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THE EXISTENCE OF PAKRAMAN BALI VILLAGE JUDICIAL PRACTICE IN INDONESIA IN THE ERA OF GLOBALIZATION

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ABSTRACT

The existence of globalization also has a significant influence in the field of law. The purpose of writing this article is to determine the existence of Pakraman Bali village justice practices in Indonesia in the era of globalization. Method research's normative legal research. Based on the conclusions obtained in the conditions of this globalization era, in every aspect of their life including dispute resolution among Balinese people, they are still guided by the values of Pancasila, such as still submitting to their religion and beliefs, resolving disputes by consensus agreement to achieve social justice for all Balinese indigenous people. , as well as being able to maintain the existence of Indonesian regional culture. Paraman village customary court in Bali is a good customary institution because it has complete elements that form a permanent customary law community unit. Completeness of these elements includes a structured formal leader, collective assets that are not individually divided, there is a distinctly cultural legal system that is still practiced, there is a territorial area where customary law norms apply, and in fact there are supporting communities who continue to faithfully implement their customary law. .

INTRODUCTION

The development of science and technology is increasingly driving reform efforts in the utilization of technology results. Technology has a profound influence on globalization. According to the origin of the word globalization is

taken from the word global which means the world.¹ Globalism is a world condition that is perceived without territorial restrictions as a result of technological and communication developments.² The law as a social rule is not separated from the prevailing values in a society, it can even be said that the law is a reflection of the values that live in society. Good law is a law that conforms to the living law in society, certainly a reflection of the values that live in society.³ So, what is meant as "law" is not just "law", because "law" is only a small part of the law. For example, Islamic law and Customary law that to some extent also apply in Indonesia, is not a government product, but is clearly recognized by the government.⁴

Indonesia is a pluralistic country of both ethnic, cultural, linguistic, religious, and religious nature. Such diversity results in the diversity (pluralism) of the law as an unavoidable fact. Customary law as an unwritten law is a valid part of the law in Indonesia so the existence of the customary law is a clear proof that in Indonesia recognizes pluralism of the law.⁵ The concept of living customary law has been embraced by scholars and judges.

In most local settings living in the Archipelago region has long developed the technical practice of conflict resolution run by indigenous court institutions. This was done long before the formation of the Unitary State of the Republic of Indonesia given ipso facto, in Indonesia which is an ex-colony of the Dutch East Indies applies not only laws made and enforced by state power, or positip law. Indonesia as a state of law must, of course, recognize customary law as the original law of the Indonesian nation in addition to the laws written in the inheritance regulations from the Netherlands. Nevertheless, in the development of the politics of the law of unification of judicial institutions in the current system of judicial power, do not recognize the existence of customary courts. From a sociological perspective it has neglected (political ignorance) of the legal facts.⁶

Customary courts are judicial institutions that live in the community based on local customs. The diversity of customary courts is identified with the characteristics of each region. The existence of customary courts has lived for a long time and is currently strengthened by various kinds of policy regulations.⁷ In general, in a state constitution it is recognized that the

¹ Cahyono Cahyono, Prevention of the Negative Impact of Globalization of Information through the Information and Electronic Transaction Law, KOSMIK HUKUM Vol. 17 No. 1 Januari 2017, <http://dx.doi.org/10.30595/kosmikhukum.v17i1.2319>, p.64.

² Hermanu Joebagio, Challenges of Learning History in the Era of Globalization, , Irtoria jurnal, [Vol 13, No 1 \(2017\)](https://doi.org/10.21831/istoria.v13i1.17617), <https://doi.org/10.21831/istoria.v13i1.17617>, p.58.

³ Mahdi Syahbandir, Kedudukan Hukum Adat Dalam Sistem Hukum, KANUN, Vol.4 No. 50 April 2010, p. 5.

⁴ Ahmad Tahali, Customary Laws of the Indonesian Archipelago, Jurisprudentie, Vol. 5 No. 1 Juni 2018, 10.24252/jurisprudentie.v5i2.5398 , p. 30.

⁵ Sulastriyono, Sandra Dini Febri Aristya, Praktik Penyelesaian Perkara Perdata di Pengadilan Berdasarkan Asas dan Norma Hukum Adat, MIMBAR HUKUM, Vol. 24, No. 1, Februari 2012, <http://dx.doi.org/10.22146/jmh.16147>, p. 26

⁶ Muhammad Jamin, Eksistensi Peradilan (desa) Adat Berdasarkan Undang-undang Desa, Surakarta, Unspress, 2016, p. 1

⁷ Fathor Rahman, The existence of customary courts in Indonesian laws and regulations, 1 Hukum Samudra Keadilan Vol. 13, No. 2, 2018, <https://doi.org/10.33059/jhsk.v13i2.1066>, p. 321.

position of customary law is the same as the state law which is written in statutory regulations.⁸ Researchers are interested in reviewing the resolution of disputes in Bali because Balinese life cannot be released from the existence of customary law in the unity of its indigenous legal community. Indigenous peoples are a set of societal organizations with a cultural system that is closely related to religious values. Indigenous laws that live and are recognized in the reality of society mingle with many religious values.⁹

Every *pakraman* village in Bali has *awig-awig*, which is the main norm for managing the dynamics of life in the *pakraman* village. The source of this *awig-awig* is Hinduism.¹⁰ Balinese living associations are based on awigs made and endorsed by each village. *Awig-awig* basically regulates human harmony with *Sang Hyang Wasa*, The traditional village belongs to the category of autonomous villages because it has laws (*awig-awig*), territory (*wewidangan*), leader (*prajuru*), property, and who has the right to take care of his own household.¹¹ The author in writing this article aims to examine the existence of customary courts in the *Pakraman* village of Bali in the era of globalization.

LITERATUR REVIEW

Customary law is part of Indonesian culture, where there is a law (*Ubi societas Ubi Ius*) that was said by Cicero 2000 years ago.¹² The statement indicates that in every society there are always laws that serve to regulate their behavior, the Indonesian nation already has its own laws that have grown and developed over a long period of time that is customary law.¹³ Even the law is part of the cultural development of society.¹⁴ Customary law as a rule governing actions and behaviors in public relations, arises, grows and develops in society (Indonesian society), which is maintained as a custodian of the rule of law.¹⁵

The enforcement of customary law can be through the courts or the institution of indigenous dispute resolution (customary judiciary). The implementation of

⁸ C Rautenbach, Case Law as an Authoritative Source of Customary Law: Piecemeal Recording of (Living) Customary Law? PER / PELJ Vol.22, 2019, <http://dx.doi.org/10.17159/1727-3781/2019/v22i0a7591>, p. 2.

⁹ I Wayan Gde Wiryanan, Ketut Sukawati Lanang P. Perbawa, I Wayan Wiasta, Hukum Adat Bali di Tengah Modernisasi Pembangunan dan Arus Budaya Global, Jurnal Bakti Saraswati Vol.4 No.2. September 2015, p. 169.

¹⁰ Gst. Pt. Bagus Suka Arjawa, I Gst. Agung Mas Rwa Jayantiari, Democratic values in Balinese traditional society: Analysis of the making and the content of Desa *Pakraman*'s *awig-awig*, Masyarakat, Kebudayaan dan Politik Vol. 30, No. 4, 2017, <http://dx.doi.org/10.20473/mkp.V30I42017.428-436>, p. 428.

¹¹ I Made Mardika, I Wayan Wesna Astara, Dilemma of Traditional Justice Institutions in Bali (Kerta Village Case Study in Tuban Village), WICAKSANA, Vol. 2 No. 2, Jurnal Lingkungan & Pembangunan, September 2018, <https://doi.org/10.36813/jplb.2.2>, p. 70

¹² Sri Sudaryatmi, The Role of Customary Law in the Development of National Law in the Era of Globalization, Masalah-masalah Hukum, Vol. 41 No. 4, 10.14710/mmh.41.4.2012.572-578, 2012, p. 574.

¹³ Budi Suhariyanto, The Problems of Adat Absorption by Courts and Their Effects on Reform of National Criminal Law, Mimbar Hukum, Vol 30, No 3, 2018, <https://doi.org/10.22146/jmh.33227>, p. 421.

¹⁴ Syofyan Hadi, Positive Law and The Living Law (Existence and Applicability in Society, DiH Jurnal Ilmu Hukum Vol. 13 No.26, 2017, <https://doi.org/10.30996/dih.v0i0.1588>, p.259.

¹⁵ Erikson Sihotang, Customary and Criminal Sanctions along with the Crime of Child Adultery Related to the *Ne Bis In Idem* Principle, Mimbar Keadilan Vol. 12 No.2, 2019, <https://doi.org/10.30996/mk.v12i2> p. 211.

the customary judiciary that resolves disputes indigenously through deliberation and mediation is part of the practice of the noble values of the Indonesian nation, as stated in the fourth article Pancasila, the people led by wisdom of wisdom in the deliberations / representatives.¹⁶ Pancasila as the source of all legal sources is intended as the source of the Indonesian order of law is expected to always be guidelines and instructions in living the daily lives of Indonesian people both in family, community and nationality.¹⁷ Pancasila is the philosophy of the country, therefore all legal systems that apply in Indonesia must refer to Pancasila. Pancasila as the basis of the state also exerts great influence on the applicable laws in Indonesia,¹⁸ constitutional law has been in effect since August 18, 1945, since the ratification of the Constitution of the Republic of Indonesia.¹⁹

The customary law and its institutions are also indistinct from the progress of constitutional recognition, is actually interesting, because it is necessary to distinguish between the traditional form of community alliance (law) and the old "kingdom" government that is still alive and can be special. While Article 28I paragraph (3) places it more as a respect and guarantee of the protection of human rights, so that the construction of its constitutionalism is more focused on the politics of human rights.²⁰ Recognition of indigenous peoples and indigenous dispute resolution institutions in Indonesia is one form of respect for human rights. International human rights instruments also recognize individuals and collective rights, and protect individual rights and the rights of indigenous peoples communities, minorities and different cultural communities. Traditional justice the system presents new challenges to human rights analysis.²¹

Before discussing the indigenous judiciary first, the author will discuss the history of the Judiciary in Indonesia during the Reign of the Dutch East Indies in addition to the Government Judiciary (goverments-rechtspraak), there is a Customary Judiciary (inheemsche rechtspraak) the legal basis is Article 130 Indische Staatregering (IS) or the Constitution of the Dutch East Indies. The policy taken by the Dutch East Indies government was to issue Staatblad 1932

¹⁶ Mulyadi Nurdin, Dispute Resolution through Adat Aceh, *LĒGALITĒ*, Vol. III. No. 02. 2018, p. 184.

¹⁷ Fais Yonas Bo'a, Pancasila as the Source of Law in the National Legal System, *Konstitusi*, Vol. 15, No.1, 2018, <http://dx.doi.org/10.31078/jk1512>, p. 35.

¹⁸ Andi Aco Agus, The existence of Indigenous Peoples within the framework of the rule of law in Indonesia, *Sosialisasi Pendidikan Sosiologi-FIS UNM*, Vol.1 No. 2, 2016, p 20.

¹⁹ Sutrisno, The Role of Pancasila Ideology in Pancasila in the Development of the Indonesian Constitution and Legal System, *JPK: Jurnal Pancasila dan Kewarganegaraan*, Vol. 1, No. 1, 2016, <http://dx.doi.org/10.24269/jpk.v1n1.2016>, p. 42.

²⁰ Herlambang P. Wiratraman, Development of Customary Justice Law Politics, *MIMBAR HUKUM*, Vo. 30, No. 3, 2018, <https://doi.org/10.22146/jmh.38241>, p. 491.

²¹ Ridham Priskap, History of the Development of Judicial Power in Indonesia, *Ilmiah Universitas Batanghari Jambi* Vol. 20 No. 1, 2020, [10.33087/jiubj.v20i1.890](https://doi.org/10.33087/jiubj.v20i1.890), p. 324.

Number 80 which governs the composition and position, the power of prosecution, material law and the event law of the Indigenous Judicial.²²

Valid for the custom of Article 3 S. 1932 No. 80 in the area named "*Rechtstreeks Bestuurd Gebied*" for indigenous judges in Java and Madura named "*Dorpsrechter*", made Article 3a R.O, S. 1847 No. 23 jo. S. 1848 No. 47 (*Reglement op de Rechterlijke Organisastie en het het Beleid der Justitie in Indonesie*). As for the area swapraja basic the validity of customary law in Article 13 paragraph (3) *Zelbestuurs Regelen* 1983, and "*Lange Contracten*", called The Court of Swapraja (*Zelf-bestuur rechtspraak*). In addition to the two trials there are religious judiciary (*Godsdienstige rechtspraak*) and Village Judiciary (*Dorpsjistitie*).²³

After 1951 with the release of Drt. Law No. 1 of 1951 which revoked Rechts Organizatie which resulted in the abolition of the Original Judiciary or Inheemse Rechtspraak and transferred to the District Court.²⁴ But the abolition of indigenous justice from the national legal system was apparently incapable of removing the overall practice of indigenous judiciary and customary law in social life. Furthermore, the village judiciary is different from the customary judiciary there is no affirmation of the bring should be abolished, the village judges still refer to the customary law both materil and formil. Seeing this in the village government, as an area considered important, in colonial times also the rural area was part of an indigenous judiciary that existed in Java and Madura, or the regional judiciary of *swapraja* outside Java and Madura. Village judges have the right to examine cases that indigenous judges think fall within their jurisdiction. The competence of village judges is regulated in such a way, so as to prevent the possibility of jurisdictional disputes with *gubernemen* judges or religious judges.²⁵

It is undeniable that with the existence of the Law on Villages, the structure of government in Indonesia has changed, especially the regulations regarding villages, of course the existence of village courts has become recognized again. As is known, the initial purpose of establishing village customary courts was to create peace between indigenous peoples, not to impose sanctions.²⁶

RESEARCH METHODS

This research is a normative legal research based on statute approach and conceptual approach. The research data was collected through literature studies, collecting and analyzing various primary, secondary, and tertiary legal

²² Ridham Priskap, History of the Development of Judicial Power in Indonesia, Ilmiah Universitas Batanghari Jambi Vol. 20 No. 1, [10.33087/jiubj.v20i1.890](https://doi.org/10.33087/jiubj.v20i1.890), p. 324.

²³ J.Eggens, lest over de onteikking v/h privaatrechtelijke denken in de laatse eeuw in Herowati Poesoko, M.Khoidin, Dominikus, The existence of customary courts in the justice system in Indonesia, Surabaya Laksbang Justitia, 2019, p. 35.

²⁴ Dominikus Rato, Revitalization of Adat Justice in Ngada Community Based on Local Wisdom, Yustisia. Vol. 4 No. 2 2015, <https://doi.org/10.20961/yustisia.v4i2.8652>, p. 339.

²⁵ Samuel Dharma Putra Nainggolan, Position of Village Head as Judge of Peace, UBELAJ, Vol. 3 No. 1, 2018, <https://doi.org/10.33369/ubelaj.3.1.54-67>, p.64.

²⁶ Nurdhin Baroroh, M. Misbahul Mujib dan Iswantoro, Traditional Village Judiciary as an Integral Instrument for National Legal Development in terms of Law No. 6 2014 concerning Villages, SUPREMASI HUKUM Vol. 4, No. 2, Desember 2015, p. 280.

materials available in legal documentation centers, such as the University Library and the National Library. Literature studies are also conducted through search engines on the internet.²⁷ In addition, the author also conducted interviews with Indigenous Peoples and Practitioners of the Court.

DISCUSSION

Although legal pluralism is a mutable concept, it basically refers to the existence of various legal systems in one geographic area.²⁸ Indonesia as a pluralist country refers to the value of Pancasila as the basis of state law. Various problems facing the State of Indonesia require the law to continue to move forward as a social controller and be the vanguard in creating an orderly, advanced, and prosperous society. Given the rapid development, modernity and industrialization efforts that result in more complex society,²⁹ including in the field of law that adapts to social change. The development of the law was marked by the birth of a wide range of new legal products, and this was the demand of most communities, to establish national law by digging into the values that live in that society. The customary law that exists in an area is a guideline for how indigenous peoples behave and becomes a guide for the creation of peace between them.³⁰

The form of recognition of indigenous law and the beliefs of indigenous peoples among others is realized in the legal system or the rule of law. For example, in New Zealand, the recognition. Public institutions develop them into specific regulations according to cultural needs and characteristics. In order to prevent the pro-contra recognition of the rights of the indigenous people, what is culturally viewed as authentic *hasus* is protected as the object of the rights of the indigenous law community.³¹

The entity "Lembaga Adat" an sich, per se, in the era of the current digital generation, has become a burden-laden problem to understand, even more so to be applied according to the subtansi of its intent. The author asserts the current era as a "digital generation" to illustrate how contrasting the background of the situation is completely different from the era in which the effectiveness of an Entity of the Indigenous Institution. At its core the 'digital generation' are those who live in an open social realm almost without isolation and their patterned thinking is very practical even hyperpragmatic.³² Talk

²⁷ Arasy Pradana A Azis, Yance Arizona, Constitutional Court Affirmation On Juxtaposition Of Adat Communities As A Subject Of The Right To Assembly And Association In Indonesia, *Jurnal RechtsVinding*, Volume 8, Nomor 1, April 2019, <http://dx.doi.org/10.33331/rechtsvinding.v8i1>, p. 23

²⁸ Rebecca Emiene Badejogbin The Conundrum of Judicial Notice as a Means of Ascertaining Customary Law in Nigerian and South African Courts amid the Convergence of Positivism and Legal Pluralism, *PER / PELJ*, Vol 22, 2019, <https://doi.org/10.17159/1727-3781/2019/v22i0a7589>, p.30

²⁹ I Made Adi Surya Pradnya, Ephemeralization "in the Implementation of Balinese Traditional Marriage Ceremony, Vol 10 No 1 (2020): BALI DIASPORA, <https://doi.org/10.24843/JKB.2020.v10.i01.p12>, p. 263.

³⁰ Kgotso Maunatlala, Charles Maimela The implementation of customary law of succession and common law of succession respectively: With a specific focus on the eradication of the rule of male primogeniture, *De Jure Law Journal* Vol. 53, 2020, <http://dx.doi.org/10.17159/2225-7160/2020/v53a3>, p.1

³¹ Erich Kolig, *Romancing Culture: policies of recognition and indigeneous people in Australia and New Zealand*. 50th Anniversary Symposium, Perth, December 2006., p.17.

³² Nikolas Simanjuntak, Penguatan Lembaga Adat Sebagai Alternatif Penyelesaian Sengketa, *Negara Hukum jurnal*, Vol. 4 No.1, 2013, <http://dx.doi.org/10.22212/jnh.v4i1.195>, p.35

about real globalization that occurs when people have mastered and are able to apply science and technology and transportation. Facing this is the question of how globalization affects the development of national law, and what things to look out for to deal with globalization without abandoning identity as a nation. The authors in this paper will examine whether globalization affects the lives of Indigenous Peoples of Bali and its dispute resolution institutions.

As is known in Balinese life know two social systems of the village government, namely Pakraman Village and Dinas Village. At the time of enacting Law No. 5 of 1979 on Village Government. Dinas Village has the right to autonomy under the laws and regulations. At that time, the implementation of development programs that came from the central government was organized by Dinas Village, while Pakraman Village received less attention in development. Pakraman Village is a community of living together based on Hindu teachings, while the main function of Pakraman Village is to take care of customs and religious affairs (Hinduism). As well as wedding ceremonies, deaths, thanksgivings, traditional ceremonies, and funerals (*Ngaben*). Dinas village on the other hand serves to manage the village administration related to the central government such as population, land tax, public health, national programs and others.³³

Various forms of traditional village routines or pakraman villages in Bali indirectly influence the socio-cultural conditions of the pakraman village(s) living order, including:³⁴

1. Equalization of *tetegenan* (obligation) of village to pakraman village on behalf of human rights for fellow *negen* *ayahan* (bear the implementation of obligations);
2. There are *prajuru* (devices) of pakraman villages such as, *prajuru* and *awigawig* that are difficult to adjust due to the influence of globalization;
3. The influx of new values that sometimes disingen at odds with Balinese cultural values, and
4. Flood of guests (migrants) from various places and corners of the world.

Today, most pakraman villages in Bali have written awigs as a guideline in organizing the socially religious lives of their communities. The term "customary judiciary" although not a single pakraman village *awig-awig*³⁵ mentions in the chapters (*pawos*), but *awig-awig* Pakraman village clearly regulates the mechanism of solving legal problems that occur in pakraman village environment, which is technically *awig-awig* referred to by the term *speech* (problem / case). The mechanism is arranged in a separate chapter

³³ Vica Natalia, Eksistensi Hukum Adat Bali Analisis Konflik Adat dan Penyelesaiannya di Desa Pakraman Tabolak Sejak Tahun 2008 Sampai dengan 2015, <https://media.neliti.com/media/publications/114318-ID-eksistensi-hukum-adat-bali-analisis-konf.pdf>.

³⁴ Ni Ketut Sari Adnyani, I Gusti Ayu Purnamawati, Mainstreaming of Gender Krama Wife (Female Citizen) in Balinese Customary Law, *Pandecta*, Vol. 15. No. 1. June 2020 : <http://dx.doi.org/10.15294/pandecta.v15i1.18422>, p.27.

³⁵ *Awig-awig* is a social pranata in Bali and a rule is implemented, *awig-awig* is formed by the locals as a guideline for behaving in social interaction. *Awig-awig* consists of a set of rules, written or unwritten based on the Hindu philosophy of *Tri Hita Karana*.

(*sarga/sargah*) in *awig-awig*, i.e. in a chapter entitled *Wicara lan Pamidanda* (Cases and Sanctions). In this chapter is determined about the institutions authorized to settle cases in Pakraman Village, the procedures for settlement, and the forms of sanctions that can be imposed on the declared party of wrongdoing or violation of the law.

In some of the *awig-awig* in the chapter *Wicara lan Pamidanda* is found the term "kertha desa", which can specifically be interpreted as an institution that performs the functions of the customary judiciary. The results of field research show that the term "*kertha desa*"³⁶ is not a populist term. In colloquially, the community refers to the settlement mechanism in various terms and the general meaning, does not specifically represent the concept of indigenous judiciary. various cases of adat in the *Desa Pakraman* Bali are indications that the balance of social relations in *krama desa* is disturbed. Customary conflicts arise because of violations of obligations (*swadarma*) and rights (*swadikara*). Grammatically, the terms are not specifically drawn on the concept of the judiciary, because it means general. The basic word *kasangkepang* is "*sangkep*", while the basic word "*paumang*" is "*paum*"; both have the same meaning, i.e. meeting, number or meeting, which means meeting to talk about something.³⁷

The arrangement regarding the structure (institution) of the customary judiciary is quite clear in the village *awig-awig* pakraman. Although *awig-awig* does not specifically refer to the structure as a judicial structure, but by conceptualize the customary judiciary as a mechanism of settlement of cases (judicial system) that lives and is practiced in the unity of indigenous legal communities including the unity of indigenous law community pakraman village can be perceived that *awig-awig* has arranged structures or institutions that carry out the function of indigenous justice in the unity of indigenous legal communities pakraman village. According to pakraman village *awig-awig*, the judiciary on the matters (speech) that takes place in the environment of the unity of the indigenous law community of pakraman village is carried out by *prajuru* in a tiered way, namely at the banjar level the customary judiciary is organized by *banjar prajuru* led by *Kelihan Banjar* while at the village level is carried out by the village *prajuru* led by *Bendesa*.³⁸

In the condition of this era of globalization in every aspect of his life including the resolution of disputes balinese people are still guided to the values of Pancasila, because Pancasila as the philosophy of life of the Indonesian nation that absolutely should not be snared its values due to the mobility of the

³⁶ Kerta Desa is the judicial hembaga of Pakraman Village which has the duties and authority to resolve indigenous and religious disputes in wilayahnya, such as customary disputes, marriage, divorce, distribution of heirs, and the adoption of children

³⁷ Kersten S.V.D J., Bahasa Bali, Ende-Flores: Nusa Indah,, 1984. p. 984:349 (Ketut Sudantra, Tjok Istri Putra Astiti, I Gusti Ngurah Dharma Laksana, The Adat Justice System in the Customary Law Community Units of the Pakraman Village in Bali, KAJIAN BALI Vol. 07, No. 01, 2017 <https://doi.org/10.24843/JKB.2017.v07.i01.p03>.)

³⁸ I Ketut Sudantra, Ni Nyoman Sukerti, Adat Justice Arrangements in Awig-Awig Desa Pakraman, Preliminary Study on the Existence of the Customary Justice Community Customary Law Community in Pakraman Village, Magister Udayana, Vol. 6 No. 2, 2014, <https://doi.org/10.24843/JMHU.2014.v03.i02.p06>, p. 322.

development of the times so fast. The sublime value that has been systematically composed of 5 specified sila must be held by the community for life in order to create a nationalist and Pancasila Indonesian society. Based on the implementation in dealing with the situation, Pancasila's role in countering the negative effects of globalization and modernization³⁹.

Some of the postif things that the authors found in the indigenous peoples of Bali in dealing with the situation of globalization and modernization are as follows:

1. Still subject to religion and its beliefs, and there is no issue of mutual bringing down between religious people. Especially in the social system of Hindu people in Bali, that each person is in one container called The Traditional Village.⁴⁰
2. local wisdom is still strong in all aspects of life, Pancasila's role in this strengthening of gotong royong economy / cooperative principles
3. able to maintain the cultural existence of Indonesia. awig-awig in Bali is a very sacred regional regulation and must be obeyed by the indigenous people there.⁴¹
4. resolve disputes with consensus to achieve social justice for all Indigenous Peoples of Bali, for example through awig-awig. It also contains various norms about democracy such as equality of standing before the law, human rights.

The author also considers the indigenous judiciary of Paraman village in Bali to be one of the good indigenous institutions because it has complete elements of the form of a permanent indigenous legal community. The completeness of that element includes the absence of a structured formal leader, an individually undivided collective property, there is a real culturally distinctive rule of law still practiced, there is territorial territory prevailing the norms of customary law, and there are real supporting communities that remain faithful to implementing the customary law. So that the human rights of indigenous Peoples of Bali in the current social reality (era of globalization), principles can be fulfilled and given place with natural particularity.

CONCLUSION

Based on the above description, the authors concluded in the era of globalization Balinese people do not abandon their national identity prefer the resolution of customary disputes with peace, through deliberation for consensus, as well as various types of settlement events through the Indigenous Institutions that are pursued in accordance with the custom and customs of certain customary laws as traditional law. In addition, the indigenous judiciary of Paraman village in Bali according to the author is one

³⁹ Ricco Andreas, Bambang Suryadi, Islamic Values and Pancasila: The Influence of Globalization and Modernization in Legal Development in Indonesia, NIZHAM, Vol. 07, No. 01, 2019, p. 81.

⁴⁰ Ni Komang Sutriyanti, Hindu Community Perceptions of the Existence of Formal Pasraman in Bali, Vol 10 No 1: BALI DIASPORA, 2020, <https://doi.org/10.24843/JKB.2020.v10.i01.p11>, p. 249.

⁴¹ Mirsa Umiyati, The Existence of Natural Lexicons in 'Awig-Awig' Tenganan Pegriingsingan Bali: An Ecological Approach, Vol 10 No 1 (2020): BALI DIASPORA, <https://doi.org/10.24843/JKB.2020.v10.i01.p09>, p. 191

of the good indigenous institutions because it has complete elements of the form of a permanent indigenous legal community. The completeness of that element includes the absence of a structured formal leader, an individually undivided collective property, there is a real culturally distinctive rule of law still practiced, there is territorial territory prevailing the norms of indigenous law, and there are real supporting communities that remain faithful to implementing the customary law. So that the human rights Peoples of Bali in the current social reality (era of globalization), principles can be fulfilled and given place with natural particularity.

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