

# HOW CAN THE EXISTENCE OF COSTUMARY LAWS PROTECT THE WATER PRESERVATION IN THE *CAU BELAYU (TABANAN)* TRADITIONAL VILLAGE?

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## ABSTRACT

This study aims to analyze and formulate strategies for solving problems arising in the future towards the existence of natural attractions Pengempu Waterfall related to prevention of land use conversion in the tourist area of Pengempu Waterfall in the traditional village of Cau Belayu. Pengempu waterfall located in the area of Cau Belayu traditional village, Tabanan Regency, Bali Province is a new natural tourism area in the region. Besides having natural beauty that can be used as a tourist place, the Pengempu waterfall area is also a sacred area by Hindus to perform prayer activities, meditation and activities related to the spiritual. To preserve the existence of the Pengempu waterfall area so that it is not damaged by the negative impacts caused by tourism activities in the area, it is necessary to have customary law to protect the area of Pengempu waterfalls, because the existence of customary law by Balinese is very important for traditional life in Bali to organize the physical condition of the region and managing the social conditions of the community. The legal approach used in this study is an approach to the concept of legal pluralism. From the results of research that has been carried out, it was found that the existence of customary law to protect the area of Pengempu waterfall to touch the beliefs of the surrounding community in managing the Pengempu waterfall area to maintain the Pengempu waterfall area so that its sustainability has sufficiently dominant power.

## A. INTRODUCTION.

Bali is an island that has many tourist destinations, one of which is a tourist destination with the natural beauty of Pengempu Waterfall in the area of Cau Belayu Traditional Village in Marga Subdistrict, Tabanan Regency. The existence of the Pengempu waterfall is located in the area of Cau Belayu traditional village which has a mileage if done from the center of Denpasar as far as 24.6 Kilometers or if it is calculated with the estimated time taken around 53 traveled through the Sibang Village area, Mambal Village area, Abiansemal village, then Sangeh Village, then turn west after the Sangeh monkey tourism forest.

To get to the location of the Pengempu waterfall from the parking lot, there will be 150 steps to be taken up to the location of the Pengempu waterfall. The journey to the Pengempu waterfall is not so difficult, this is because the form of the stairs and the road to the Pengempu waterfall area has been made concrete and not through slippery roads that can endanger visitors. The local community also provides several lodgings if visitors or tourists want to take a break when visiting Pengempu waterfall. In addition, the visitors will be presented with green scenery from the trees around the Pengempu waterfall. Based on observations made, the height of the Pengempu waterfall ranges from 15-20 meters with its clear water and quite heavy and surrounded by shady trees and has a calm appeal. The attraction possessed by the Pengempu waterfall can also attract tourists to do meditation activities, or activities to understand God's power.

Even though there are not many people who know Pengemu Waterfall at this time. However, in the future Pengempu waterfall will become one of the mainstays of tourism in the Tabanan Regency area, which is due to its location adjacent to Sangeh natural tourism, as well as the existence of water sports activities such as Tubing, therefore in the future there will be many visitors doing activities in Pengempu Waterfall area. From the many activities of tourism development in the area of Pengempu waterfall, it will cause changes to the natural conditions in the Pengempu waterfall area, as well as the many buildings around the area to build art shops, restaurants, and even villas which result in around Pengempu waterfall area will lose its naturalness. In addition, activities that will occur in the area of Pengempu waterfall can also have an impact on the quality of the Pengempu waterfall if there are many visitors who take bathing activities using soap and other chemicals that can reduce the quality of the waterfall Pengempu.

If quoting the opinion conveyed by the Chairperson of the Bali Watershed Forum, I Nyoman Merit, that the damage to watersheds caused by the development of settlement development around the watershed, the processing industry around the river, the high rate of change land function and excavation activities, causing more and more watersheds in Bali to be damaged and categorized as critical (Balipost, 2012, *Das di Bali Makin Kritis*, available Cited at: <https://www.facebook.com/balipost/posts/312023232197658>). From this, it can also apply to the Pengempu waterfall area if the development carried out for the development of tourism in the Pengempu waterfall area is not managed properly. The need for the role of customary village as the lowest village institution that is directly in contact with the pengempu waterfall area the plunge. In addition to the development in the watershed area, several examples of the negative impacts of tourism development, namely Bali itself as an example, in 2017 experienced a rubbish along six kilometers of coastline that includes popular beaches such as Jimbaran, Kuta, and Seminyak packed with tons

of garbage and as much 700 cleaners and 35 trucks to dispose of about 100 tons of garbage every day to landfills, according to the Environmental and Hygiene Agency, Badung Regency, Bali (Beritagar.id, 2018, Pencemaran Lingkungan, Dampak buruk pariwisata bagi lingkungan <https://beritagar.id/artikel/gaya-hidup/dampak-buruk-pariwisata-bagi-lingkungan>), and of course it is also possible to occur in the area of Pengempu waterfall as a tourist area in Bali. Pengempu waterfall can also be said as a sacred area by the local community, because the Pengempu waterfall area is used as a place of recreation besides being used as a place to carry out religious activities such as to purify or cleanse objects that are considered sacred to the local community. Based on the Regulations made by the province of Bali, namely in Article 1 paragraph 40 of Bali Province Regional Regulation Number 16 of 2009 concerning Bali Province Regional Spatial Planning for 2009-2029 states that the sacred area is an area sanctified by Hindus such as mountain areas, hills, lakes, springs, deltas, seas, and beaches, so that the presence of Pengempu waterfalls in the Cau Belayu Traditional Village can be said to be a sacred area for Hindus in Bali, because the Pengempu waterfall can also be considered as one of the springs in the region Cau Belayu Traditional Village.

In addition to the extensive protection of the Bali Provincial Government to protect the sacred area, specifically to protect the existence of the waterfall Pengempu need the participation of the Cau Belayu traditional village in carrying out the steps related to protecting the sustainability of the Pengempu waterfall both now and in the future. The participation of the traditional village is manifested in the regulations made by traditional villages in the form of *awig-awig* and *pararem* so that the traditional people who are part of the traditional village can act through an agreed-upon rule.

The existence of customary law in Bali is highly respected with confidence by traditional peoples in Bali especially by the Cau Belayu traditional Village community, moreover usually in customary law in Bali leads to public trust related to spiritual and religious activities that are believed by traditional peoples is in Bali and in customary law in Bali contains knowledge of the concept of local genius held by Balinese traditional people, one example of the main local genius contained in customary law in Bali is the concept of *Tri Hita Karana*. The term *Tri Hita Karana* (Tri = three, Hita = prosper, Karana = cause) which first appeared on November 11, 1966, at the time of the Regional Conference I of the Balinese Hindu Struggle Body. The concept of *Tri Hita Karana* is a philosophy emphasizing three human relationships in life in this world. In *Bhagavad-Gita III.10* which is an element of *Tri Hita Karana* mentioned *Sahayajnah prajah sristwa pura waca prajapatih anena prasawisya dhiwan esa wo'stiwistah kamadhuk*, which means that in ancient times God (*Prajapati*) created humans with *yadnya* and said: with this you will develop and will become *kamadhuk* of your desires. Although in the book it is not named *Tri*

Hita Karana, in the book it is stated that God (*Prajapati*) has created the universe with all its contents. Because the people (*Praja*) should be faithful to God (*Prajapati*), to fellow humans (*Praja*) and to their environment (*Kamadhuk*), (Yayasan Bali Galang, 2000, *Tafsir Agama Hindu, Tri Hita Karana Dalam Agama Hindu*, available Cited at:<http://www.babadbali.com/canangsari/trihitakarana.htm>).

## B. PROBLEM STATEMENT

Based on the introduction, the formulation of the problem can be made, among others:

1. What is the form of customary law in Bali?
2. How Can the Existence of Customary Law Protect the Conservation of Pengempu Waterfall in Cau Belayu Tabanan traditional village?

## C. RESEARCH METHODS

The article uses the sosio-legal research. This research is located in Cau Belayu traditional village area, Tabanan regency, Bali province, due to the location of the Pengempu waterfall area, the object of this study is customary law in Bali in general and customary law in the Cau Belayu traditional village on especially as well as the existence of the Pengempu waterfall area. Data collection techniques are in-depth interviews based on interview guides, informants selected purposively, ie traditional village leaders, and community from Cau Belayu traditional village, then the data obtained were analyzed using qualitative data analysis techniques along with semiotics deconstructive thinking pattern.

## D. DISCUSSION AND RESEARCH RESULTS

### 1. Customary Law in Bali

Bali is an area full of unique culture, one of the unique cultures that Bali has is its customary law. Customary law in Bali can be in the form of *awig-awig* and as an implementation rule in the form of *Pararem*. Based on the author's knowledge, Balinese customary law in the form of *awig-awig* cannot be made without a clear order, as in making *awig-awig* a good date that is appropriate to make, the right time we can know through calendar according to the Balinese calendar which calculates the position of stars, moon, sun and earth.

If seen from the *awig-awig* word comes from the word "wig" which means broken while "a" means no. So the *awig-awig* word can be interpreted as not damaged or can be said to be something that is good. Seen from the point of view, *awig-awig* can also be said as a rule so that everything in the village area

does not become damaged, whereas according to Surpha it is literally *awig-awig* which means a provision that governs the social conduct of life in the community to create a system of life steady in the community (I Wayan Surpha, 2002: 50).

According to the Regional Regulation of Bali Province Number 3 of 2003 concerning Pakraman Village, in Article 1 Paragraph 11 states that *awig-awig* is a rule made by *krama pakraman* village (*Pakraman* Village is a customary law community unit in Bali Province that has a unified tradition and manners of social relations of the people of the community from generation to generation in a three-way association or village village that has its own territory and assets and has the right to manage its own household see Article 1 Paragraph 4 Regional Regulation of Bali Province Number 3 of 2001 On The Pakraman Village) and/or *krama banjar pakraman* (*Krama village / Krama banjar* are those who occupy the village of *Pakraman / Karang Banjar Pakraman* village and / or reside in the village / *Banjar Pakraman* area or in other places that are residents of *Pakraman Village / Banjar Pakraman*) which are used as guidelines in implementing *Tri Hita Karana*, in accordance with *Mawacara Village*(the village has its own way) and *Dharma Agama Pakraman Village / Banjar Pakraman* (village life is based on good religion) respectively. *Awig-awig* in Bali is used as a means to maintain the social order of the local community, which also functions to bind the traditional people of the local traditional village (*krama wed*) and immigrants (*tamiu krama*) who carry out activities in the traditional village area in Bali. Based on the concept of Pluralism will answer how customary law can solve a problem that can be in harmony with the existence of state law. According to Griffiths, there are two types of legal pluralism, namely: weak legal pluralism and strong legal pluralism (Baudouin Dupret, Legal Pluralism, Pluralit of Laws, and Legal Practice Theories, Critique, and Praxiological Re-specification, European Journal of Legal Studies: Issue 1), related to law in Bali and John Griffith's opinion that Balinese customary law is a strong legal category of pluralism, because Balinese people are more aware of the existence of customary law. that customary law in Bali is made with a process of sacralization.

In the process of making *awig-awig*, it is usually agreed upon by all parties from traditional peoples in Bali, after being agreed upon and written, the traditional people in Bali usually perform a ritual for purification of the *awig-awig*, so that the *awig-awig* can be blessed by God and deepen confidence the community towards *awig-awig*, after that in general *awig-awig* will be stored in a holy place located in *Pura Desa / Pura Agung*(Holy Place) in the local village, and if the community wants to take the *awig-awig* the community usually holds a fairly large offering and it requires a large amount of money to hold the ceremony just to take the *awig-awig* for the benefit of the community. In some *awig-awig*

areas in Bali which are kept in shrines which still do not have a copy so that it is very difficult to examine the *awig-awig*, but in some places in Bali especially villages that are modern, usually *awig-awig* before being placed in a holy place made a copy so that it can be used at any time by the community.

In *awig-awig* in general there are several concepts that are believed by the Balinese as a standard of living in the daily lives of traditional peoples in Bali, namely the concept of *Bhuana Agung* and *Bhuana Alit* (The words *Bhuana Agung* and *Bhuana Alit* have the word “*Bhuana*” which means the world, the universe, while the word “*great*” which can be interpreted large, highway, while “*alit*” means small or small nature. *Bhuana Agung* can be said as Makrococosmos while *Bhuana Alit* is Microcosos In *Bhuana Agung* and *Bhuana Alit* have the same main elements that are in the *Panca Maha Butha* namely *Akasa or Ether, Bayu, Teja, Apah, Pretiwi*), the concept of *sekala* and *niskala*, then the concept of *Tri Hita Karana*. In the concept of *Bhuana Agung* and *Bhuana Alit* teaches the life of the people in Bali can not be separated from the elements that exist in this universe, because the element of *Bhuana Agung* is the universe while *Bhuana Alit* is defined as society, or can be interpreted in life in the village that *Bhuana Agung* is the traditional village itself while *Bhuana Alit* is the life of every individual within the village, so that in *awig-awig* itself must contain elements that can provide a balance between the universe and people’s lives or balance between villages with the community as individuals’ lives which are interpreted as *Bhuana Agung* and *Bhuana Alit*.

The concept of *sekala* and *niskala* which is also believed by Balinese people where *sekala* means the world or real life in everyday life that can be responded to by reason, logic, and human senses, while *niskala* is a world or life that is beyond reason , logic, and very difficult to be accepted by our five senses, so in *awig-awig* must meet the balance between *sekala* and *niskala* so that the life of traditional peoples in Bali becomes harmonious with the real world and the world that is not (spiritual).

The next concept contained in *awig-awig* is the concept of *Tri Hita Karana*. In the concept of *Tri Hita Karana* contains three elements as an outline to create harmony in the lives of traditional peoples in Bali, namely *Parhyangan, Pawongan* and *Palemahan*. In *Parhyangan*, the community is taught to create or live a harmonious life between God’s relationship as the Creator of the universe and humans as one of God’s creations by manifesting in the many places of worship in Bali, even the places of worship in Bali are various forms, not just buildings such as temples, temples, but also in the form of stone, wood, nature as perwujudan as the ultimate creator. Then in *Pawongan*, Balinese people are taught about creating and living a harmonious life in the relationship between

humans and other humans. then the concept of *Palemahan*, Balinese people are taught how to create and live a life that is in harmony with the environment that exists in the living environment of Balinese people.

Broadly speaking, the contents of Balinese customary law in the form of *awig-awig* generally contain the name of *Pakraman* Village, then the number of Banjar *Pakraman* and the names of Banjar *Pakraman* in the traditional village area, then containing the boundaries of traditional village areas North side, West side, South side, and East side. Besides that in *awig-awig* in Bali it contains the basics of this *awig-awig*, because the traditional village areas in Bali are included in the territory of Indonesia, then *awig-awig* is based on the ideology of the Indonesian nation Namely Pancasila, as well as the 1945 Constitution of The Republic of Indonesian, then based on Tri Hita Karana and Hindu Religion Law.

In *awig-awig* there are arrangements concerning the citizens which are regulated in Chapter *Indik Sukerta Tata Pakraman* which in it regulates about its citizens in *Indik Krama* which consists of the regulation on the rights and obligations of the citizens whether they are traditional people, immigrant immigrants, non-Hindu, subsequently *awig-awig* regulates the village manager or village administrators or called and regulates the village elders or priest related to the rights and obligations of village management and village priest. In Chapter *Indik Sukerta Tata Pakraman* also megatur about *Kulkul* (*Kulkul* or can be referred to as *kentungan* is one of the traditional communication tools used by traditional villages in Bali, both used as religious ceremonies, information on residents' deaths, made as danger signs and others. *kulkul* is usually made of wood which is placed in a special place called *Bale Kulkul*). *Kulkul* or can be called as *kentungan* is one of the traditional communication tools used by traditional villages in Bali is well used as the implementation of religious ceremonies, information on the death of the citizens, make danger signs and others. *Kulkul* is usually fried wood which is placed in a special place called *Bale kulkul*. The uniqueness of the customary law in Bali in the form of *awig-awig* can also be seen, that *awig-awig* also regulates about *kulkul* which is the regulated *kulkul* types, besides also arranging about the procedure of sounding *kulkul* according to its function. Furthermore, in *awig-awig* it also regulates the village meeting or community meetings set out in *Indik Paruman*, which usually contains the types of meetings, then the meeting mechanism.

In the *awig-awig* in Chapter *Indik Sukerta Tata Pakraman* also regulates the village's wealth in the form of customary land through *Indik Druwen* village, which is divided into several types (I Made Suasthawa Dharmayuda, 2001: 136.) as follows:

1. Village Land, which is land owned by the village, which is usually found through the business of purchasing or other business;
2. Land of *Laba Pura*, ie land (formerly owned by the village or controlled by the village) which is specifically used for temple purposes;
3. Land of *Pekarangan Desa (PKD)*, is a village-controlled land granted to villagers where they set up housing in a certain size and almost the same in each family;
4. Land *Ayahan Desa (AYDS)*, are lands owned or controlled by its cultivation village handed over to each of the villagers with the right to enjoy the results.

*Awig-awig* in Chapter *Indik Sukerta Tata Pakraman* also regulates the ownership limit by the villagers arranged in *Indik Pasukertan Pamitegep*. In *Indik Pasukertan Pamitegep* there are arrangements on the boundary marks of yards, gardens and rice fields arranged in parts of the area, gardens and rice fields, in this rule is expected to be limited by a sign in the form of a fence made from plants or fences made from the wall. In addition, in *Indik Pasukertan Pamitegep* it also regulates the trees owned by the residents in the *Papayonan* section, in the rules of this section regulates the existence of trees that can lead to disruption of fences or buildings owned by neighbors and in it regulate the solution of problems caused by the growth trees or caused by cutting trees that can disrupt fences owned by neighbors. Furthermore, in *Indik Pasukertan Pamitegep* also regulates the building that is adhered to in the rules of *wewangunan*, to arrange for buildings that are made by citizens not to cross the boundary owned by neighbors, be it building, drainage, roads and others. Then in *Indik Pasukertan Pamitegep* there is a section set about *wewalungan* is the part that regulates about how the community in maintaining the animals do not disturb other residents. Just as if one resident keeps a pig in his yard should make a limit so that the pig does not disturb the plants owned by the neighbor of the pig owner. another thing is if there are residents who maintain buffalo is obliged to bind buffalo so as not to damage the garden owned by other citizens.

In *Indik Pasukertan Pamitegep* also regulates the distress which usually contains arrangements on how to deal with the hazards associated with the occurrence of natural disasters, namely the danger of fire, the danger of earthquakes, floods. Handling arranged in this *awig-awig*, ranging from how standard alarm sounds through *kukul*, then the procedure of the community to pray and offerings related to the disaster, oblige all villagers to help each other, and lastly regulate the post-prayer that must be done by the public to purify and purge either through a ceremony or act that can cleanse or restore village conditions as usual. in *Indik Pasukertan Pamitegep* in addition to regulating the harm caused by natural disasters, also regulates the circumstances of the



occurrence of theft in customary village areas. In this case the citizens are expected to help each other, whether it happened at home residents thieves or theft of sacred objects owned by the village and if a thief who was caught will be handed over to the authorities. The customary law in Bali in the form of *awig awig* also regulates the implementation of religion which is regulated in *Indic Sukerta Tata Agama* consisting of rules about the implementation of the offering to the gods or God through *Indik Dewa Yadnya* (Anonim, 1968. Upadesa, ajaran-ajaran Agama Hindu, Parisada Hindu Dharma Bali). *Dewa Yadnya* can be interpreted as a religious ceremony by offering sacred sacrifices directed to God and the Gods. Then in the *Indik Sukerta Tata Agama* also regulates the sacrifice for a religious event whose function of honoring the saints or someone will be a saint contained in *Indik Rsi Yadnya*. *Rsi Yadnya* can be said also as a religious ceremony addressed to Saint or Rsi, such as the coronation ceremony of candidate *sulinggih* (Rsi/Saint), who offer offerings to the *sulinggih*, obey and practice the teachings of the *sulinggih*, assisting candidate *sulinggih* education and make a place his worship. Furthermore, in the *Indic Sukerta Tata Agama* regulates the offering to the ancestors, be regulated *Indik Pitra Yadnya*. *Pitra Yadnya* meaning a sacred sacrifice to the ancestors as a form of gratitude to the ancestors who can be addressed to, great-grandfather, grandparents, father, mother. then, in the *Indic Sukerta Tata Agama* there are also rules on the implementation of offerings shown for human or society itself through *Indik Manusa Yadnya*. *Manusa Yadnya* is a sacred sacrifice that aims to clean up the inner and keep the human life from the realization of the body in the womb until the end of human life. And then, in the *Indic Sukerta Tata Agama* there are also rules about offerings to invisible beings, or astral beings arranged in *Indik Bhuta Yadnya*. *Bhuta Yadnya* is a sacred sacrifice that aims to clean nature and its contents aimed at the cleansing of nature from the disfiguring influences caused by the Devils and the creatures deemed inferior to humans and the Cleansing of the devil's nature and the bad nature so that their good qualities can be useful for the welfare of mankind and nature.

The next chapter in the *awig-awig*, regulates the relationship between individuals within the society contained in the *Indic Sukerta Tata Pawongan*. In the *Indic Sukerta Tata Pawongan* there is a sub chapter consisting of *Indik Pawiwahan*, *Indik Nyapian* and *Indik Sentana*. In *Indik Pawiwahan* arranges the procedures for performing a wedding ceremony and and in *Indik Nyapian* concerning the procedure of divorce among others caused by the separation desired by the couple or separation caused by death, Furthermore, in *Indik Sentana* about the descent and procedure of adoption, and on the inheritance procedure.

The next chapter in the *awig-awig* is about *Wicara Lan Pamindanda* which regulates the procedures in the meeting and regulates about sanctions. Related to *Wicara* there are arrangements regarding procedure of discussion or deliberation is arranged anyone who has the authority in deciding the result of discussion and the discussion about the result of the deliberation is stated in what form. while in *Pamindanda* that regulates the procedure of giving sanctions and types - types of sanctions. The next chapter on how to change the content of *awig-awig* and who is authorized to make changes to the content of *awig-awig*.

If *awig-awig* is the main customary law in Balinese life, then in traditional life in Bali there is also Balinese custom law which is not less important with *awig-awig* for the life of Balinese people namely *Pararem*. *Pararem* is a result of a decision at a meeting and *Paparem* is also an implementing rule of what is poured in *awig-awig*, so it can be said that *pararem* should not be contrary to what is written in *awig-awig* and *Pararem* is the result of a deliberation a village called *paruman* that can be created at any time based on the circumstances of the village.

## **2. The Existence Of Customary Law Can Protect The Sustainability Of The Pengempu Waterfall In Cau Belayu Traditional Village Of Tabanan**

The existence of customary law in Bali is very important for traditional life in Bali to organize the physical condition of its territory and organize the social conditions of its people. The growing development of the lives of traditional peoples in Bali has led to increasing problems faced by the Balinese traditional people, so to solve these problems there needs to be an addition to several articles to overcome these problems, if referring to his theory, Brian Z Tamanaha states in his formal theory which states Thinner to Thicker (Brian Z Tamanaha, 2014: 91), which is thin to thick, that even customary law needs to be added related to the settlement of more and more problems.

The customary law that guards the waterfall area of the *pengempu* is of course *awig-awig* owned by the customary village of Cau Belayu. In the *awig-awig* of the customary village of Cau Belayu it can be said that the outline of the arrangement is the same as the *awig-awig* found throughout the traditional villages of Bali in general. In the *awig-awig* owned by Cau Belayu Traditional Village there is also a philosophical *Tri Hita Karana*, and if associated with how to maintain the sustainability of *Pengempu Waterfall* in Cau Belayu Village, it can be said that the existence of customary law Cau Belayu has excellent potential in maintaining the sustainability of the existence of waterfall *Pengempu* in Cau Belayu Village, where it can be seen from the level of confidence and faith of

the community against customary law in the form of awig-awig owned by Cau Belayu Customary Village.

Based on the authors' knowledge that the level of trust and faith of the community on the existence of customary law owned by Desa Adat Cau Belayu in the form of awig-awig can be seen from how the people of Adat Village Cau Belayu treat the awig-awig, namely awig-awig in Desa Adat Cau Belayu when legalized, conducted a prayer to purify the awig-awig and then placed in a place that is considered sacred by the people of Indigenous Village of Cau Belayu that is placed in Pura Desa in Desa Adat Cau Belayu, and the existence of awig-awig is considered to have been witnessed by god and the gods and validated by god or the gods based on the beliefs of indigenous people of Cau Belayu, so that the presence of awig-awig is considered sacred that can give goodness to the indigenous people of Cau Belayu as well as the existence of awig-awig will indirectly become the faith and belief to the indigenous villagers of Cau Belayu to serve as guidelines in the behavioral and daily life.

When a rule has become a faith by a society then according to the author the situation will become more orderly and better, as in the awig-awig owned by the customary village of Cau Belayu, where in it contains the concept of Palembang that teaches the people of Desa Adat Cau Belayu fostering the relationship between nature and society that has become the faith of Indigenous Villager Cau Belayu. Similarly, with the existence of waterfall Pengempu in the Village area Cau Belayu make the faith of Indigenous Village Cau Belayu Believe that the waterfall is one source of springs that must be protected in the area of Cau Belayu Village. Besides that in the area of Pengempu waterfall there is a holy area that is used as a place of prayer by the Hindu community, so it increases the faith of the people who are there to preserve the waterfall Pengempu area as the original state. Therefore, according to the authors that customary law can add the level of public faith to maintain the existence of the Waterfall Pengempu, so that people will always keep the existence of Waterfall Pengempu with his own desire in accordance with the rules that apply, both custom and legal law made by the government, whether it is implemented at this time or in the interest of the future.

### **3. Research Result**

Article Draft In The Customary Law *Cau Belayu* Regarding of  
The Existing of The Pengempu Waterfall  
Article/ *Sarga*...

For the Indigenous Villagers Cau Belayu and non- Indigenous villagers Cau Belayu who have a land area in the region of Pengempu waterfall, supposed not to damaged the environment of the pengempu waterfall region.

( *majeng ring krama desa adat cau blayu miwah warga saking dura desa, sane madue tanah ring pantaraning wewidangan toya pengempu, mangdane nenten ngusak-asik kelestarian wewidangan ring toya pangempu*)

ຍຕິກິສຽຍາທມບາທຽບາງຄູ່ຍື່ນຮຸ່ນຍີ່ປຸ່ນຕາມລິທຽກາທມມາທຍທຽບທາຮຸກກິບລູກກິບິບິດຕາຮູ່າຍ  
ບິຕິຍຽຍຕິກາຮາຮຸ່ນສຸມສຸມິສຸ່ນສຸ່ນກິບສຸ່ນິບິດຕາຮຸ່ນາທມບຕິຍຽ

Article/Sarga...

For the indigenous villagers who have a land in the area of Pengempu waterfall who want to build a building using harvesters, they are supposed to report to the village head and the head of the traditional village *Cau Belayu*, and to discuss the impact of the development on the environment in the *Cau Belayu* waterfall area.

(*majeng ring karma desa adat sane madue tanah ring pantaraning wewidangan toya pangempu sane jagi nanging wangunan sane nganggen beton utawi permanen, mangdene matur ring Kelian DesaDinas miwah Kelian Desa Adat Cau Blayu, miwah mangdene kaparumang indik pikobet-pikobet sane nibenin benjangan*)

ຍຕິກິສຽຍາທມບາທຽບາທຍທຽບທາຮຸກກິບລູກກິບິບິດຕາຮູ່າຍບຕິຍຽມາທຕິກຕິພິບຕຽກສຽ  
າທຕຽກຮຸ່ນາທຽອບິບິຍລິສຸ່ນິບິດຕາທຍທຽກິລິນິພາທຽມິດສຸ່ນິບິພາທຽມບາທຽບາງຄູ່ຍື່ນຮຸ່ນຍີ່ປຸ່ນ  
າທລບາງຍີ່ປຸ່ນສຸ່ນິບິດຕາທຍທຽກິລິນິພາທຽມິດສຸ່ນິບິດຕາຮູ່າຍ

Article /Sarga ...

For the residents of the indigeneous villages who have a land in the area of Pengempu waterfall that want to sell their land, the must report to The Apparatus of The Cau Belayu.

(*majeng ring karma desa adat sane madue tanah ring wewidangan toya pangempu sane jagi ngadol tanah ipun, mangdene matur ring kelian adat cau blayu*)

ຍຕິກິສຽຍາທມບາທຽບາທຍທຽບທາຮຸກກິບລູກກິບິບິດຕາຮູ່າຍບຕິຍຽມາທຕິກຕາທາທຽກຽບິບູສຸ  
ຕິກາທຍທຽກິລິນິພາທຽມິດສຸ່ນິບິດຕາຮູ່າຍ

Article/Sarga ...

For the villagers outside the indigeneous village of Cau Belayu who want to buy and have a land in the area of Pengempu waterfall, they must report to the land to the head of indigeneous village of Cau Belayu

(*majeng ring krama dura desa sane jagi numbas tanah ring pantaraning wewidangan toya pangempu, mangdene matur ring kelian adat cao blayu*)

ຍົກໃຫ້ຮຽນກຸ່ມກຸ່ມສາກົນຕິດຕໍ່ກັບຊຸມຊົນບໍລິເວນຕາຊ້າງພາຍນອກເມັດຊຽງຊຽງຊຽງຊຽງ  
ພາຍນອກຊຽງຊຽງ

Article/Sarga ...

For the villagers outside the indigeneous village of Cau Belayu who want to build in the area of Pengempu waterfall, they are obliged to report the land to the head of the Cau Belayu Indigeneous Village and to discuss the impact of the development on the environment in the Cau Belayu waterfall area.

*(majeng ring krama dura desa adat cau blayu sane jagi nanging wangunan ring pantaraning wewidangan toya pangempu, mangdene matur kelian adat cau blayu, miwah ngwentenang paparuman indik pikobet-pikobet sane jagi wenten antuk wewangunan sane jagi kawangun ring pantaraning wewidangan toya pangempu cau blayu)*

ຍົກໃຫ້ຮຽນກຸ່ມກຸ່ມສາກົນຕິດຕໍ່ກັບຊຸມຊົນບໍລິເວນຕາຊ້າງພາຍນອກເມັດຊຽງຊຽງຊຽງ  
ຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງ  
ພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງ

Article/Sarga ...

Anyone who damages the environment in the Pengempu waterfall area, either polluting the waterfalls of Pengempu, or cutting down trees without notice to the village officials, and hunting animals without permitting from the village apparatus will be subject to the customary sanctions approved by all indigeneous people of Cau Belayu.

*(sapasira sane ngusak-asik ring pantaraning wewidangan toya pangempu, yadian ngawinang toya cemer tur ngenteb punyan kayu nenten wenten matur ring prajuru desa, miwah maboros nenten wenten matur tur kadadosang olih prajuru desa, jagi kakenain dadosaan sane manut ring uger-uger desa adat cau blayu)*

ສາກົນຕິດຕໍ່ກັບຊຸມຊົນບໍລິເວນຕາຊ້າງພາຍນອກເມັດຊຽງຊຽງຊຽງພາຍນອກ  
ພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງ  
ພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງພາຍນອກຊຽງຊຽງ

**E. CLOSING**

- 1. The existence of customary law in Bali in the form of *awig-awig* is strongly believed in traditional Balinese society, and in the making of *awig-awig* in Bali

it is full of sacralization so that traditional communities in Bali are very obedient to the commands of *awig-awig*.

2. The existence of customary law which can protect the preservation of waterfall pengempu in the village of Cau Belayu Tabanan can provide 'confidence' to the community in maintaining the surrounding environment. The customary law in Cau Belayu is in the form of *awig-awig* in which there is the concept of *Tri Hita Karana* which holds the harmony of people's life with God, Human and Environment to make the people of Cau Belayu traditional village protect the sustainability of Pengempu Waterfall done with full confidence every day to form the balance between life to the people of Cau Belayu traditional village with nature around Pengempu waterfall area.

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