the regulations or decisions, especially in the local Traditional Village to deal with and prevent Covid-19. Traditional villages are known to have customary law in the form of awig-awig, pararem, dresta, and so on that apply to the community and village. Awig-awig is defined as a kind of law that applies to Balinese indigenous peoples, while pararem is defined as government regulations and/or other implementing regulations.

Seeing the important of the effectiveness a rule that applies in the community, especially traditional villages in Bali in the context of dealing with the Covid-19 pandemic as described, this paper will analyze more deeply the forms of regulations or pararems that exist in the Umeanyar Traditional Village towards a new life order. The title of this research is "**The Pararem Regulation Model for Traditional Villages in Creating a New Life Order in Umeanyar Village, Seririt District, Buleleng Regency.**"

2. Research Methods

This type of research is empirical legal studies with primary data and secondary data. Primary data collection techniques were obtained through observation and interviews. Primary data is interview with *Bendesa Adat* and *Penyarikan* Umeanyar Village, and secondary data is the form of the *Pararem* concerning Prevention and Management of the Covid-19 Pandemic in the Umeanyar Traditional Village. Data that has been systematically arranged, then connected between one another. After the data is connected, then an interpretation will be carried out to understand the meaning of the whole data. The analysis process takes place continuously since the data search in the field and continues until the analysis stage. After the qualitative analysis process is carried out, then the data will be presented descriptively qualitatively and systematically [5].

3. Discussion

The ideal construction of law *Pararem* that applies in the Umeanyar traditional village in order to create a new life order

Customary law is a translation of the Dutch language, namely adat *recht*. This naming was first introduced scientifically by Prof. Dr. C. Snouck Hurgronje. In his book *De Atjehers*, mentions the term customary law as adat recht, namely to give a name to a system of social control that lives in Indonesian society [6]. Customary law as Indonesian law has its own distinctive style that is different from the legal system adopted in Western countries. Even though customary law is traditional, which means it is very much tied to the old traditions inherited from their ancestors, we must not draw hasty conclusions that customary law does not change[7]. In general, customary law is a living law because it explains the real legal feelings of the people.

In the life of the Balinese traditional community which is accommodated by the *Pakraman* village, these norms are commonly known as *awig-awig*, *sima*, *dresta*, *pararem*, and other terms. So *awig-awig* is part of Balinese customary law that applies in certain traditional Balinese organizations. Usually the naming of *awig-awig* is adjusted to the name of the organization, such as: *awig-awig* traditional village, *awig-awig subak*, *awig-awig sekaa*, and so on [8].

Awig-awig is defined as a kind of law that applies to Balinese indigenous peoples, while *pararem* is defined as government regulations and/or other implementing regulations. In addition, there is also *Dresta* which is defined as unwritten customary law. Usually this *Dresta* is then stated in written *awig-awig* and included in the *pararem pengele* as a complement to the *awig-awig*.

Balinese people also need to maintain the constancy of their customs and culture, so the right approach is needed in responding to negative changes that are increasingly massive, either through customs and religion, one of which is Balinese customary law, namely *awig-awig* or *pararem*. This is because the Balinese people strongly believe in the sanctions that arise from customary law, not only having an impact on a scale (outwardly) but also on a *niskala* (inner) life. So through strict enforcement of customary law, it can be a solution to overcome negative changes that occur in society.

Pararem can be interpreted as a result of a joint decision in a traditional *paruman* (meeting) in Balinese society, which is then agreed to be carried out as well as possible. In a special sense, *pararem* is defined as *Paruman* decisions that have binding power [9]. *Paruman desa* is a deliberation of *krama desa pakraman* whose purpose is to discuss and make decisions on certain matters relating to the *pakraman* village [10]. In general, *pararem* contains provisions and further sanctions from the implementation of *awig-awig* which are considered unclear, but it is possible that *pararem* can also be made for certain things that have not been included in *awig-awig*. Thus it can be said that *pararem* is an advanced/implementing rule of *awig-awig*.

Based on the substance, *pararem* has a binding power which can be classified in substance as follows [11]:

1. *Pararem penyahcah awig*, namely the decisions of the *paruman* which are the implementing rules of the *awig-awig*;
2. *Pararem ngele/prarem lepas*, namely the decision of the *paruman* which is a new legal rule that has no basis in *awig-awig* but is made to complete the legal needs of the community;
3. *Pararem penepas wicara*, which is in the form of a *paruman* decision regarding a certain legal issue (case), both in the form of a dispute or violation of the law (*pararem penepas wicara*).

A *pararem* can be generated through an activity in the field of law organized by traditional society (*pakraman*) or known as *paruman*. The forms of legal activities that are usually carried out are through Focus Group Discussions, workshops on the mechanism for making *pararem* drafts, assistance in making *pararem* drafts, and seminars on *pararem* draft results. After carrying out these activities, in the end some forms of *pararem* are produced which ideal for traditional society [12].

Pararem in this case is also used as an effort to regulate community activities in traditional villages related to the handling of the Covid-19 pandemic in a traditional village. Based on the Joint Decree Number: 020/PHDI-Bali/III/2020 & Number: 04/SK/MDA-Prov Bali/III/2020 concerning Provisions for the Implementation of the *Panca Yadnya* Ceremony

and/or Traditional Activities in the Status of the Covid-19 Pandemic in Bali. Based on the Joint Decree, it is stipulated that :

“All *Panca Yadnya* ceremonies that are *ngawangun* (planned), such as the work of *melaspas*, *ngenteg linggih*, cremation, *ngaben massal*, *mamukur*, *maligia*, *Rsi Yadnya* (*Padikshan*), as well as other *ngawangun* works, such as "*maajar-ajar*, *nyegara gunung*" and others -others, so that it is POSTPONED until the time limit for the cancellation of the Covid-19 Pandemic Status.”

Other than that regulation regarding religious ceremonies above, in early 2021 the Minister of Home Affairs issued Ministerial Instruction Number 3 of 2021 concerning Handling the Corona Virus (Covid-19) which in essence regulates the Enforcement of Restrictions on Community Activities (PPKM) on a micro scale in the Java and Bali regions. . The instruction also explains that this rule will apply to areas with a high death rate, a cure rate below the national average, and an active case rate above the national average.

With the issuance of the Joint Decree as above, traditional villages throughout Bali are required to follow and make customary regulations in local villages to participate in preventing and overcoming the Covid-19 pandemic. The traditional village that immediately makes rules at the village level is the Umeanyar Traditional Village, Seririt District, Buleleng Regency. The rules made are in the form of *pararem* which is the result of village decisions (meetings). *Paruman*, which was attended by *Sabha Desa* and *Kerta Desa*, was held on the initiative of the *Bendesa Adat* and all *Prajuru* which in essence was an effort to prevent and control and suppress the spread of Corona Virus Disease 2019 (COVID-19) to *Krama* at *Wewidangan* Traditional Village Umeanyar.

Paruman Umeanyar Traditional Village produces *Pararem* No. 060/DA.Um/PRRM/VI/2020 Concerning the Prevention and Control of *Gering Agung* Covid-19 in *Wewidangan* Traditional Village Umeanyar. The purpose and objectives of this regulation as stated in Article 2 are to provide guidance to the *Prajuru*, Mutual Cooperation Task Force (Satgas), Traditional Village *Krama*, *Tamiu Krama*, *Tamiu* in carrying out prevention and control of Covid-19. This arrangement also aims to prevent, inhibit, and decide the spread of Covid-19 in the *Wewidangan* Traditional Village.

Based on the interview with the *Bendesa Adat* of Umeanyar Village, I Made Nita said, “*Pararem* No. 060/DA.Um/PRRM/VI/2020 can be categorized as *Pararem Pangele*. Based on Article 18 of the Bali Regional Regulation No. 4 of 2019 concerning Traditional Villages states that *Pararem Pangele*, which is a separate *Pararem* created to regulate things that have not been regulated in *Awig-Awig*. So the existence of *Pararem* is indeed intended to overcome the transmission of Covid-19, especially in the Umeanyar Traditional Village.”

As a rule that applies in traditional villages, *Pararem* No.060/DA.Um/PRRM/VI/2020 is a *pararem* that has clear normative material related to prevention and control efforts while simultaneously suppressing the spread of Covid-19 in the Umeanyar Traditional Village. This *Pararem* letter uses the Indonesian language with the following systematic:

- a). Section Title
- b). Section Considering, Remembering, Paying attention, and Deciding
- c). Section Articles: consists of 9 Chapters and 36 Articles.
- d) Closing Part: Stipulation and Enforcement of *Pararem*

Systematically, the construction of the *Pararem* correspondence in the Umeanyar Traditional Village can indeed be said to be different from the general *pararem*, which more often uses the Balinese language or Balinese script, but this is not a problem. *Pararem's* letter with

systematic reference to the form of national laws and regulations is intended to make it easier and smoother for the parties, both traditional village officers, the Covid-19 Task Force in traditional villages, and *krama desa* in socializing and implementing the *pararem*.

Law Enforcement of *Pararem* Applicable in the Community Towards a New Normal of Life in Umeanyar Traditional Village, Seririt District, Buleleng Regency

UUD 1945 (constitution) has confirmed the existence of customary law communities, in Article 18 paragraph constitution said that the state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the unitary state of the Republic of Indonesia, which are regulated by law. The provisions of Article 18 paragraph (2) of the Constitution are strengthened by the provisions of Article 28I paragraph (3) that traditional cultural and community identities are respected in line with the development of the times and civilization. This shows that the existence and rights of indigenous peoples have been accepted within the legal framework in force in Indonesia.

The Balinese community is one of the traditional society and at the same time a religious community that still applies customary law consistently and thoroughly, both in the form of written and unwritten rules that characterize customary law itself. Customary law is characterized by an unwritten form of law. This is because in ancient times people did not know writing and reading. Furthermore, community life continues to develop, in which case humans will always be faced with other human provisions to form an interaction. This interaction in reality requires norms and rules that determine which actions are permissible and which are not to do.

In fact, *Pakraman* villages or traditional villages in Bali since ancient times have had regulations for living in the *Pakraman* village environment, although most of them are unwritten. Responding to *Pekebeh Jagat* or the development of an increasingly globalized world and its effects on all fields of life, including the life of the *Pakraman* village, it is very necessary to have a written basic law at the *Pakraman* village level in the form of *awig-awig*[13].

More detailed implementing rules are set out in the form of village meeting decisions (*paruman*) called *pararem*. *Pararem* has binding power which can be subdivided into three, namely *pararem penyahcah awig*, *pararem penepas wicara*, *pararem ngele/lepas*. *Pararem penyahcah awig* means the implementing rules of existing written *awig-awig*. *Pararem penepas wicara* is a *paruman* decision regarding a speech (case) in the form of legal issues such as disputes or violations of the law. *Pararem ngele* is in the form of a *paroman* decision which is a new legal rule that has no basis in *awig-awig*. This is usually used to accommodate new legal needs to keep up with community developments[14].

In line with the form of *Pararem* which is also a written rule at the traditional village level, the *pararem ngele* was also implemented during the Covid-19 pandemic in the Umeanyar Traditional Village, Seririt District, Buleleng Regency. *Pararem* Nr. 060/DA.Um/PRRM/VI/2020 Concerning the Prevention and Control of *Gering Agung* Covid-19 at *Wewidangan* Traditional Village Umeanyar is a follow-up to regulations at the central level related to the prevention and control of the Covid-19 pandemic.

The content of *Pararem* No. 060/DA.Um/PRRM/VI/2020 in the traditional village of Umeanyar, in addition to containing efforts to prevent and overcome the Covid-19 outbreak in the traditional village *wewidangan*, also includes rights and obligations to enforce sanctions for village manners that violate. Important provisions that are also contained in this *pararem*

are restrictions on community activities in various fields such as business activities, modern and traditional market activities, as well as restrictions on the implementation of *yadnya*. Based on the interview with the *Penyarikan*/Secretary as well as the Covid-19 Task Force at the Umeanyar Village Customs, he stated that, "the implementation of the *Yadnya* ceremony such as *piodalan*, *ngenteg linggih* during the pandemic is postponed and even if it is carried out it only involves a maximum of 25 participants, the rest of the *dadia* will be given water to their each homes." This statement is in accordance with the provisions of Article 20 paragraph (1) *Pararem* which essentially states that activities that are *Ngawangun* should be postponed until the Covid-19 pandemic status is revoked.

In order to make the community obey, in its application if anyone violates *awig-awig* or *pararem*, sanctions or *pamidanda* will be imposed. As part of law enforcement, the *pamidanda* contained in the *Pararem* has the aim of restoring balance if there is a disturbance in the balance of relations in regional (*palemahan*), social (*pawongan*) and religious (*parahyangan*) aspects. *Pamidanda* is known as customary sanctions which generally consist of three groups, namely sanctions related to property (money or goods) called *artha danda*; sanctions related to mental or physical suffering are called soul danda; as well as sanctions related to efforts to restore the balance of the supernatural (*niskala*) called *panyangaskara danda*. The forms of sanctions from the three groups of sanctions above vary greatly from very light to the most severe.

The mechanism for imposing sanctions is generally carried out by *Pakraman* villages in stages through *prajuru* according to their level (starting from *prajuru banjar* to *prajuru desa*) and adjusted to the severity of the error or consequences caused. The provision of these sanctions is as contained in the *Pararem* applicable in the village of Umeanyar regarding the Prevention and Control of *Gering Agung* Covid-19 in the provisions of Article 34 which sanctions are at the level of Guidance, Warning, to *Pamidanda*. Guidance sanctions are carried out with a humanist and familial approach directly at the time of the incident. Warning sanctions are given by the Covid-19 Task Force if the violator commits a minor violation more than once, for example, does not wear a mask when traveling. The *Pamidanda* sanction is imposed by the Traditional Village *Prajuru* if the budgeting is carried out repeatedly or includes a severe classification. The amount of sanctions that can be imposed is 3, namely:

- a. Minor sanctions, namely 2x warnings (Rp. 10,000) equivalent to akilo of rice.
- b. Medium Sanction, namely 3 times warning (Rp. 100,000) equivalent to 10 kg of rice.
- c. Heavy Sanction, namely Rp. 250,000 is equivalent to 25 kg of rice.

This was reaffirmed by the Covid-19 Task Force (*Satgas*) in the Umeanyar Traditional Village during an interview stating that, "in an effort to enforce laws or sanctions it will be more effective or village manners can tend to be more obedient if they involve officers such as *pecalang*, members of the Task Force (*Satgas*), even the Bintara Pembina Desa (Babinsa). "However, the observance of Umeanyar traditional village manners towards the enactment of *pararem* Nr. 060/DA.Um/PRRM/VI/2020 Regarding the Prevention and Control of *Gering Agung* Covid-19, it shows that the customary law has legitimacy on a scale and *niskala*. On a scale (real nature) *awig-awig* and *pararem* are accepted and obeyed because they are mutual agreements, made democratically through village meetings (*paruman*), in a forum where all village manners have the same voting rights. In abstract terms, the customary law is obeyed because it is considered to have luck or supernatural powers because *awig-awig* is generally only enforced after the *pasupati* or *pemelaspasan* ceremony is held. Thus, in enforcing the *pararem* law, it does not always involve law enforcement officers, only in the form of awareness and obedience to village manners as an effort towards a new order of life during the Covid-19 pandemic.

4. Conclusion

Paruman Umeanyar village is produced *Pararem* Nr. 060/DA.Um/PRRM/VI/2020 Concerning the Prevention and Control of *Gering Agung* Covid-19 at *Wewidangan* Traditional Village and categorized as a *Pararem Pangele*. Based on Article 18 of the Bali Regional Regulation No. 4 of 2019 concerning Traditional Villages states that *Pararem Pangele*, which is a separate *Pararem* created to regulate things that have not been regulated in *Awig-Awig*. So the existence of *Pararem* is intended to overcome the transmission of Covid-19, especially in the Umeanyar Traditional Village. This *Pararem* letter uses the Indonesian language with the following systematic: a). Section Title; b). Section Considering, Remembering, Paying attention, and Deciding; c). Section Articles: consists of 9 Chapters and 36 Articles; d) Closing Part: Stipulation and Enforcement of *Pararem*. The mechanism for imposing sanctions is generally carried out by *Pakraman* villages in stages through *prajuru* according to their level (starting from *prajuru banjar* to *prajuru desa*) and adjusted to the severity of the error or consequences caused. The provision of these sanctions is as contained in the *Pararem* applicable in the village of Umeanyar regarding the Prevention and Control of *Gering Agung* Covid-19 in the provisions of Article 34 which sanctions are at the level of Guidance, Warning, to *Pamidanda*, such as : Minor sanctions until heavy sanction which equivalent to 25 kg of rice.

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