CERTIFICATE

— ORAL PRESENTATION —

AWARDED TO

Ni Nyoman Rahmawati

THE ABOVE NAME HAS DELIVERED ORAL PRESENTATION IN INTERNASIONAL SEMINAR ON *"GLOBAL CONNECTIVITY CHALLENCES AND RESPONSES"*

DENPASAR, 11th SEPTEMBER 2017
WARMADEWA UNIVERSITY
BALI-INDONESIA

RECTOR
OF WARMADEWA UNIVERSITY

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PROCEEDINGS
INTERNATIONAL CONFERENCE

GLOBAL CONNECTIVITY

Cross Cultural Connections, Social Inclusion, and Recognition: The Role of Social Sciences

Editors:
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WELCOMING REMARKS
THE GOVERNOR OF BALI

Om Swastyastu,

The distinguished guests, Rector Warmadewa University, the President of International Federation of Social Science Organizations (IFSSO), ladies and gentlemen,

Welcome to 23rd IFSSO International Conference and General Assembly on "*Global Connectivity, Cross Cultural Connections, Social Inclusion, and Recognition: The Role of Social Sciences*".

First of all, I would like to express my gratefulness *angayu bagia*, to Ida Sanghyang Widhi Wasa, Tuhan Yang Mahaesa, the Almighty God.

I would like to express my deepest gratitude for the cooperation between Warmadewa University and IFSSO and all participants for this conference. I would like to thanks all presenters from different countries, including Turki, Japan, the Philippines, Thailand, India, Algeria, Indonesia, to mention a few.

I hope with the selection of Bali as the venue for such important international conference, Bali *taksu* with warm hospitality of the Balinese people will bring about positive aura for all participants.

This clearly would create the best solution as well as potential policies in the near future which in turn could spur the development for prosperity of the people.

Recently, there are more needs to better understand the issue of connectivity as the world becomes small with rapid globalization. We witness the stories of movements of people around the world due to economic gap as well as conflict, wars and so forth.

It is really timely for scholars to discuss the issue of connectivity in this globalised world.

Bali, located in a strategic place, as a hub from neighboring countries like Australia and Southeast Asian countries, has become a good place for understanding the issue of connectivity in term of

movements of people and ideas.

I hope that through this international conference will provide us all with an excellent opportunity for various scholars to discuss connectivity in particular.

I do hope this conference will **stimulate new ideas for us** in order to understand the recent phenomena on connectivity in globalised world.

I hope that besides this conference, Indeed, this international conference is not only broadening knowledge of our participants engaged in the connectivity issues, but also giving the opportunities to establish wider networks amongst scholars, from Balinese scholars and national and international scholars.

Indeed, Bali is a rich of cultural traditions and has developed creative industries in a very corner of Bali.

I hope the participants will have the spare time to visit Balinese Arts as well as enjoy the magnificent view of Balinese landscape.

I hope you will enjoy the beauty of Bali while you are here.

Thank you.

Denpasar, September 2017

I Made Mangku Pastika

Wellcome Message
Rector Warmadewa University

Om Swastyastu,

First, I would like to show my gratefulness *angayu bagia*, to Ida Sanghyang Widhi Wasa, Tuhan Yang Mahaesa, the Almighty God, so I could have the opportunity to give this written speech for the 23rd IFSSO General Conference (International Federation of Social Science Organizations) with the theme of **"Global Connectivity, Cross Cultural Connections, Social Inclusion, and Recognition: The Role of Social Sciences."**

I am proud that the Warmadewa University has been chosen as the place for this 23rd IFSSO General Conference, September 11—12, 2017.

Ladies, gentlemen and all participants,

I am happy to welcome you to international conference starting this morning in Warmadewa University Denpasar. On behalf of Warmadewa University, I would like to extend my warm welcome to distinghuised guests: Prof. Nestor Castro, Ph.D., (The President of IFSSO), Prof. Dr. Kazuhisa Nishihara (as the First Vice President of IFSSO), Prof. Dr. phil. I Ketut Ardhana, M.A. (as the Second Vice President of IFSSO), Prof. Dr. Yazawa, Hakan Gullerce (Sociologist from Istanbul Foundation for Science Innovation), Prof. Morad Moulai Hadj (Department of Sociology, Faculty of Social Sciences, University of Oran 2- Algeria), Mari Shiba (Seijo University, Tokyo Japan), Prof. Joseph P. Lalo, Ph.D., (from the Philippines), Prof. Yekti Maunati, Ph.D. M.A., Dr. Ganewati Wuryandari, and Dr. Sri Sunarti Purwaningsih, M.A. (from the Indonesian Institute of Sciences, Jakarta), and all participants of the 23rd IFSSO General Conference.

This International conference covers areas like social science policy matters, providing information, and documentation services in the social sciences.

Delegates will have the opportunity:

To discuss topics ranging from ways to strengthen social sciences in a dynamic development process;

To examine the recent specific issues related to the development of social sciences and humanities studies.

By sharing our experiences on social sciences and humanities studies, the 23rd IFSSO General Conference Bali will elaborate this into concrete and practical solutions.

This grows participation shows that there is a need for a regular regional conference to provide a platform for the dissemination of research to each other and to the general public.

As the Rector of Warmadewa University, I was also concerned to express gratitude to all parties who have provided positive support, both material and spiritual towards the achievement of the International Conference.

This international conference bringing together more than 100 participants from across the world will explore the global connection in the world; share ideas and comments so that it will be fruitful for all of us and the ideas presented by the speakers will enrich our viewpoints and understanding on the development of social sciences and humanities studies.

I am sure as the conference progresses there will be many opportunities to learn one another as well as to develop new collaborations and partnership for the future good of the region.

I thank you all for being here. I wish you a fruitful conference and a happy stay in Bali

Thank you very much.
Om Shanti, Shanti Shanti Om

Rector of Warmadewa University

Prof. dr. I Dewa Putu Widjana, DAP&E.Sp. Park

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Keynote Paper

SEWAKA DHARMA UNTUK MENJAWAB TANTANGAN GLOBAL

Rai Dharma Wijaya Mantra
Walikota Denpasar

Abstract

Globalization brings about change, challenges, and opportunities. Denpasar City as the Capital of Bali Province plays a big role in the development of science, technology and communication. As the Government, the Government of Denpasar has an obligation to realize prosperity and happiness for the people. Various development efforts are made to improve the welfare of the community, including measuring the level of happiness of the community. The old paradigm of the Government is of being served, now turns to serve. The challenges faced by Denpasar City Government in facing the era of Globasasi is hard, because it must adjust to the characteristics of Globalization, i.e: fast, easy, practical, and transparent, In addition, other challenges faced is how to develope Human Resources, improve product quality , building local economy, maintaining cultural stability, and sustainable development. Therefore, the concept of solution run by Denpasar City Government is innovative, integrated, cultured, and sustainable and cultural approach in service.

Sewaka Dharma is a service concept applied in Denpasar City. Sewaka means to serve and Dharma means obligation. Thus, Sewaka Dharma means Serving is Obligation. Denpasar City Government build public service center Graha Sewaka Dharma, which is currently directed to Mall Public Service. In Graha Sewaka Dharma, service is concentrated in one place. In addition to the fast, easy, and transparent licensing services, programs and activities carried out by the Government of Denpasar in a smart way (Smart City = Smart Government, Smart People, Smart Environment, Smart Economy, Smart Living, Smart Mobility) with resource utilization wisely.

Globalization not only brings change and challenges, but also opportunities or chance. The opportunity for a better life is the mission of Denpasar City Government in every development.

Changes in the paradigm and the quality of community thinking contributed positively to the government's performance. The role of society, both in development and environmental management, local economic development, creative economic empowerment and the preservation of traditions, customs and culture continues to be improved. Tourist destination management, business quality improvement, service quality and workforce are also continuously strived, so that the vision of Denpasar City, namely Denpasar Creative Cultural Insight in Balance to Harmony can be achieved.

Keywords: Globalization, Change, Challenge, Chance / Opportunity, Sewaka Dharma, Cultural Approach, Smart City

A. Pendahuluan

Bali merupakan pulau yang unik dalam kancah perkembangan dunia. Hal ini terlihat dari berbagai julukan indah yang diberikan oleh para pengunjung yang pernah datang ke Bali. Julukan tersebut, seperti Nusaning Nusa Tan Hana Madaning (sebutan oleh Mahapatih Gajah Mada pada abad XIV), Jong Holland (oleh Komodor Cornelis de Houtman, Pebruari 1597), The Morning Of The World (Nehru, 1950-an), The Last Paradise (oleh penulis berkebangsaan Amerika Hickman Powell 1930). Melihat tahun-tahun penyebutan yang indah tentang Bali tersebut mengingatkan pada kita bahwa Bali telah dikenal di dunia sejak sangat lama. Artinya, masyarakat Bali telah mengenal globalisasi sudah sangat lama. Namun demikian, kenapa kemudian banyak pihak sangat mengkhawatirkan mengenai dampak globalisasi? (Kebudayaan Unggul - Tim Peneliti Pemkot Denpasar, 2011).

Secara sederhana Globalisasi diartikan sebagai proses integrasi internasional yang terjadi karena pertukaran pandangan dunia, produk, pemikiran, dan aspek-aspek kebudayaan lainnya. Kondisi dimana perbedaan jarak dan letak georgrfis bukan lagi menjadi penghalang, dengan bericirikan: dunia seakan tanpa batas, konektifitas secara global, dan persaingan pada berbagai hal semakin terbuka. Tidak memiliki keunggulan dan konektifitas akan sulit memenangkan persaingan.

Denpasar sebagai Ibu Kota Provinsi Bali menanggung tekanan

paling tinggi dan berada pada garda denpan dalam membendung dampak negatif dari globalisasi. Namun, sebagai kota yang termuka dan multikultur Denpasar memiliki pengalaman sejarah panjang dalam mengadopsi sekaligus mengendalikan gesekan-gesakan yang mungkin terjadi. Tantangan Denpasar sebagai pusat pemerintahan di Provinsi Bali dalam menghadapi globalisasi tentunya harus tetap mampu mempertahankan Budaya Bali sebagai pembeda dalam pengembangan pariwisata, disamping meningkatkan kompetensi sumber daya manusia, pengembangan ekonomi lokal termasuk didalamnya adalah peningkatan kualitas produk, dan tentunya mampu mempertahankan keberlanjutannya.

B. Konsep Sewaka Dharma

Visi Kota Denpasar 2016-2021 adalah "Denpasar Kreatif Berwawasan Budaya dalam Keseimbangan Menuju Keharmonisan". Visi ini secara filosofis dilandasi oleh filsafat Tri Hita Karana, yaitu harmoni hubungan manusia dengan alam, manusia dengan sesama, dan manusia dengan Tuhan. Kerangka filosofis ini diadopsi dan diadaptasi menjadi kerangka dasar pembangunan Kota Denpasar.

Modernisasi dan globalisasi memang telah mendorong mayarakat Kota Denpasar menjalankan kehidupan yang sarat dengan kompetisi dalam berbagai bidang kehidupan. Dalam perkembangannya, bahkan dihadapkan pada berbagai persoalan di tengah-tengah keinginan untuk memenangkan kompetisi yang semakin ketat, antara lain keinginan untuk memenuhi kebutuhan material yang bersifat ekonomis dengan tuntutan untuk melestarikan nilai-nilai budaya yang sudah mengakar dalam masyarakat. Sangatlah sulit meninggalkan salah satu dari kedua aspek tersebut, karena itu upaya yang paling mungkin dilakukan adalah mensinergikannya. Pembangunan untuk mememenuhi kebutuhan material yang bersifat ekonomi memang selayaknya dilandasi oleh basis penghayatan terhadap agama dan pemahaman terhadap kebudayaan yang mantap.

Dengan demikian Agama dan Budaya merupakan sumber mata air kesejahteraan masyarakat. Agama menjadi jiwa atau roh dari Budaya yang diwujudkan secara konkret melalui filsafat Tri Hita Karana yang sekaligus juga merupakan tiga jalan menuju

kesejahteraan. Budaya merupakan cipta, rasa dan karsa, untuk itu inti daripada Budaya adalah kreativitas, sebab jika tidak kreatif maka budaya itu akan ditinggalkan atau mati. Proses kreativitas Budaya Bali sudah berlangsung sejak zaman dahulu, dan dinamika kreativitas ini selalu berusaha untuk menjaga keseimbangan dan harmonisasi ketiga komponen Tri Hita Karana serta menjamin keberlanjutannya. Dinamika kreativitas ini juga telah melahirkan berbagai produk baik berupa perilaku, nilai ataupun benda menarik dan unik yang dapat dinikmati sebagai sebuah bentuk daya tarik wisata.

Dengan landasan tersebut Kota Denpasar melakukan pendalaman terhadap eksistensi kebudayaan bahwa sesungguhnya dasar-dasar kebudayaan memang harus dipahami dengan sebaik-baiknya. Dalam pandangan ini kebudayaan dijadikan sentral ide dan gagasan pembangunan, pemberdayaan, dan pelayanan. Mengingat ide-ide dan gagasan pembangunan senantiasa berhadapan dengan stimulus dan motivasi yang berproses melalui reinterpretasi, reintegrasi, dan adaptasi selalu memberikan pemahaman baru tentang segala suatu. Melalui proses inilah antisipasi pengaruh perubahan dan kemajuan zaman melalui modernisasi dan globalisasi dapat memperkuat tradisi yang bekembang dalam masyarakat.

Hal ini sejalan dengan landasan pokok kebudayaan Bali bahwa pengayaan kebudayaan mesti dikembangkan dengan basis konvergensi antara tradisi dan modernisasi atau sinergi antara budaya ekpresif yang mengutamakan nilai-nilai spritual, tradisi, dan estetika dengan budaya progresif yang mengutamakan nilai-nilai ekonomi, teknologi, dan sains. Inilah fondasi wawasan budaya yang sangat potensial untuk mengembangkan kota kreatif, ekspresif, dan progresif. Dengan demikian, genuinisitas basis lokal berupa kebudayaan Bali dapat digunakan untuk menghadapi modernisasi dan globalisasi.

Motto pelayanan publik merupakan wacana yang penting untuk mendorong perubahan pola pikir (*mind set*) dan pengaturan diri (*self regulation*) birokrasi dan sebagai alat kontrol publik terhadap penyelenggaraan kinerja pelayanan publik. Motto ini merupakan bahasa sehari – hari yang pernah

dekat di masyarakat Bali terutamanya di kalangan tokoh agama, budayawan dan seniman. Pemkot berupaya menggali kembali dan menyempurnakan sebagai motto pelayanan publik, yang tujuannya mempermudah pemahaman di masyarakat akan terjadinya perubahan paradigma pelayanan pemerintah. Motto ini juga diharapkan dapat meningkatkan partisipasi masyarakat dalam kontrol publik terhadap kinerja pembangunan perintah dan keterlibatannya dalam proses pembangunan tersebut.

Berdasarkan revitalisasi yang dilakukan, terdapat kearifan lokal yang disebut "Sewaka Dharma". Selanjutnya Sewaka Dharma sebagai ide sentral yang telah lama berkembang di masyarakat sebagai kearifan lokal yang penyesuaiannya agar selaras dengan tugas pokok dan fungsi pemerintah. Bukan dilayani, tetapi "Melayani adalah Kewajiban". Jadi sewaka dharma mengandung unsur pertemuan antara kewajiban dan pelayanan. Sewaka dharma semaksimal mungkin diimplementasikan dalam penyelenggaraan pemerintahan di Kota Denpasar.

Pada satu sisi, *sewaka dharma* berfungsi sebagai spirit kontrol aparat birokrasi. Pada sisi yang lain sebagai kontrol masyarakat. Sebagai spirit kontrol, sewaka dharma bertujuan sebagai aturan yang bersifat normatif dan regulatif. Sewaka dharma diharapkan mampu menjadi katalisator dan mobilisator serta *controlling* untuk mencapai tujuan-tujuan kesejahteraan masyarakat. Harapan pemerintah adalah bagaimana motto *sewaka dharma* tersebut mampu meningkatkan partisipasi masyarakat.

C. Aplikasi

Pembangunan Kota Denpasar menempatkan budaya sebagai fondasi dasar pelaksanaan pembangunan. Pembangunan dilaksanakan berorintasi pada kesejahteraan, peradaban, dan dinamika dalam konteks lokal, nasional, dan global dengan mengedepankan segi-segi positif kebudayaan Bali (Geriya dalam Kebudayaan Unggul - Tim Peneliti Pemkot Denpasar, 2011).

Kebudayaan mengintegrasikan tiga wujud dengan tujuh unsur. Tiga wujud tersebut adalah ide, perilaku dan fisik, sedangkan tujuh unsur kebudayaan terdiri dari sistem peralatan, sistem mata pencaharian, sistem organisasi, bahasa kesenian, sistem

pengetahuan, dan sistem religi. Dalam kepentingan operasional, substansi kebudayaan mencakup unsur tangible, intangible dan abstrak. Katagori tangible meliputi unsur-unsur budaya fisik yang dapat diraba seperti: gedung, benda, kerajinan, benda kesenian, tempat suci (pura), patung, topeng, tekstil, gambelan dan lain-lain. Kategori intangible meliputi: banjar, subak, desa adat, sekaa, arsitektur, upacara, usada, teknologi tradisional, bercocok tanam, persantian, symbol-symbol dan lain-lain. Kategori abstrak meliputi sistem nilai, sistem norma, hukum adat, filsafat hidup, ideology. Pemaknaan terhadap berbagai unsur kebudayaan tersebut mengacu pada paradigma keserasian lokal, nasional dan global (Kebudayaan Unggul - Tim Peneliti Pemkot Denpasar, 2011).

Pada dasarnya Sewaka Dharma merupakan prinsip universal yang dapat diterapkan dalam berbagai bidang kehidupan. Bukan hanya pada bidang kehidupan religious, bahkan dalam konteks birokrasi modern, Sewaka Dharma mendapatkan arti dan maknanya yang paling penting dalam upaya mewujudkan pelayanan prima kepada masyarakat. Dalam hal ini, Sewaka Dharma menjadi spirit yang melandasi seluruh bentuk pelayanan yang diberikan pemerintah kepada masyarakat demi terwujudnya tujuan dari penyelenggaraan pemerintahan, yaitu: terciptanya masyarakat yang adil, makmur serta sejahtera lahir dan bathin.

Menetapkan Sewaka Dharma menjadi spirit, inti, dan landasan pelayanan publik, sebagaimana ditetapkan Pemerintah Kota Denpasar merupakan ketetapan yang telah merangkum nilai kebenaran, kebaikan dan keindahan. Sewaka Dharma juga telah diaktualisasikan dalam bentuk pembangunan Gedung Graha Sewaka Dharma yang menjadi pusat pelayanan publik di Kota Denpasar. Berbagai jenis pelayanan publik dilaksanakan pada gedung ini, diantaranya pelayanan perizinan dan non perizinan, pelayanan catatan sipil, pelayanan informasi peruntukan ruang, pelayanan ketenagakerjaan, pelayanan pajak bumi dan bangunan, pelayanan perbankan (BPD Bali), pelayanan pengurusan BPJS Kesehatan maupun Ketenagakerjaan, pelayanan PDAM, dan pelayanan administrasi dokumen lingkungan. Selain itu, di gedung ini juga terdapat beberapa Organisasi Perangkat Daerah, diantaranya: Dinas Penanaman Modal dan PTSP, Dinas

Komunikasi, Informatika dan Statistik, Dinas Kependudukan dan Catatan Sipil, Dinas Pariwisata, dan Dinas Perindustrian dan Perdagangan.

Gedung Graha Sewaka Dharma kedepan akan dikembangkan menjadi Mall Pelayanan Publik. Selain memberikan pelayanan publik yang menjadi kewenangan Pemerintah Kota Denpasar, di Graha Sewaka Dharma akan menyelengarakan pelayanan publik yang diselenggarakan oleh instansi vertikal, BUMN, Kepolisian maupun diselenggarakan oleh Pemerintah Provinsi Bali. Melengkapi Graha Sewaka Dharma dengan berbagai jenis pelayanan publik yang bukan menjadi kewenangan Pemerintah Kota Denpasar, seperti: pengurusan Surat Izin Mengemudi (SIM), pelayanan akta pertanahan dari BPN, pelayanan Telkom, pelayanan perpajakan, pelayanan samsat dan pelayanan publik lainnya akan lebih meningkatkan fungsi Graha Sewaka Dharma sebagai pusat pelayanan publik yang memberikan manfaat yang besar bagi masyarakat Kota Denpasar khususnya dan masyarakat Bali umumnya.

Sewaka Dharma juga menjadi ide sentral dalam penyiapan Denpasar sebagai Smart City (Kota Cerdas). Smart City mengarah pada "*Livable City*" sebagai strategi dalam mewujudkan program keharmonisan dalam keseimbangan di masyarakat. Tidak hanya membahas masalah teknologi informasi, namun Smart City mampu menjadi perencanana kota yang dibantu dengan perkembangan teknologi untuk memudahkan masyarakat. Dengan 6 (enam) komponen smart city yang terdiri dari : Smart Government, Smart Economy, Smart Mobility, Smart People, Smart Environment dan Smart Live, Pemerintah Kota Denpasar ingin menjadikan Denpasar sebagai sebuah kota yang *Livable City* yaitu: sebuah kota yang layak huni, dimana masyarakat dapat dengan nyaman dan tenang untuk menjalani kehidupannya.

D. Penutup

Jadi pada prinsipnya Sewaka Dharma merupakan konsep pelayanan menurut agama dan budaya Bali yang cakupannya sangat luas dan memiliki arti yang mendalam. Konsep ini menekankan pentingnya spirit rohani memberikan pencerahan

pada aktivitas pelayanan. Pelayanan publik sebagai bagian dari kewajiban negara terhadap rakyatnya sesungguhnya mewujudkan tujuan dari pemerintahan itu sendiri, baik menurut teori modern maupun sastra-sastra suci.

Memberikan pelayanan yang terbaik kepada rakyat sebagai upaya mewujudkan kesejahteraan lahir dan bathin. Tujuan negara dan agama adalah membebaskan manusia dari belenggu kebodohan, keterbelakangan, dan kemiskinan, baik secara material, moral maupun spiritual. Sewaka Dharma memang menjadi sebuah konsep untuk menjawab tantangan global.

Pustaka
1. Kebudayaan Unggul Inventori Unsur Unggulan Sebagai Basis Kota Denpasar Kreatif oleh Tim Peneliti Pemerintah Kota Denpasar, 2011.
2. Sewaka Dharma, Motto Pelayanan Publik Pemerintah Kota Denpasar, Tim Penyusun Pemerintah Kota Denpasar, 2011.

BALI AND INDIAN CULTURAL CONNECTIVITY: RELIGIOUS, CULTURAL, AND TOURISM IN THE CONTEXT OF MULTICULTURALISM[1]

I Ketut Ardhana[2]
Udayana University

Abstract

Bali is now in the crossroad of the globalization process. Although Balinese culture has been rooted in the island since prehistoric times, there is also a strong influence by global culture namely Indian or Indic culture and regional or Javanese Hindu culture since the classical period as well as Western cultures in recent times. These influences have formed a modern and postmodern Balinese culture. The question is how do the Balinese consider their culture in the context of a globalized word? Hence, this paper highlights the following issues. Firstly, how the Balinese maintain their culture even though many influences affect their daily life. Secondly, what aspects of Indian culture influence Balinese culture and how the Balinese respond. Thirdly, how these foreign cultures are part of the forming of a multicultural society in Bali. It is hoped that addressing these questions will contribute to a better understanding of how Balinese culture exists in the context of a globalized world.

Keywords: Bali, India, multiculturalism, modern and postmodern culture

I. Introduction

Two large cultures in Asia have had a dominant influence on the indigenous culture of the Island of Bali, namely the Indian or Indic culture from South Asia and the Chinese culture from

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1 Paper presented at the 23rd IFSSO General Conference on Global Connectivity, Cross-Cultural Connections, Social Inclusion and Recognition: The Role of Social Sciences, convened by Warmadewa University and International Federation of Social Science Organizations (IFSSO), 11–12 September 2017 in Bali, Indonesia.

2   Professor in Asian History, Udayana University

East Asia. Indian culture spread widely not only to the insular Southeast Asia, but also to the mainland namely in Champa. The ancient Javanese and Balinese cultures, for instance, were also in many respects influenced by the Indian or Hindu culture. Yet, due to the peaceful spreading of Indian culture in the region, the local people never felt that their local cultures were colonized by Indian culture. Similar feelings are perceived in Vietnam where Chinese culture had a dominant influence, yet the Vietnamese people never felt that their local cultures were colonized by Chinese culture.

In the present era, due to the strength of Balinese culture, only Bali is known as the Hindu mosaic in Southeast Asia. Therefore, it can be said that besides the Chinese culture, which is closely linked to Southeast Asia, the Indian or Indic culture strongly influenced the peoples of Southeast Asia. Later on Islamic culture and Christian culture also arrived to Bali due to colonization and imperialism, particularly at the end of the nineteenth century and in the beginning of the twentieth century. Moreover, now a parallel globalization process has arisen from capitalism and the tourism industry, which has attracted many people from other cultures with different traditions, languages and religions; hence creating a multicultural society in Bali.

II. Bali and Hinduism: The Strengthening of Local Culture

Historical and archaeological evidence shows that the beginning of contact between India as well as China with Indonesia can be traced to the first century. A highly evolved culture flourished as far back as BCE 3000 along the banks of the Sindhu (Indus) River giving rise to the Indian culture; the philosophy of which later became a strong basis for the Balinese culture. However, animism and ancestor worship are still practiced in Bali. Prior to the expansion of the Majapahit empire to Bali, the cultural traditions of the Bali Aga society were maintained in villages such as Trunyan and Tenganan, which were established during the Bali Kuno era. These and other Bali Aga villages such as Sidatapa, Pedawa, Tigawasa, Sembiran, Lateng and Dausa are located in eastern and northern Bali, mainly in coastal, lake or mountain regions.

Archaeological excavations in Sembiran and Pacung in

northeastern Bali unearthed several types of Indian pottery as well as carnelian glass beads from the Prehistoric Era. Ardika (2012: 2) mentions that this points to direct contact between Bali and India in the first century. Therefore, foreign influences already existed in the early process of the region. Evidence is also found in the histories of many kingdoms such as the Kutai in East Kalimantan in the fourth century, Tarumanegara in the fifth century, the emergence of Srivijaya in the seventh century as a Buddhist kingdom in South Sumatra, followed by the Majapahit in the fourteenth century.

III. Hindu, Javanese, and Balinese in Constructing the Cultural Connectivity

In Indonesia, the spread of Hinduism did not only occur in Bali, but also in other regions such as Kalimantan and West Java among others. The religious and political influences of the abovementioned kingdoms of the Kutai in East Kalimantan, followed by Tarumanegara, Srivijaya, and then the largest to have existed in the archipelago – the Majapahit – were also perceived in other Southeast Asian countries, such as, for instance, Thailand and Malaysia.

During the reign of Majapahit in the fourteenth century, the migration of Javanese to Bali resulted in the spreading of Old Javanese cultural traditions, which enriched the Balinese culture and can still be seen in the present era. Influences included literary, economic, social and culture, and also political aspects. In general, historians conclude that Hinduization spread from the western to the eastern part of the archipelago; based on the assumption that Hinduization or Indianization originated in India and spread to Southeast Asia and finally arrived to Indonesia or Bali. However, there is archaeological evidence in the Sukuh and Cetho temples in Central Java that shows similarities with the Besakih Temple in Bali. Thus, it can be said that during the downfall of Majapahit, Hinduization also spread westwards.

It is well known that Saivism played a major role in the context of Hinduization in Indonesia, whereby the god Siwa was considered to be higher than Brahma and Wisnu. Prior to that, in the early East Javanese period, Wisnu was the primary object of worship. This shift can be seen during the Classical Period in Bali from the ninth

to eleventh centuries. For instance, the Balinese king Udayana Warmadewa with his East Javanese queen Mahendradatta, also known as Çri Gunapriyadharmapatni, had three sons: Airlangga, Marakatta and Anak Wungsu. The first son became a king in East Java, while the second and the third became kings in Bali. However, rather than embracing Saivism, they worshipped Siwa as the highest god in the context of Balinese and Javanese Hinduism; which shows the extent to which Indian culture connected to local cultures. This is an important aspect if we talk about how the idea of 'state-formation' in Bali was based on Javanese Hindu culture.

Yet, this does not mean that only Saivism developed during that period; for in fact Buddhism also developed in certain areas of Bali. Scholars infer that during the reign of Udayana–Gunapriyadharmapatni, differences between followers of Saivism and of Buddhism were a potential source of conflict. However, the king and queen convened a deliberation at the Samuan Tiga Temple so that the various factions could to try to ascertain their common perspectives. The East Javanese sage, Mpu Kuturan, is considered to have played a major role in successfully assembling the people in order to solve their social and cultural issues, such that nine faith groups could live side by side in a harmonious and peaceful way. During the thirteenth century, the teachings of Tantrayana also spread to Bali via religious beliefs espoused by King Kertanegara who captured a Balinese queen in 1284. From 1296 to 1300, inscriptions did not refer to a king in Bali; however the *raja patih* (prime minister) Kebo Parud was mentioned. Goris (1948: 16) deemed that the name Kebo referred to a person of royal rank as the name of an animal was used for a minister's title in the Singhasari period.

It is important to note that the Çiwa-Buddhist coalition eventually collapsed during the reign of King Astasura Ratna Bhûmi Banten whose name appears on the back of a statue in the Tegeh Koripan temple on Mount Penulisan and also on paintings from the year CE 1332 as well as in the Langgahan inscription dated CE 1337. Gora Sirikan (1956 quoted in Shastri, 1963: 126) mentions that Çri Astasura Ratna Bhûmi Banten was the last king of the Warmadewa dynasty to rule in Bali, before the expansion of Majapahit to Bali.

During the reign of Majapahit in Bali, it seems that Saivism played a dominant role. The strong development of Saivism in the context of Hinduization occurred parallel to the spread of Islamization in the north coastal areas of Java. Islamic sultanates, who reigned in the coastal areas of the Indonesian archipelago from the twelfth to nineteenth centuries, later spread to other areas in the archipelago.

The arrival of Islam to Bali can be also traced in historical records, particularly from the tenth to thirteenth centuries during the Classical Period in Bali. Also, the Singhasari influence from East Java to Bali. For example, in the Kerta Negara Gambur Anglayang temple in the customary village of Kubutambahan – in what is today the Buleleng regency – there is a shrine to venerate the Islamic princess Ratu Mekah perhaps from Demak. There is also a shrine to venerate Ratu Sundawan from the Sundanese ethnic group, another for Ratu Ayu Subandar from the Chinese ethnic group, one for Ratu Melayu from the Malay world, and one for Ratu Dalem Pingit from the indigenous Balinese ethnic group of Bulian. Pageh (2013: 35) notes that nowadays the local community calls this shrine complex the Pura Republik (temple of the Republic) and during the *odalan* anniversary the Merah Putih (red and white) flag of Indonesia is hung in front of the temple. It can thus be said that the idea of multiculturalism has existed in the northern parts of Bali for a long period of time; since the prehistoric era to the Classical Period and onwards.

As was the case in other parts of the Indonesian archipelago, wars were also waged between kingdoms and even within one kingdom in Bali. The king of the southern Balinese state of Badung requested the assistance of the Javanese and the Bugis and also allocated land for some of these 'military aides' such as Kampung Bugis, Kampung Selam in Pengastulan or Candi Kuning in the Buleleng regency, Angantiga in the Karangasem regency, Kampung Kusamba in the Klungkung regency and Kampung Jawa, Kepaon, and Pamogan in the Badung regency. These 'kampung islam' or 'selam', in the past, provided a means for the king to easily gain help in battles against other kingdoms.

Given the above, we can see that though Islam spread strongly

in the Indonesian archipelago, the Balinese culture continued such that only Bali is known as the Hindu mosaic in Southeast Asia. Meanwhile, Hinduism continued to develop in relation to the cultural roots of the people not only in Bali, but also in Java as can be seen in the Sukuh and Cetho temples in Central Java. As I suggest in my article "Cultural Heritage in Bali" (2015: 40), Balinese culture and traditions are clearly linked to its geographical position and long historical processes; while the influence of Javanese Hindu culture contributed to the creation of a multicultural society in Bali.

IV. Bali and Tourism: The Building of Multiculturalism

During the colonial era, Protestant and Catholic traditions and cultures also developed with the arrival of Europeans to Bali. This is particularly vivid in the histories of the villages of Dalung in the Badung regency and Ekasari in the Buleleng regency. The end of the eighteenth century to the beginning of the twentieth century was also a period when the western concepts of colonialism, anti-colonialism and revolution emerged. However, it was only after the fall of the kingdoms and sultanates under the Dutch colonial regime, and particularly in the early 1900s, that the Dutch began to install a modern bureaucratic system and tried to involve the local peoples of the islands in the undertakings of modern life.

After the wars in the Indonesian archipelago, the Dutch also organized the first tourism excursions and brought many journalists and Europeans to Bali via the *Koninklijk Paketvaart Maatschappij* (KPM) Dutch passenger ships. In the 1920s, two European painters, Rudolf Bonnet and Walter Spies, arrived to Bali and introduced western art methods to Balinese painters. Both men stayed on the island for many years and incorporated scenes from Balinese daily life, beautiful landscapes and cultural traditions into their paintings, which, in a sense, successfully promoted Bali to the world. Forty years later, in 1964, the tourism industry was further fueled when the Indonesian government built the Bali Beach Hotel on the coast of Sanur. Since the 1980s, with the construction of the Nusa Dua resort enclave and expansion of the international airport, the tourism industry has developed with increasing speed.

Several impacts can be attributed to this rapid growth of the tourism industry in Bali. One is an increase of migrant workers from other provinces, with their various languages and cultural traditions, which has augmented the multiculturality of Bali. Another is an increase of domestic tourists as well as international tourists, some of whom have married Balinese. Alongside this, several global markets have grown in Sanur, Nusa Dua and Kuta as can be seen by the many shopping malls such as the Beachwalk, Bali Galeria, and Centro with their logos of modernity. Yet, not only international products are promoted in these malls; local and domestic products are also promoted and sold. This shows the extent to which the Balinese can adapt goods from their local culture for the domestic tourism industry as well as the global tourism industry.

All of the processes mentioned above, give a picture of how Bali has become a multicultural society. As social scientist Alf Mintzel (1997) asserts, a multicultural society is characterized by high human migration followed by pressures and conflicts. His research aims to provide a better understanding of the dynamic processes of a society by looking at the historical and actual realities in the context of a multicultural society which, in some cases, became an intercultural society. This led Mintzel to identify eight groups of societies in the world.

The first group is countries that span large land areas with multi-ethnic migrant populations such as the United States and Canada. The second group is the western and south-western European countries that already have the characteristics of a multicultural society due to migration processes during the colonial and postcolonial periods, such as the Netherlands. The third group is multicultural and multi-ethnic areas such as Belgium in Western Europe and the former Yugoslav Republic of Macedonia or the Balkans and North Italy in Southern Europe. The fourth group is the European countries that have developed due to migration processes such as Germany, Switzerland and Austria. The fifth group is countries based on Indian, South American and Ibero-Roman cultures such as Mexico, Bolivia, Peru and Ecuador. The sixth group is multicultural and multi-ethnic societies located

outside of Europe such as in Southern and Southeast Asia for instance India, Malaysia and Indonesia. The seventh group is the British and northern European migrant society in Australia. The eighth group is the multicultural and multi-ethnic areas in Africa such as South Africa and countries in Africa with multiple indigenous populations.

Mintzel's categorizations make it easier to identify the types of multicultural societies in the world; including those that are not yet fully understood such as in Southeast Asia. For instance, the conditions of the Philippines and of Timor-Leste are very different. Both countries were influenced to a very limited extent by the Indianization or Hinduzation processes, if compared to Malaysia and Indonesia. Mintzel lists Indonesia in the sixth category as, like other countries in the Southeast Asian region, Indonesia has a long history and deeply rooted traditions that have evolved since the prehistoric and classical periods to modern and postmodern times. Yet, to gain a better understanding of the multicultural society in Bali along with the multicultural society in Indonesia it is also important to look at the centuries-long process of migration in the region.

Based on prehistoric patterns, classical history, modern history and postmodern readings of culture, it can be said that the Balinese cultural identity is a construction from many elements such as traditions embedded in the culture. The Balinese culture, based on the indigenous culture, has also faced the complexities of national politics and globalization, particularly the global aspect of the tourism industry ever since the uniqueness of the Balinese culture was promoted during the colonial period. All of the influences from foreign cultures have also strongly contributed to the shaping of the Balinese identity.

The arrival of foreign cultures has also contributed to the forming of a multicultural society in Bali. In other words, due to migration and historical processes, Balinese society is a multicultural society. On the other hand, many discourses have been contested in terms of how locality, national politics, and global economics are competing in the globalized world. Clearly globalization has brought about many changes. Yet, the Balinese have been capable

of adapting their cultural traditions and adopting new cultural forms.

V. Conclusion

Bali, in contrast to Sumatra, Java and Papua, has very limited natural resources in terms of mining or plantations. Hence, it is not surprising that Bali is primarily dependent on its cultural heritage in the context of the tourism industry. However, there is the dilemma of how to develop the tourism industry in sustainable ways. One of the main issues is how to anticipate the migration process of people to the island from different cultures and ethnicities, with their different traditions, languages and religions. This is not an easy task.

In dealing with the many challenges of globalization, contact with other cultures – both regional and global – should become opportunities to strengthen Balinese sustainable development. Upholding Bali as a multicultural society will support the needs of all people on the island and thus make a strong contribution not only for the Balinese on a micro-level but also for global societies on a macro-level.

To conclude, let us note that though Indonesia was proclaimed as an independent state on 17 August 1945, based on the national ideology of Pancasila consisting of five basic principles: Belief in the One God, Humanitarianism, The Unity of Indonesia, Democracy and Social Justice – there are still many issues and discourses, particularly within political dynamics on a local, national and international level. So, we should learn more about the similarities and differences amongst the local peoples in the Indonesian archipelago through comparative studies on religions, ethnicities, traditions and cultures.

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FROM SOCIAL EXCLUSION TO SOCIAL INCLUSION: A SOCIOLOGICAL PERSPECTIVES OF ANALYZING CONTEMPORARY FORMS OF MIGRATION[1]

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Abstract

The twenty-first century has seen an increased rate of migration from the southern to the northern part of the globe. Many factors have intervened in deepening the social exclusion of many individuals such as unemployment, poverty and civil wars that have forced people to move upward to the north. The pain of social exclusion has affected these people as they consider the only solution for reaching stability in their lives and for improving their welfare status is in the north; mainly Europe as a continent of social inclusion. The phenomenon of social exclusion represents a main subject in sociological and social surveys that followed the industrial revolution in Europe. It has also been a main subject in empirical sociology with The Polish Peasant in Europe and America, which revitalized sociology as scientific subject. In the end, we can defend the idea that the south, mainly the Middle East and North Africa (MENA region), is a geographical space where we have the right to engage in a rethinking about the social exclusion of youth as a main factor to develop a sociology of social exclusion of youth. Thus, we conclude that youth in the south and their social exclusion deserve more sociological analyses. This presentation attempts to present and discuss a sociology of social exclusion and social inclusion of the youth of the south.

INTRODUCTION:

Youth and migration are the main concepts that deserve more studies in the south of the globe. Globalization and connectivity

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have been factors that encourage the dynamic of people of the world. Youth are more touched by these phenomena. The social exclusion as a result of lack of integration and social cohesion in the south of this globe urged youth to think for different means of getting rid from this nasty situation. Unemployment and poverty have pushed people to move upward searching for space where they can guarantee a steady respectable life in the north. This situation has been developed due to the appearance of political disabilities of many countries of the south the case of some Arab countries that the upheavals of youth encourages many of youth to cross the sea searching for a better of life in the European countries. At the same time some other countries of the south has been a place where other sub-saharian Africans settled in these hosting countries such as Algeria and Morocco.

Our analysis is based on some observations we made in our daily life where more African people are in urban space begging by using the local language. Different documents and resources helped us to treat the phenomenon of migration in the MENA region and to try to study social exclusion and inclusion between the South and the North of the globe.

1. Social exclusion:

The concept of social exclusion was first employed in France in the 70's and concerns many groups that the institutions could not success in its integration in the society. Many groups were included in this category such as school dropouts, unemployed and immigrants. Thus, Europe experienced many kinds of social exclusions due the failure of the social cohesion and it was spread by the effect of liberalization of the economy and the development of many social problems that affect a large part of the population. This kind of problems have been given certain attention by the establishment of different social policies. These policies have been developed by the implementation of social policies in the developing countries by the international organizations working with the United Nations. The application of social exclusion to southern societies is indicative of a convergence of social policy between North and South as a result of

globalization and international migration.[2] Moreover the European Foundation defined social exclusion as the process through which individuals or groups are wholly or partially excluded from; full participation in the society within which they live.[3]

In our analysis we emphasis on social exclusion as we consider it the main factor that push people to migrate. Social exclusion among young people led them to think for other places and spaces where they hope for certain conditions of maintaining a pleasant life and a way to get rid from unemployment and poverty.

2. Migration as a result of the social exclusion

It is essential to stress the link between migration, discrimination and poverty and social exclusion. In the year 2000, the International Office of Migration identified 175 million people as international migrants that is people who are in another country outside their place of birth, increasing from 79 million in 1960 to 175 million in 2000[4]. These numbers are doubled by the instability of many countries that witnessed upheavals mainly the Arab spring. We noticed those millions of people who took the risk to cross the Mediterranean Sea using boats to reach Spanish and Italian coasts. The United Nations High Commission for Refugees estimates around 40 million refugees in the world. The reasons for the movement, processes of settlement and adjustment and their reception in the host countries show great variability.

International migration is never a simple individual action in which a person decides to move. The movement of people does not occur in a vacuum. Migration requires infrastructures and institutions of transport, communication and regulation.

The social exclusion of the native people in the sub-Saharan countries led young people to live in the fringe society and tried to move to the north searching different means to cross the desert

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2 Francis, P. (1997), "Social capital, civil society and social exclusion," in Kothari, Uma and Martin Minouge (eds), "Development theory and practice: Critical perspectives", Hampshire: Plagrave.

3 Rawal, Nabil, "Social inclusion and exclusion: A review" , in *Dhaulagiri journal of sociology and anthropology*, vol.2, p .162.

4 International Office of Migration 2003.

they paid organized networks, well known in the traffic of people. Migration to Europe obliges Africans to cross and travel a long distance from the native country to the North African countries, which are doors to Europe due to their geographic positions. Algeria, for examples, still faces on its south borders the movement of thousands of Africans from different nationalities. During the first semester of the 2000, the official security statistics states that among those who have been sent to the border, we find 24 sub-Saharan nationalities mainly (886 Nigerians, 682 Malians, 504 Nigerians, 206 Ghanaians, and 112 from Cameroon).[5] This migration phenomenon has been encouraged by different social and economic problems, which face sub-Saharan countries. It represents a social dilemma that the local authorities could not solve due to the long border of the Algerian territory.

This kind of migration has been accelerated by the disabilities of the region, many Arab countries noticed the Arab spring at the same time the ethnic conflict in Mali and poverty in Niger led people to live bad social conditions and a harsh kind of social exclusion. Algeria continued to receive thousands of migrants and sometimes you observe entire families trying to gain their lives by begging in urban areas and mosques. As a sociologist, I notice that this situation forced these families to learn the local language in order to use it in asking people for help mainly some words that have a connotation with Islamic faith.

The Arab revolt and democratic upheavals has accelerated the phenomenon of migration, in the light of the Arab Spring and for the sake of the stability and shared prosperity sought for by Europe, migration should be regarded as the strongest bridge between the two contrasted shores of the Mediterranean.[6] The instability and the harsh of the horror of war and civil conflict of the south has aggravated the social exclusion of millions of people of the south and this provoked a political crisis in the neighboring north countries mainly the European ones. The matter consists

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5 Cf., Moulai Hadj Morad, « Intercontinental disparities and migration » in W.Glatzer (ed.), Rich and Poor, Dordrecht (Pay-Bas): Kluwer Academic Publisher, 2002.

6 Philippe Fargues, Christine Fandrich, « Migration and the Arab Spring » MPC Research report 2012/9, Robert Schuman Centre for Advanced Studies.

how to cope and manage the movement of these people. Just after the revolution started in both countries, Tunisia and Libya became points of departures for boats smuggling scores of migrants and refugees into Italy. Between January and September 2011, 42,807 persons were recorded as entering illegally Italy by sea (most of them disembarked in the Island of Lampedusa[7]. Due to its proximity to the crises in Tunisia and Libya, Italy was in Europe the most exposed to migratory flows. The second refugee crisis triggered by the Arab Spring started in Syria during the summer 2011.

3.   Migration to Europe and hope for social inclusion

The key elements of social inclusion comprise access to social goods and services with appropriate resource allocation across the social contract; empowerment of communities who are skilled and have genuine participation in decision-making structures of society; institutional trust and building democratic governance bodies; and building understanding and bridges between people.[8] Communities and individuals build a sense of belonging and inclusion. Social inclusion is characterized by society's widely shared social experience and active participation, by a broad equality of opportunities and life chances for individuals and by the achievement of a basic level of well-being for all citizens[9]. Social inclusion is based on removing all barriers to individuals' opportunities in the labor market, housing and access to social services. Within an inclusive society, free from forms of exclusion, newcomers can actualize their human and cultural capital to their full potential. In addition, social inclusion facilitates bridging social capital and horizontal ties in a context where diversity is valued and all groups' values are seen as equally important to the society as a whole.

The above description of social inclusion is a kind of characteristics that are well known in the receiving countries of Europe. This situation encourages the people of the south, who are

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7   Ibid.

8   Lund B. 2002, *Understanding State Welfare: Social Justice or Social Exclusion?*, London: Sage.

9   Sen, A 2001, *Development as freedom,* London: Oxford University Press.

forced to leave their home, to reach Europe as it is considered a continent where they can find all the facilities and ways to reach a social inclusion.

Migrants hope to reach a social status in the hosting countries, if we take as an example our country (Algeria), we can easily notice the integration of youth African who managed to get employment in the building sector. They are asked to complete different kind of tasks, the demand of their labor is in increase, as long as the native people they do not want to do certain hard works.

This encourage those migrants to move to the north as they are well informed through social nets and contacts that they can easily get rid from poverty and exclusion when they reach the other part of the Mediterranean sea. At the same time European countries tries to coordinate with humanitarian organizations and other NGO in order to reduce the harm of those refugees and migrants who left their homes and try to settle in Europe.

The main conclusion one may defend is that these refugees and migrants are well informed about possibilities of inclusion and the weight of social policies undertaken by European authorities in favor of those newcomers. They are very informed due their abilities of using new technologies of connections and they can easily benefit from all the reforms launched by European government in order to unsure human rights of all migrants.

This situation encourage people to evade social exclusion in their home countries and benefit from global initiatives when it appears, as it is the case in Europe as a democratic neighbor continent. This encourages those migrants for crossing the Mediterranean Sea hoping to settle and tries to get integrated in an area where social cohesion and social inclusion are possible and defended by different political institutions and associations.

Conclusion:

The treatment of the social exclusion and social inclusion, concerning those youth people of the south, may help us to deepen our sociological analysis. This leads us to retrace the history of this subject in the world, to conclude that sociology as a subject initiated during the 19th century with the appearance of the

industrial revolution in England, and the development of different surveys that were launched by reformists and scholars, hoping to measure the social cost and dilemma of this revolution. In addition, this was very clear in the writings of Karl Marx when he analyses sociological phenomena concerning the working class in Europe.

Due to different variables USA appeared a very fruitful place to renew the subject of sociology when Europe had been affected by the first world war and the USA became an Industrial countries that attracted many immigrants from Europe this immigration lasted as a main subject to be treated sociological and with new methodology based on empirical studies. The polish peasant represent the famous example that treat the problem of acculturation and migration in the USA. This had led the development of different field studies and the foundation of the Chicago school in the USA.

The south and mainly the MENA region and Africa represent another area that we have to think about it and encourage further analysis and studies in order to illustrate that sociology of youth has been reappeared in this region of the Globe. We cannot think about the youth without treating the Arab youth and their role in the upheaval in the Arab world known as the Arab spring. Moreover, poverty, unemployment, wars, discrimination, ethnic conflict, drove to social exclusion and the enlargement of the number of youth who passed to the fringe society in the African countries. These two main problems have accelerated the phenomenon of migration. The density of this latter during the last decade represent the main subject that can be studied by sociologists and try to understand different sociological concepts such as the social exclusion, the social inclusion, the social cohesion etc.

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VIOLENCE AGAINST WOMEN IN TACLOBAN CITY: A CONSTANT DEJA VU

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Abstract

Violence against women is widely recognized as a serious human rights abuse. In the Philippines, it should be a thing of the past, since RA 9262 (VAWC) was enacted thirteen years ago and was intended to address the prevalence of abuses of women and their children by their partners. However, the data show that for the past 13 years, VAWC incidence is continuously increasing and the highest of which was in 2013. Apparently, RA 9262 is not enough as a deterrent to VAWC. When women are abused, their physical, psychosocial, emotional, and economic well-being are affected. What are the factors that push men to commit violence against women? What must be done to minimize if not eradicate this societal problem that impinge on the basic human rights of women? What is the implication of this on RA 9262? Tacloban City which was hardest hit by Super Typhoon Yolanda in 2013 is the locale of this study. This study used in-depth interviews and focus group discussions with abused women who officially reported the crime at the Women's Desk in Tacloban City. Key informant interviews with gender experts and social welfare government officials were also done. Overall results of the study provide a picture why domestic violence against women persists and recommends other programs to address the problem. The government should not stop only at RA 9262. The women's welfare and protection must be at the forefront all the time, since women are as productive with their male counterparts given the opportunity.

1. Introduction

Domestic violence is a major contributor to physical and mental ill health of women and is evident in every society in the world (Kaur, 2010). The United Nations added that violence against women is an obstacle in achieving equality, development and peace. It both violates and impairs the enjoyment by women on their human

rights and fundamental freedoms. In all societies, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. Gradually, violence against women has come to be recognized as a legitimate human rights issue and as significant threat to women's health and wellbeing (Ellsberg and Heise, 2005).

In 1993, the United Nations General Assembly adopted the Declaration on the Elimination of Violence against Women (DEVAW), identifying the subordination of women as a principal cause of domestic violence. It states: "Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men"

According to the World Health Organization (2013), estimated 35 percent of women worldwide have experience either physical and/or sexual intimate partner violence or sexual violence by a non-partner at some point in their lives. However, some national studies recorded up to 70 percent of women have experienced physical and/or sexual violence from an intimate partner in their lifetime.

Even with the available statistics and records, less than 40 percent of the women who experience violence seek help of any sort. Most of the women only seek help to family and friends and a very few look to formal institutions and mechanisms. Less than 10 percent of those women seeking help for experience of violence sought help by appealing to the police (UN Economic and Social Affairs, 2013).

Additionally, at least 119 countries who passed laws on domestic violence, 125 have laws on sexual harassment and 52 countries have laws on marital rape. However, even when laws exist, this does not mean that they are always compliant with international standards and recommendations or implemented.

In 2004, the Philippines passed the Republic Act 9262 or Anti-Violence against Women and their Children Act, in order to value the dignity of women and children and guarantees full respect for human rights. This seeks to address the prevalence of violence against women and children (VAWC) by their intimate partners, which in-

cludes physical, sexual, psychological and economic violence.

Given RA 9262, there is an increase in reported VAW cases. Figure 1 shows the increasing trend according to the Philippine National Police (2013).

VAW Cases Reported to the Philippine National Police 1997-2013
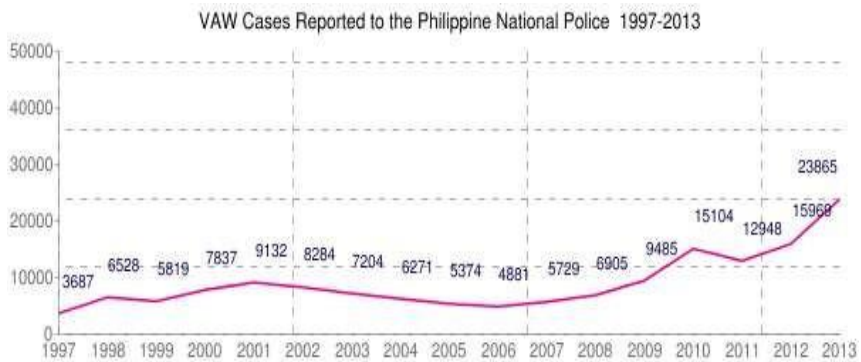
Source: Philippine National Police (2013)

Figure 1

However, in 2013 the number of VAW cases reported to PNP increases by 49.4 percent from 2012 report and it poses an increasing trend after the decrease in 2011. The 2013 report is the highest number of VAW cases since 1997. Consequently, these data were only based from the reports of PNP and there is no conclusive evidence whether there is an increasing or increasing VAW incidence (Philippine Commission for Women, 2016).

Additionally, even when domestic violence laws exist, they may not be always implemented or implemented in ways that help women. There are just some realities that contributes to the vulnerability of women to VAW. These laws are still lacking concrete information to show how extensive VAW in the country, because there are still unreported cases.

Due to increasing cases of violence against women in the country, the study would like to provide a picture why violence against women persists. What are the reasons that push men to commit violence? What must be done to minimize if not eradicate this societal problem that impinge on the basic human rights? What is the implication of these unreported cases on RA 9262?

2. Related Literature

Violence against women and girls is a major health and human rights issue. Worldwide, according to World Bank (1993), it has been estimated that violence against women is as serious a cause of death and incapacity among women of reproductive age as cancer, and a greater cause of ill-health than traffic accidents and malaria combined.

World Health Organization (1993), also added that at least one in five of the world's female population has been physically or sexually abused by a man or men at some time in their life. Many, including pregnant women and young girls, are subject to severe, sustained or repeated attacks.

The abuse of women is effectively condoned in almost every society of the world. Prosecution and conviction of men who beat or rape women or girls is rare when compared to numbers of assaults. Violence therefore operates as a means to maintain and reinforce women's subordination.

As adopted during the United Nations General Assembly in 1993, the Declaration on the Elimination of Violence Against Women, defines VAW as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life" (United Nations, 1994).

Furthermore, it encompasses, but is not limited to: physical, sexual and psychological violence occurring which includes battering, sexual abuse of female children, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women. Non-spousal violence and violence related to exploitation occurring within the general community including rape, sexual abuse, sexual harassment and intimidation is also included in the definition of VAW.

Studies of United Nation (2015) reported 35 percent of women have experienced physical and/or sexual violence by an intimate partner or non-partner at some point in their lives. Experience of violence can lead to long term physical, mental and emotional health problems, and in the most extreme cases, it can lead to death. Furthermore, around 120 million girls worldwide have experienced

force intercourse or other forced sexual acts and the most common perpetrators of sexual violence are current or former husbands, partners or boyfriends.

It was reported that two thirds of victims of intimate partner/ family related homicides are women, while women represent only 20 percent of victims of all cases of homicides. Countries like Australia, Canada, Israel, South Africa and the United States, reported that intimate partner violence accounts between 40 to 70 percent of female murder victims (Krug, et.al, 2002). Additionally, a study in New Delhi also found out that 92 percent of women reported to experience some form of sexual violence in public spaces and 88 percent reported having experienced some form of verbal sexual harassment (including unwelcome comments of a sexual nature, whistling, leering or making obscene gestures).

In the Philippines, the 2008 National Demographic and health Survey (NDHS) revealed that one in five women aged 15 to 49 has experience physical violence since age 15. While 14.4 percent of married women have experience physical abuse from their husbands and more than one third (37 %) of separated or widowed women have experienced physical violence, implying that domestic violence could be the cause for separation or annulment.

In order to lessen these cases, Republic Act 9262 was passed last 2004 to address the prevalence of violence against women and children. And since, 2004, the reported cases have an increasing trend as shown on Figure 2. Moreover, across a ten-year period from 2004 to 2013, average violations of RA 9262 ranked first among the different VAW categories since 2004.
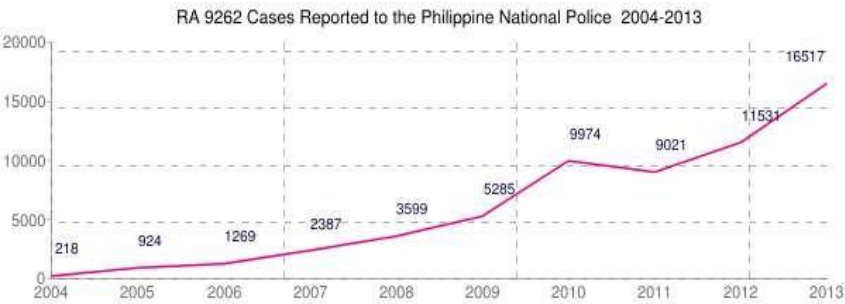
Source: Philippine National Police as cited in Philippine Commission on Women (2014)

Figure 2

The Philippine Commission on Women also added that there is an increasing number of cases under the RA 9262 from 218 in 2004 to 16,517 cases in 2013. Continuous information campaign on the law and its strict implementation may have cause the increasing trend. However, there must be some cases who were not reported because they are silenced and threaten by their partners.
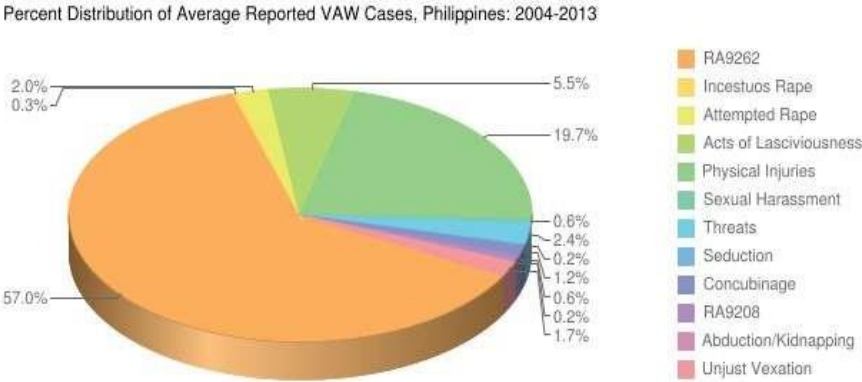
Percent Distribution of Average Reported VAW Cases, Philippines: 2004-2013

Source: Philippine National Police as cited in Philippine Commission on Women (2014)

Figure 3

Furthermore, as seen in Figure 3, more than half reported were average RA 9262 cases and the second highest reported is Physical injury. These cases reported may include wife battering, which may fall under violation of RA 9262 or physical injuries category.

Among the different regions, Region 6 (Western Visayas) posted the highest VAW cases from January to December 2013 with 4,833 reported cases, succeeded by Region 11 (Davao) with 4,411 reported cases, followed by Region 7 (Central Visayas). Autonomous Region of Muslim Mindanao (ARMM) posted the lowest VAW cases with 86 in 2013 (PCW, 2016).

3. Conceptual Framework

Violence against women has been described as a global issue of "epidemic proportions" and considered to be the most widespread and socially tolerated form of human rights violations (WHO, 2013 and UN Population Fund, 2005). It has multiple and multidimensional effects and the common denominator is being gender based (Camarad, 2007). However, before delineating to

individual gender indicators, the role of the society becomes a part of these phenomenon- because violence against women is considered a social problem.

According to Stuart Rice, social indicators are needed to find pathways through the maze of society's interconnection. Given the focus of the study to provide a picture why violence against women persists, individual and social representations, expectations and values should be properly defined and presented.

Based from the individual and social interactions, the researchers used the Ecological model of VAW. According to Casique and Furegato (2006), the ecological model studies factors active in four distinct spheres: individual, family, communication and sociocultural. The model focuses on violence in the interaction among its distinct levels. As discussed above, individual and social indicators are considered to be factors why violence against women is prevalent.

The model also presents that there are superposing causality levels, in which there is not only single determinant but an interaction of operating factors. These causal factors and their interactions need to be known in their distinct contexts cultural environments. Through this, we could identify the fragile points and roads to advance in violence prevention and specific interventions.

The ecological model analyzes the factors influencing people's behavior and factors increasing the probabilities of people turning into victims or perpetrators of violence acts. It has four levels as mentioned in the study of Casique and Furegato (2006), shown in Figure 4.
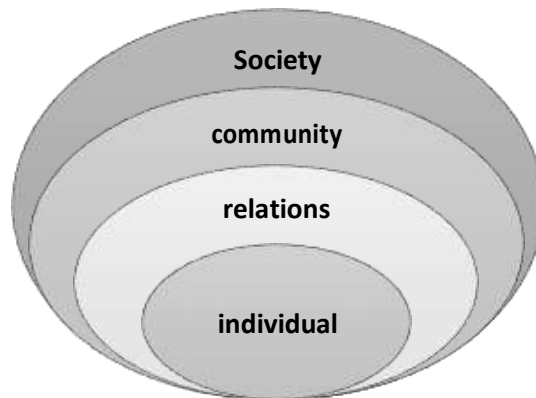
Figure 4. Ecological Model

The first level includes the biological and personal history factors. These comprises the personal and demographic characteristics, antecedents of aggressive or self-devaluation behaviors, mental or personality disorders and substance-related disorders. In the study, the researchers will only consider the self-devaluation behaviors and other personal disorders as presented by the respondents.

The second level presents closer relations, such as those between couples and partners, other family members and friends. It has been observed that these increase the risk, of suffering or perpetrating violent acts. Additionally, having friends who commit or incite violent acts can increase the risk that young people will suffer or execute these actions.

Furthermore, the third level explores the community contexts, where and how social relations are developed in places such as schools, work places and neighborhoods. The risk can be influenced by factors like mobility of the place of residence, population density, high unemployment levels and existence of drug trafficking in the area.

Lastly, the fourth level is directed at general factors, related to the structure of society. These factors contribute to create a climate that incites or inhibits violence, such as possibility of obtaining arms due to social and cultural standards. These include standards such as reaffirming men's dominion over women and having an ineffective police force. This level also includes other facts, such as sanitary, economic, educative and social policies, which contribute to maintain economic or social inequalities among groups.

Using Figure 4 to explain the nature of violence against women, the researchers formulated a conceptual framework that encompasses the role of the support institutions in conceptualizing women empowerment as shown in Figure 5.
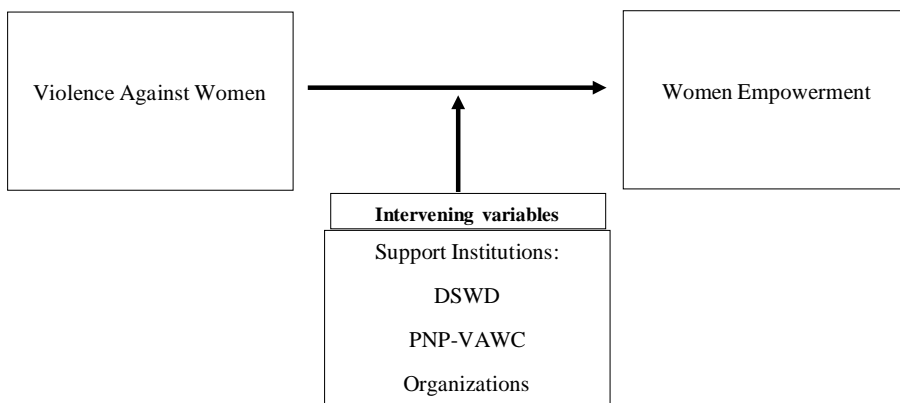
Figure 5. Conceptual Framework of the Study

Through this model, the researchers will be able to create the picture of VAW in Tacloban City and could create a micro-level analysis, in order to understand and recommend possible solutions to lessen and support the women undergoing these cases.

4. Methodology

The research design of the study is qualitative in approach to gain the understanding of the breadth and essence of the issue. Violence against women is considered a very sensitive topic for research specifically on qualitative methods. The aim of qualitative research was to collect the data that make it possible to identify the core points of violence on different level of experiences as well as the existence of different institutions to cope with violence (Chitashvili, 2010) .The following were collected: 1) understanding the concept of violence by women (perceptions and attitudes, experiences and coping strategies), 2) identifying the different institutions that cater the needs of VAW cases and 3) identifying specific features in the city in order to develop policies for combatting VAW.

The qualitative data was collected through in-depth interviews with survivors of VAW and key informant interviews with Prof. Querima Jopson, a Psychology professor handling gender studies in UPV Tacloban College, the President of 5K Empowered Women, representatives from DSWD and an official of Tacloban GAD office.

5. Results and findings

The data from the Phil. National Police (PNP) Tacloban City show that for year 2016, a total of 387 cases were lodged at the PNP office Tacloban City. Majority of the cases was on Physical violence comprising more than 50 percent, followed by psychological abuse recorded at 34.11%. Third in rank was economic abuse with a hare of 5.17 percent of all the reported cases, while rape cases accounted for 1.81 percent, acts of lasciviousness accounted for 1.3 percent and the others (attempted rape, slight physical injury and concubinage have less than 1percent share respectively.

Reporting to the police and pursuing a legal battle (filing a case in court) against the offenders are two separate things. Table 1 also highlights the fact that survivors of Physical violence (17 out 217) complaints, or 7.83 percent filed cases in court. On the other hand, rape victims filed cases and this comprised 57.14 percent. Those women who suffered from economic abuse, 25 percent of them pursued legal action against their oppressors. From all the cases reported, a minimal of 7.5 percent filed legal cases in courts. Refer to Table 1.

Table 1. Reported Cases of VIOLENCE AGAINST WOMEN, 2016 Tacloban City

Cases	No. of Cases Reported	% Distri- bution	No. of Cases Filed	% Distri- bution
Rape	**7**	**1.81**	**4**	**57.14**
Attempted Rape	**1**	**0.26**		
Physical Injury in rel. to RA 9262	217	56.07	17	7.83
Slight Physical Injury	3	0.77		
Psychological Abuse in rel. to RA 9262	132	34.11	1	0.76
Economic Abuse/Non-Support	20	5.17	5	25
Acts of Lasciviousness	5	1.3	2	40
Concubinage	2	0.51		
Total	387	100	29	7.5

With regards to violence against children, there were a total of 218 reported cases in Tacloban Philippine National Police. Physical violence tops the cases with a share of 65.14 percent, followed by psychological abuse with a share of 7.34 percent. Rape and attempted rape constitute 6.42 per cent and 1.37 percent respectively. Unfortunately, out of the 218 reported cases, only 43 or 19.72 percent filed legal cases against the perpetrators. Of these legal cases, all most all of the rape victims filed legal cases.

With regards to the children who suffered physical violence, only 11.27 percent filed cases while those victims of psychological violence and acts of lasciviousness there were 19.04 percent and 37.5 percent were courageous enough to file cases in court. Refer to Table 2.

Table 2. Reported Cases of VIOLENCE AGAINST CHILDREN, 2016 Tacloban City

Cases	No. of Cases Reported	Percentage Distribution	No. of Cases Filed	Percentage Distribution
Rape	14	6.42	13	92.86
Attempted Rape	3	1.37	1	33.33
Sexual Harassment	1	0.46		
Physical Injury	142	65.14	16	11.27
Psychological Abuse	21	9.63	4	19.04
Acts of Lasciviousness	16	7.34	6	37.5
Threats	5	2.3		
Qualified Seduction	3	1.37		

Inducing a Minor	1	0.46		
Child Trafficking	1	0.46	1	100
Bullying	1	0.46		
Unjust Vexation	8	3.67		
Frustrated Homicide	1	0.46	1	100
Frustrated Murder	1	0.46	1	100
Total	218	100	43	19.72

An end to VAWC: Advocacy and education

With the passage of RA 9262 (VAWC) thirteen years ago, one would think that violence against women and children would be a thing of the past, but, unfortunately, it is not. It continuously abuses the women regardless of status and children. Obviously, RA 9262 is not a deterrent to men who oppresses the women and children. Why do men continue to inflict pain on women and children? What must be done to stop or eradicate VAWC?

An interview with the gender advocate shared interesting insights on why violence against women and children continue until today. She said that "It doesn't mean that with RA 9262, men will stop violating women and children"

RA 9262 is not a sufficient condition because "the pervasive culture that men are superior and women are subordinate" This continue to permeate our society plus the "socialization done to children at homes are other reasons why violence against women and children is sustained."

To eradicate violence against women and children the following must be done ": One way of changing the culture, how behavior is changed is through education, awareness campaign and advocacy. We have to reach out to a lot of people and impart on them how to be gender fair."

Another gender champion from Tacloban City, a gender

focal person has this view on how violence will be eradicated." An awareness of the vast majority on a lot of issues related to violence against women and children is necessary. We have to reach out to a lot of individuals especially the males. An then if awareness is already widespread, then support services should be made available. Support service like psychological support, legal support, economic and financial support, a half-way house or a temporary shelter. With these support, abused women or women who are in an abusive relationship will not hesitate to come out and will be encouraged to file formal complaint.

One of their awareness program is a massive campaign called KATROPA (Kalalakihan tapat sa responsabilidad at Obligasyon para sa ina at pamilya) Men that take on responsibility and obligation for the mother and the family. This program is aimed to change the mindset of the men, where men are being oriented as partners of women.

Another program which the city is implementing for awareness is Men's responsibility on gender and Development (MRGAD). This refers to men's' responsibility on Family Planning, Men's responsibility on STI, HIV and Aids and men's; responsibility on reproductive health. There are 138 barangays in Tacloban City, and their objective is to cover these barangays for these various campaign ad advocacy.

Violence, Support **and empowerment**

An interview with a VAW survivor, she opines that with her experience as an economically abused wife, she became empowered. She is the President of an organization called "5K Empowered women. And a member of Tacloban City Council of women. The 5k empowered women has 20 members, women with varied socio-demographic backgrounds but they have a commonality as survivors as a battered wife, rape, economic and psychological abuse.

Her empowerment was due to the assistance of the Shelter Program in Tacloban City, where abused women and children can temporarily seek accommodation. At the same time, with the support from Department of Social Work and Development

(DSWD), and the Public Attorney's Office (PAO) she was able to file a case against her husband. According to her, women should be determined and decisive when it comes to battling in whatever form of violence. She said that men will continue to inflict violence against women if and only if women are just willing to be victims. Some women are dependent on their partners, some women are faint hearted, and some women are afraid so they cannot exit from their oppressive relationship or marital condition.

How to empower women? She suggested a lot of things, foremost of which is education. There should be massive advocacy about the ill effects of VAWC and the options made available to women who are victimized. Women victims must be informed that there is an alternative from being a battered wife, and there is an outside and better world, and freedom from economic and psychological abuse. The Shelter Program is a big help for women. When women are financially challenged such that they cannot afford to pay legal fees, they can avail of a free service of PAO office.

While VAWC desks are available in every barangay in the city, those manning the desks need to be trained as well. Mostly they are not good motivators or they don't have the skill in giving proper advice on what to do when women complain.

Women empowerment should be sustained. It should not come to the fore only during women's month celebration when there a lot activities and media mileage. Gender sensitivity trainings (GST) must be a continuous program since boys would grow up to be future partners, husband, brother, uncles, neighbors or friend.

Another VAW survivor shared that at an early age, she got married. With low education and low access in the labor market, she was totally dependent to her husband. She suffered the feeling of being powerless and being a blind follower (sunod-sunoran) to her husband for so long that she wanted to be free from their marriage. She has been to a lot places because wherever her husband was assigned, she has to go with him. She was economically abused. She could not decide for herself. But in the earlier years, VAWC was unheard yet, so she simply went on with her life with her

husband until she got sick.

What was the turning point of her life? She did not leave her husband but what transformed her was a counselling from a friend and her faith in God. From then on, she was able to developed self-confidence and she realized that, her being dependent on her husband economically and in decision making, should end.

She said that being in an abusive relation is a choice, and it should be decided by the individual. As of today, she is already an empowered woman, and she is a member too of Tacloban City Council of Women. According to her, one need not separate from one's husband. What is important is the woman should be determined to be free, to be confident and think what is best for herself and her children.

Practically all of the VAW survivors are empowered women due to the fact that they have chosen to fight and confront their abusive partners in courts. Thus, those that were economically abused were able to gain monetary support, one was able to get a share in their conjugal properties. On the other hand, those that were physically abused gained temporary protection order. They have a common voice that violence will end because they have all the rights and might to do so. The following is quote from Eleanor Roosevelt which aptly fittingly describe an empowered woman is: "A woman is like a tea bag – you never know how strong she is until she gets in hot water."

6. Conclusion and Recommendations

The violence against women and children continue to happen because women are just willing to be victims. It will stop only if women choose to decide to end such abuses with courage and determination. It is a personal decision. However, such personal decision to come out and file out cases will be hastened when help and support services are made available to them. Services such as temporary shelter, counselling, police protection, legal services, livelihood programs, livelihood trainings and the like should be accessible to them. These are services that push women to be free and independent. Having faith in God and themselves and with sheer confidence that being an abused woman is just a temporary

state, then women empowerment will be achieved.

This study recommends too that gender sensitivity trainings, education, advocacies related to gender issues, VAWC in schools, in communities and in families should be sustained. All barangays must be covered so that the awareness and understanding of VAWC is widespread. The presence as well of support services must be widely disseminated so that VAWC victims have informed choice in making decisions. Women empowerment makes a lot of difference to the lives of abused women. Women are productive members of the society and they should be given a chance to participate fully in all spheres of economic life. They have to be free from the shackles of insubordination, fear and hopelessness.

To quote Emma Watson, she thinks that "women are scared of feeling powerful and strong and brave sometimes. There's nothing wrong with being afraid. It's not the absence of fear, it's overcoming it and sometimes you just have to blast through and have faith."

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THE EXISTENCE OF SAME-SEX MARRIAGE IN THE PERSPECTIVE OF HUMAN RIGHT AND LEGAL IN INDONESIA

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Abstract

Same-sex marriage has not been regulated in state law in Indonesia, but their existence as citizens is not distinguished from other citizens, such as the right to life, the right to work, the right to use political rights, the right to education, the right to economic. Does it have equal rights in the field of marriage? The research method used in the form of normative legal research and empirical law research with legal, analytic, case, and legal anthropology approach. Data were analyzed using hermenetic and qualitative techniques. Marriage in customary law and state law can only be made between a man and a woman who in Balinese customary law is known as *purusa* and *predana*, since the main purpose of marriage is to continue the generation which according to Balinese customary law is called *suputra*. Marriage is religious, sociological and juridical. Therefore, for parties who are only interested in sex of the same kind have to make sex choice as part of human rights when going to marriage, so also sociologically reflect as husband and wife partner and juridically prove through various documents existence of choice of sex.

1. Background

One of the most fundamental rights of human is the right to marry. The institution of marriage is a legalization for the humanity of different sex to conduct a relationship like husband and wife with the aim of obtaining offspring. In the view of religious law, the institution of marriage is a means for its people to purify and

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validate the biological relationship between a man and a woman as husband and wife.

In Indonesia, prior to the establishment of Act No. 1 of 1974 on Marriage, marriage problems from the Indonesian people become matters of customary law and religious law of the people concerned. This condition is very relevant to the theory of Receptio in Complexu by Van den Berg which states, that as long as has not been proven otherwise, then the indigenous law is to follow his religion, then if embraced religion must also follow the religious laws faithfully. Or in other words, the customary law of society is the reception or acceptance of the whole religious law of the people concerned. [2]

In Article 1 of Act Number 1 Year 1974 regarding Marriage is formulated that:

Marriage is a bond of birth and mind between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Supreme Godhead.

This article clearly shows the meaning of the basic bond between man and woman as husband and wife is the law of religion and belief,that is reinforced through the provision of Article 2 Paragraph (1) of Law no. 1 of 1974 which formulates:

Marriage is legal if done according to their respective religions and beliefs.

So religious law is a tool to legalize marriage. Establishment of the recognition of religious law in marriage legislation indicates that Law No.1 of 1974 has a function as a social control, namely to establish and strengthen the religious norms of Indonesian society pluralism nationally within the framework of Republic of Indonesia (NKRI). It is relevant to what Roescoe Pound puts forward, that there are two functions of law, namely law as social control and law as social engineering. [3] In its development the function of law should be improved in order to play the role as an instrument to maintain and strengthen the integration of the nation

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2   Surojo Wignjodipuro, 1979, *Pengantar dan Azas-azas Hukum Adat*, Edisi III, Alumni, Bandung, hal. 22.

3   Roescoe Pound, *Pengantar Filsafat*, Terjem.Mohammad Radjab, Cetakan Ketiga, BhataraKarya Aksara, Jakarta, hal. 10.

in a multicultural society. [4]

Marriage is one of the fundamental rights of human beings to be able to develop its generation, which is affirmed in the provisions of Article 10 of Law No. 39 of 1999 on Human Rights which formulates:

(1) Everyone has the right to form a family and continue the offspring through legitimate marriage.

(2) Legitimate marriages can only take place at the free will of the prospective husband and the future wife, in accordance with the provisions of the legislation.

The basic philosophy of the establishment of Act No.39 year 1999 is to recognize the implementation of the basic human rights which are owned by nature and its protection by the state when there is a violation. Humans as God's creatures bear the task of managing and maintaining the universe responsibly for the welfare of mankind, ensuring the existence of dignity and dignity of its own glory and harmony of its environment. In addition to human rights, human beings also have basic duties between humans against each other and the community as a whole in the life of society, nation, and state. Therefore, between rights and obligations is an inseparable value of antinomy, but it is in balance.

The right to form families to continue their offspring through marriage as one of the basic rights of human beings is often misrepresented by a group of people, especially gay and lesby groups in the struggle for their basic rights. According to them human rights are translated as "freedom of rights" according to individual taste and will and irrespective of obligation to comply with other norms. It means marriage is the right of everyone without any conditions, provided, when there is "love". So marriage between people of the same sex is considered to be a part of human rights that should not be prohibited. In reality, every region still considers that same-sex marriage is a forbidden act and is not justified by

4   Nyoman Nurjaya. 2006. *Pengelolaan Sumber Daya Alam dalam Perspektif Antropolo-gi Hukum*, Cetakan I. Kerjasama Progran Magister Ilmu Hukum Program Pascasarjana Unibraw, ARENA HUKUM Majalah Fakultas Hukum Universitas Brawijaya dengan Penerbit Universitas Negeri Malang (UM PRESS. Malang). Hal. 2.

religious law. So the existence of similar marriages in Indonesia will be examined from the aspects of state law, customary law, and human rights law.

2. Methods of Research

This writing uses normative research methods, because it is considered there is duplication of norms in the development of community culture in global development. Normative legal research is matched by research using only secondary data.[5] This writing uses a constitution approach, concept approach.[6] It also used analytic approach and case approach.[7] The data used are secondary data called legal materials, whether in the form of primary legal materials, such as the 1945 Constitution of Republic of Indonesia, Act no. 39 of 1999, Awig-Awig (traditional Law), and secondary law material in the form of reading material in the form of books and other scientific papers.

Secondary data in the form of legal materials is then analyzed by hermeneutical technique means searching for meaning and formulating it by giving interpretation of the text into objects to be interpreted, an understanding of a particular historical and sociological background to the problems that surround it, and in the context of space and time. [8]

The hermeneutic paradigm in law science, which Jazim Hamidi called hermeneutic of law states that:

In relation to the hermeneutics of law as the philosophical teaching of its essence on the matter of understanding / understanding something, or an interpretation of the text. The word "texts" can mean: legal texts, legal events, legal facts, official documents of the country, ancient texts, holy scriptures, holy judgments of jurists (doctrines) In the frame of relevance between

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5   Ronny Hanitijo Soemitro. 1983. *Metodologi Penelitian Hukum*. Cetakan Pertama. Ghalia Indonesia. Jakarta. Hal. 9.

6   Peter Mahmud Marzuki, 2005. *Penelitian Hukum*. Cetakan I. Fajar Interpratama. Surabaya. hal. 93.

7   Johnny Ibrahim. 2006. *Teori & Metodologi Penelitian Hukum Normatif*. Edisi Revisi. Cetakan Kedua. Bayumedia Publishing, Malang Jawa Timur. Hal. 98.

8   Johnny Ibrahim. 2006. *Op.cit*. Hal. 102.

text, context, and contextualization. [9]:

Earl Babbie mentions the development of hermeneutics as follows:

> "Jurgen Habermas *and others have adapted the process of hermeneutics, which originally referred to the interpretation of religius texts, to the understanding of social life. As used in the social sciensces, hermeneutics aim at understanding the process of understanding. Whereas the interpretativist seeks to discover how the subject interprets his or her experience of life, the hermeneuticst is more interested in the interpretivist's process of discovery"*.[10] The meaning of hermeneutics in accordance to Habernas initially refers to the interpretation on holy bibles to the understanding on social life. In Social Science hermeneutics is used to direct to the process of understanding. Then to the interpretation to discover the meaning on their life experience, hermeneutics is more interested in the process of interpretation to a new findings")

The above analysis is also accompanied by case law analysis,[11] meaning to look at the characteristics of each case to be sought legal meaning through hermeneutical methods in relation to each problem to be analyzed.

3. Discussion

(1) Same-Sex Marriage in the Perspective of State Law

The said State Law is a legislation established by the competent institution, namely the Legislature (DPR) with the Executive (President) as defined in Article 20 of the 1945 Constitution of Republic of Indonesia. Human Rights is a set of rights attached to the nature and existence of human beings as The Creator of the Almighty God and His grace which must be respected, upheld and protected by the state, law, Government, and every person for the honor and protection of human dignity and prestige. Thus affirmed in Article 1 number 1 of Law no. No. 39 Year 1999 on Human Rights.

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9   Jazim Hamidi. 2005. *Hermeneutika Hukum, Teori Penemuan Hukum Baru dengan Interpretasi Teks*, Cetakan Pertama. UII Press. Yogyakarta. Hal. 45.

10 Earl Babbie. 1999. *The Basics of Social Research*. Wadsworth Publishing Company. Amerika. P. 260.

11 Edmund M.A. Kwaw. 1992. *The Guide to Analisys, Legal Methodology and Legal Writing*. Emond Montgomery Publicatfons Limited. Canada. P. 93.

One of human rights is the right to form a family through marriage in an attempt to legitimately continue its generation.

Naturally two humans of different sexes, a woman and a man, have the power to attract one another to live together. However, it should not be interpreted always in the context of intercourse, but can be recognized as a motivating factor to live together for the purpose of getting offspring or simply fulfilling lust. [12] This collective life is very important in society. The closest result is that by living together between these two humana they simply isolate themselves from other members of the community as new partners, and when their offspring become a separate family.

Marriage is conceived as a legitimate connection between a man and a woman for a long time. [13] In Article 26 Bergerlijk Wetboek (Book of Civil Law) ever applied in Indonesia, marriage is considered only as an act of civility, meaning that rules according to religion were not important as long as it was not regulated in a civil law relationship. So marriage was only viewed as a legal institution and was not dependent on the views of the future of a husband and wife. Therefore for the validity of a marriage is performed by a civil registry officer (Bergerlik Stand) after fulfilling the conditions prescribed by the Act.

Bergerlijk Wetboek does not formulate the concept of marriage, but Sholten gives marriage formulation as a legal relationship between a man and a woman to live together eternally, which is recognized by the country. [14]

With the enactment of Law no. 1 of 1974 concerning Marriage, all regulations in the Burgerlijk Wetboek, Huwelijks Ordonantie Christen Indonesiaers: 1933-74, Regeling op de Gemeng de Huwelijken S. 1898-158, shall be declared null and void as provided for in this Law.:

In Article 1 of Act No. 1 Year 1974 mentioned:.

12 Wirjono Projodikoro,1984, *Hukum Perkawinan di Indonesia*, Cetakan Kedelapan, sumur Bandung, Jakarta, hal. 7.

13 Subekti, 1982, *Pokok-Pokok Hukum Perdata*, Cetakan XVI, Penerbit Intermasa, Jakarta, hal. 23.

14 R. Soetojo Prawirohamidjojo dan Asis afioedin, 1986, *Hukum Orang dan Hukum Keluarga*, Cetakan V, Alumni, Bandung, hal. 13.

Marriage is the inner bond between a man and a woman as a husband and wife with the aim of forming a happy, everlasting family or household based on the One Supreme Godhead.

How is the link between Act No. 1 of 1974 and Act no. 39 of 1999 in global development in observing the concept of "freedom of right" for every individual to do marriage, especially for potential couples who have sex (sex)? Historically there were some marriage rules that have been in effect before the enactment of Act No. 1 of 1974.

In Burgerlijk Wetboek determined, that to be able to make a marriage must meet the requirements, namely:

1. The two parties have reached the age set by the law, that is, for a man already 18 years of age, while for a woman is 15 years old;
2. There is no prohibition in the law for both parties, such as not being bound by marriage to another party, there is a close relationship of blood from both straight and upward;
3. For a woman who has been married within 300 days of her marriage;
4. For an underaged, there must be a consent from the parent or guardian;
5. There is a agreement of being free from both parties;

After the enactment of Act no. 1 Year 1974, then the parties who will marry must meet the following conditions:

1. Based on the agreement of both parties
2. For those who have not reached the age of 21 years, must get a permit from their parents. In such circumstances a permit may be granted by the guardian, one of the surviving parent, or the Court;
3. The man has reached the age of 19 (nineteen) years, and the woman has reached the age of 16 years. The deviation can be done by dispensation by the Court;
4. The parties have no blood relation in a straight line up or down, related to semenda, dairy relationships, relationships

with aunts, nephews, and who have a religious relationship prohibited to mate;

5. Not being bound by marriage with others;
6. For divorced women, there is a waiting time to marriage again.
7. Not as a former husband or wife for a second marriage.

Observing the laws of marriage, and some doctrines, concepts and analytic approaches can be analyzed, that marriage on the one hand is one of the basic rights of man, meaning that each person is naturally entitled to build a household in order to sustain his descendants. In exercising this fundamental right, the parties are also free to determine their spouses normatively defined as "the parties' consent," meaning that no one can intervene in "agreement" as the fundamental right of every human being in determining his spouse. It must be understood, however, that the misguided interpretation of "consent" as freedom in the context of the basic right can be mistaken in thinking if it is not combined with its legal norms as the basic guidelines of society and state as a unified system.

Conceptually it has been formulated that marriage is a form of bonding as an agreement between "a man" and a woman "to form a family with the aim of continuing the family. Thus the essence of the meaning of the concept of formulation, that the institution of marriage becomes a tool (tool) for "men" and "women" to develop their families or their relatives through a biological relationship that can be justified juridically, philosophically, and sociologically.

In conducting marriage as freedom and basic human rights, the State establishes the juridical requirements in the Law of marriage to be guided by every state with the goal of creating social order and ensuring legal certainty, justice, and expediency.

The law by Van Kant is in charge of ensuring the legal certainty (*rechtszekerheid*) in human relationships. This means that the law guarantees the right to one party to the other. In addition there is no duplication between the rule of law which one with the rule of law other, and do not have other interpretations. [15] Legal certainty

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15 E. Utrecht, 1959, Pengantar Dalam Hukum Indonesia, Cetakan ke enam, Penerbitan

can be conceived as a legal instrument of a country that is able to guarantee the rights and obligations of every citizen. [16] On the other hand, Jan Michiel Otto revealed that there is little "real legal certainty" or legal certainty of juridic who in certain situations fulfills several indicators, namely:

1. There are clear legal rules (clear), consistent and accessible, published by or acknowledged because of (power) state;
2. The governmental authorities apply the rules of the law consistently and also subject to and obey them;
3. Most citizens principally adapt their behavior to those rules;
4. The judges (judges) who are independent and impartial take the law's rules consistently as they resolve the legal cruelty;
5. Concrete judicial decisions are implemented.[17]

With the clarity of marriage arrangements in the state legislation both in Bergerlijk Wetboek and Act no. 1 of 1974, there is already a guarantee of legal certainty in relation to the meaning of freedom as a basic human right in carrying out its marriage, so that there is no violation of human rights that have been echoed by gay and lesbian in Indonesia and other countries. In addition, there is no reason to make interpretations other than to pay attention to the relationship between chapter one with the other as a whole harmony.

Currently it is recognized there are some countries that have legalized marriage between sexes, such as: Netherlands, Canada, Sweden, Belgium, and Spain that can be watched through Youtube accessed on 20 May 2017 for various reasons. This condition is not necessarily must be copied and paste by other countries, such as Indonesia which is always said Gay and Lesby because every

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dan Balai Buku "Ichtiar", Djakarta, hal. 25.

16 E. Fernando M. Manullang, 2007, *Menggapai Hukum Berkeadilan*, Penerbit Buku Kompas, Jakarta, hal. 91.

17 Jan Michiel Otto, 2003, *Reele rechtszakerheid in ontewikkellingslanden*, terjem. Trsitam Moeliono: Kepastian Hukum yang Nyata di Negara Berkembang, Cetakan Pertama, Komisi Hukum Nasional Republik Indonesia (KHN-RI), Jakarta, hal. 5.

country has a very different culture as the identity of the nation..

The Marriage Law in Indonesia in the perspective of justice can be declared to have fulfilled the requirements of justice, because it has guaranteed the freedom for everyone to form a family that has also been clearly defined the requirements. It is relevant to Aristotle's justice that states that justice is a virtue related to human relationships. [18] The word fair according to him contains more than one meaning. Fairness can mean according to law, and what is comparable, that is supposed. People who ignore the law are also unfair, because all things based on the law can be regarded as fair.[19]

In the perspective of justice the term freedom to form the family as part of human rights must follow the norms of law that apply as part of the fundamental obligation with the aim of creating order and peace in the community. Legal norms only allow for different sex parties, between "a man and a woman" as husband and wife to form an eternal and happy family through marriage. And the essence of marriage is to continue the generation as a descendant, so that the concerned family is not extinct. Therefore, in the logic of the law, it is impossible for a hereditary to be born of a similar marriage, whether between a fellow man or a fellow woman. Which conditions can be expressed against nature's nature or deviant behavior.

In the perspective of Utilitarianism or Bentham Utilism which excites the benefit as the main purpose of law. Utilization is defined as happiness. So whether bad or fair is a law, depends on whether the law gives happiness to man or not. This happiness should be perceived by every individual. But if it is not possible (and certainly impossible), it is attempted that the happiness be blessed by as many individuals as possible in the society (the greatest happiness for the greatest number of people). [20] So the benefits of a marriage are heredity, not sexual gratification. Therefore the formulation

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18 Darji Darmodiharjo dan Shidarta. 1996. *Pokok-Pokok Filsafat Hukum, Apa dan Bagaimana Filsafat Hukum Indonesia.* Edisi Revisi. Cetakan Kedua. PT. Gramedia Pustaka Utama. Jakarta., hal..154.

19 *Ibid.*

20 *Ibid*, hal. 116.

of the articles in Law no. 1 year 1974 systematically indicates that marriage can only be done by a man with a woman and is not a violation of human rights.

(2) Same-Sex Marriage in the Perspective of Customary Law
At the conclusion of Seminar on Customary Law and National Law Development in Yogyakarta 15-17 January 1975, it was formulated that customary law as the law of indigenous Indonesian nation not written in the form of legislation of Republic of Indonesia which here contains religious element. [21]

Taking into account the formulation of customary law indicates that customary law is unwritten as a reception of the religious law of its people. As in Bali the customary law known as *Awig-Awig* is a reception of Hinduism, meaning Hindu customs and religion in Bali are different, but inseparable, because in every customary activity is accompanied by religious ceremonies. Conversely, in every religious activity enlivened and supported by custom.

Marriage in customary law is seen as a communal religious act. Similarly Bali sees marriage as a "holy" act so that to legalize it is done by religious law (Hindu). Concerning the concept, the terms and procedures are regulated in *Awig-Awig* of customary village. As in Article 68 *Awig-Awig* (traditional Law) Sidakarya customary village, Denpasar mentions:
  (1) The implementation of the marriage which is considered proper / true in Sidakarya customary village is the bond of men and women on the basis of unity of soul and love the same love and based on tri ceremony of trials, that is carried out with religious ceremony, witnessed by *banjar* and family, and spirit of the ancestors.
  (2) Based on free will
  (3) Following the terms and procedures as stipulated in Act No. 1 year 1974

A similar formula is also found in *Awig Awig* Gelgel customary

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21 Soleman B. Taneko 1987. *Hukum Adat Suatu Pengantar Awal dan Prediksi Masa Mendatang*. Eresco, Bandung, hal. 23.

village Klungkung arranged in Article 25. So from the formulation of *Awig-Awig* of customary village it can be concluded that the marriage which is considered proper is if done by a man and a woman who is constituted by love and free will and not based on the will of parents' marriage and also not contradictory to Law No.1 of 1974. Therefore, *awig-awig* of customary village also does not justify and refuse same-sex marriage.

(3) Case Analysis

There are several interesting cases to analyze: First, marriage between Heniyati age 25 years, resident of Dukuh / Desa Pengkol, Kecamatan Karanggedhe, Boyolali with M Effendi Saputra 40 years old, turned out to be a woman with falsified identity as man, because Original Identity Card (KTP) of Effendi known named Suwarti. The case was handled by the police in Polres Boyolali.

Second, Marriage in Pekanbaru between D who uses false identity as a man married a woman in initial RE on April 7, 2016 ago. But RE does not know if the prospective husband was a woman. This is because his posture and voice are exactly the real guy. So on April 7 it was held a Kabul permit in KUA (The Office of Religion Affairs) Rengat. But recently the KUA (The Office of Religion Affairs) get news that the groom is a woman. The suspicion was added again because D did not want to give the latest photo to be paired with marriage book. Then after being traced the truth was right, that D was a woman. Finally the KUA (The Office of Religion Affairs) Rengat party canceled the marriage because it did not meet the Islamic Shari'a. In this case it is suspected that there are temporary officer on registration service office which help to fudge ID card and Family Card who are charged and currently has been determined as a suspect.

Mayor of Bandung Ridwan Kamil, had said not to question the lesbian, gay, bisexual, and transgender (LGBT) as long as it entered the private sphere or personal. But he will take firm steps if LGBT exists in the public sphere and campaigns. In the middle of LGBT rejection action in Bandung City Hall, Mashun Sofyan as coordinator of Youth and Youth Bandung Youth Alliance Action Reject LGBT criticize the statement. "The mayor should reject all

LGBT activities, not just in private terms," said Mashun. According to him, the man who is familiarly called Emil is likely to carry freedom in the name of human rights (HAM). So LGBT activities are not at issue as long as it is done in secret. "He may be in the name of freedom of human rights, but LGBT is clearly against Islam, we want the mayor to reject LGBT with his activities," said Mashun.

He said LGBT has existed for a long time in Indonesia. But lately LGBT became rampant because of the parties who breathed freedom of human rights. "It means that LGBT and its activities do not stand alone, there are figures who support with the mode of freedom of human rights adopted from the West, it should be removed," said Mashun. The idea of freedom of human rights which has been echoed by some parties has made human actions become corrupt and far from religion, one of which encourages someone to become LGBT.

The existence of several cases of same-sex marriage in some areas in Indonesia can not be interpreted that the same-sex marriage is legal though it has condecuted a wedding ceremony like an ordinary marriage,. In fact, the wedding ceremonu cam be undertaken due to one of the party falsify his/her identity, that is the party who uses male identity which actually biologically is a female The falsification of identity does not seem last long, as a woman as a normal wife definitely will suspicious when when a husband always refuse when asking to conduct a sexual intercourse. The people in the community in fact will be stormy when the fake identity of the husband is revealed. The legal consequences of the husband which falsify the identity is set tobe a suspect.

In the persepective of state law and customary law, same-sex marriage can not be legalized as it against the nature, means that the marriage has a holy goal to form a happy and eternal family based on the Almighty God. This goal can only be undertaken by **a male** and **a female** to have a baby as their. So people can develop only through marriage institution. Meanwhile the freedom which is embraced by the LGBT people is against with the meaning of freedom in Act of Human Right, the Act of marriage and Customary Law in Customary Villages in Bali, because the meaning of freedom which is said is in determining a mate as husband and wife which

is free from intervence of any party. So the freedom as human right which is conducted in accordance withj the basic obligation to obey to any state regulations and customary law of the society as original law of Indonesia. This is the justice which give the benefits to most of of the society, that is in accordance with the culture of People in Indonesia that guarantees common order.

4. Conclusion and Recommendation

Same–Sex marriage is an international issue and in several coutries such as Dutch, Belgium, and Spain had legalized the existence in accordace to their own culture, but in Indonesia same-sex marriage is not accepted its existence in the law and human right perspective, means that the same-sex marriage can not be legalized, because the marriage can be undertaken by a man and a woman in accordance to religion law and believes and also recorded in accordance to the provisions of the regulations From the legal assurance aspect, there is no contradiction or duplication between the Act No. 1 year 1974 om Marriage with the Act No. 39 year 1999 on Human Right, thus also with the customary law as the reflection of the culture like *Awig-Awig* (traditional law) in Bali.

Considering this condition, it can be recommended that it is not necessary conducted antinomy between same-sex marriage with human right in Indonesia, because in understanding the regulations canm is not undertaken partially and piece by piece. Thus also it is not necessary to conduct an attempt to bang between Marriage Act with Human Right Act. And in interpreting freedom as Basic Right can not disown with the basic obligation. So the same-sex marriage should be analysed comprehensively from several different science, norm, and concept to be able to become foundation for the state in maintaining the legal assurance of the regulations which have been formed by the state through its tools.

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MINDFULNESS, EMOTIONAL SELF-REGULATION, AND PSYCHOLOGICAL WELL-BEING OF FOREIGN STUDENTS AT ADVENTIST UNIVERSITY OF THE PHILIPPINES AND CAVITE STATE UNIVERSITY

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Abstract

Empirical studies have examined the construct of mindfulness for almost forty years, during which a conceptual definition of mindfulness has been continuously revised and clarified. As the concept of mindfulness was gradually introduced into the realm of western science, research methodology and scientific discovery has defrayed the myths many of which associated mindfulness with religious beliefs and a capacity attainable only by certain people. However, mindfulness is now widely considered to be an inherent quality of human consciousness. This capacity of attention and awareness oriented to the present moment varies in degree within and between individuals and can be assessed empirically and independent of religious, spiritual, or cultural beliefs. A descriptive correlational research design was used, while the Five Facets of Mindfulness Questionnaire (FFMQ, Baer et al., 2004), the Self-Regulation Inventory (SRI-25; Ibanez et al., 2005), and scales of psychological well-being (Ryff, 1989) were used in the study. The statistical treatment applied was mean, frequency, standard deviation, and Spearman rank order correlation. Research findings showed that participants had a moderate level of mindfulness and high level of emotional self-regulation, which helped them to ameliorate their psychological well-being. The study also showed that there was a significant relationship between mindfulness, self-regulation and the psychological well-being of participants. However, it was recommended that participants improve their mindfulness level in order to balance their psychological

well-being from marginal to high level which would help them to control their emotions.

Introduction

Following the complexity of university challenges, such as academic workload, finance, examinations, and family economic instability, unemployment, societal insecurity, and limited resources of a nation, students are subjected to stress which threatens their psychological well-being. Hence, students' strong awareness of mindfulness and emotional self-regulation could benefit them in reducing the impact of stress, negative thinking and feelings, thereby improving their psychological well-being. According to Keng, Smoski, and Robins, (2011) mindfulness is the ability to focus one's attention on present-moment experience, releasing worries about the future and regrets about the past, which has been shown to produce a host of benefits for both physical and mental health.

Further, Chambers, Gullone, & Allen, (2009) and Dekeyser, Raes, Leijssen, Leysen, & Dewulf, (2008) found mindfulness to be positively related to relationship satisfaction, clarity of emotional states, and enhanced mood repair, and negatively associated with rumination, social anxiety, and psychological distress. In addition, studies on non-clinical populations show that mindfulness increases self-compassion, positive affection, well-being and quality of life and reduces negative emotions, rumination, stress symptoms, anxiety, somatization, aggression and avoidance behavior (Shapiro et al., 2008).

Another pivotal variable for this study is emotional self-regulation. Behaviorally, according to Carlson (2014) emotional self-regulation is the ability to act in one's long-term best interest consistent with a person's deepest values. In addition, emotional self-regulation or regulation of emotion is the ability to respond to the ongoing demands of experience with the range of emotions in a manner that is socially tolerable and sufficiently flexible to permit spontaneous reactions as well as the ability to delay spontaneous

reactions as needed (Cole, Michel, & Teti, 1994).

On the contrary, emotional dysregulationdeals with difficulties in controlling the influence of emotional arousal on the organization and quality of thoughts, actions, and interactions (Zeman, Cassano, Perry-Parrish, Stegall, 2006). This implies that students who are emotionally dysregulated would exhibit patterns of responding in which there is an incongruity between their goals, responses, and/ or modes of expression, and the demands of the social environment (Zeman, et al., 2006). However, Brown et al. (2003) suggested that it's common for people to neglect the relevance of consciousness in human well-being.

Furthermore, psychological well-being is a concept that has been considered into two theoretical dimensions, happiness (hedonic) perspective, and effective functioning (eudaimonic) perspective. Moreover, behaviors and cognition indicative of a hedonic approach may actually be detrimental to well-being. For example, sensation-seeking has been associated with a number of negative outcomes, including substance use (Carrol and Zuckerman 1977) and risky behaviors (Zuckerman 2009).

However, that eudaimonic approaches may be relatively more important for well-being than hedonic approaches. For example, Steger, Kawabata, Shimai, and Otake (2008) found out that daily eudaimonic activity was robustly associated with well-being than behaviors aimed at experiencing pleasure or obtaining material goods (Steger et al. 2008).

Moreover, according to Chio and Leroy (2015) many researches has been performed in educational psychology on self-regulation but the studies about relationship between self-regulation and psychological well-being were limited. These little researches insist more on positive effect of self-regulation on some of mental health aspects such as attention disorder (Reid, Troit and Shartez, 2005), self-autonomy (Ryan and Deci, 2006,) and impulse control (March, Stingels & Gerbert, 2009) (as quoted by Tavakolizadeh, 2008). In addition, Brown & Ryan, (2003), Garland *et al.*, 2009 and Grant *et al.*, 2004) suggested that since the vast majority of research on mindfulness has been undertaken almost exclusively with a White Western population, it is not yet known whether the results from

previous studies could be generalized to people from other cultural traditions.

Therefore, the objective of this study was to address the gap in the literature by focusing on the interrelation of mindfulness, emotional self-regulation, and psychological well-being of the participants and to determine if there is any significant relationship between mindfulness, emotional self-regulation and psychological well-being of the participants.

The study was specifically guided by the following research questions:

1. What is the socio-demographic profile of the participants in terms of:
   a. age;
   b. sex;
   c. academic year level;
   d. nationality; and
   e. parental estimated monthly income?
2. What is the perceived mindfulness level of the participants in terms of:
   a. observing;
   b. describing;
   c. acting;
   d. non-judging; and
   e. non-reactivity?
3. What is the perceived emotional self-regulation response level of the participants in terms of:
   a. positive actions;
   b. controllability;
   c. expression of feeling and needs;
   d. assertiveness; and
   e. well-being seeking?
4. What is the psychological well-being of the participants in terms of:
   a. autonomy;
   b. environmental mastery
   c. personal growth
   d. positive relations with others; and

e. purpose in life?
5. Is there any significant relationship between mindfulness and psychological well-being of the participants?
6. Is there any significant relationship between emotional self-regulation and psychological well-being of the participants?

Significance of the Study

This study was relevant because it aimed to determine the influence of mindfulness and emotional self-regulation on psychological well-being of the participants. It was also important because it has the implication that if foreign students possess strong awareness of mindfulness and emotional self-regulation, their psychological well-being would be stable consequently enhancing them in academic pursuits and living in the host country. It would equally benefit the department and field of education, the universities, and the society at large to gain meaningful understanding of how being a mindful individual could assist them in regulating their emotions thereby resulting in functional psychological well-being. The findings of the study would as well help to close the gap in the literature consequently helping in the generalization of the influence of mindfulness, and emotional self-regulation, on psychological well-being.

REVIEW OF RELATED STUDIES AND LITERATURE

This chapter comprises a review of the literature related to this study. This study aimed to address the gap in the literature by focusing on the interrelation of mindfulness, emotional self-regulation, and psychological well-being of foreign students studying at Adventist University of the Philippines and Cavite State University and to determine the relationship between mindfulness, emotional self-regulation and psychological well-being of participants.

Langer, (2009) suggested being mindful reduces one's tendency to respond on automatic processes in which one's sensations, perceptions, actions, and emotions, and those of others, pass by without conscious awareness. Moreover, Brown and colleagues

(2007) said that the development of mindfulness is influenced by genetics and environmental factors which could have either positive or negative impact on the development of one's capacity to act mindfully. For instance, Creswell, Way, Eisenberger, and Lieberman (2007) found that trait mindfulness was associated with reduced bilateral amygdala activation and greater widespread prefrontal cortical activation during an affect labeling task. In addition, Creswell et al. (2007) study also showed there was a strong inverse association between prefrontal cortex and right amygdala responses among those who scored high on mindfulness, but not among those who scored low on mindfulness (Creswell, et al. 2007). This suggests that individuals who are mindful may be better able to regulate emotional responses via prefrontal cortical inhibition of the amygdala.

Furthermore, Lykins and Baer (2009) compared meditators and non-meditators on several indices of psychological well-being. Meditators reported significantly higher levels of mindfulness, self-compassion and overall sense of well-being, and significantly lower levels of psychological symptoms, rumination, thought suppression, fear of emotion, and difficulties with emotion regulation, compared to non-meditators, and changes in these variables were linearly associated with extent of meditation practice.

However, mindfulness has been found to have a negative relationship to aggressive behavior. For instance, Heppner and colleagues (2008) found that individuals who demonstrated a higher disposition for mindfulness self-reported lower levels of aggression and hostile attribution styles. In addition, Brown et al. (2007) found that mindfulness was negatively associated with neuroticism and with negative affect.

Besides, mindfulness meditation has been shown to produce significantly different cardiovascular and autonomic effects than relaxation training (Ditto *et al.*, 2006), giving weight to the criticism against the conceptualization of mindfulness practice as a mere relaxation technique (Bishop 2002). Moreover, a randomized controlled trial showed that while both mindfulness practice and relaxation training reduced distress and produced positive mood

states, only mindfulness practice led to significant decreases in ruminative thoughts which partially mediated its therapeutic effect on distress (Jain *et al.,* 2007). Conversely, negative cognitive habits such as rumination and catastrophizing have been shown to exacerbate and prolong experiences of psychological distress (Nolen-Hoeksema 2000).

A similar study contrasted focused attention and open monitoring in long-term Tibetan practitioners (2010). Perlman *et al*., (2010) reported that adept meditators practicing open monitoring meditation had lower pain unpleasantness, but not pain intensity ratings. No significant differences were found between meditators and controls during the focused attention condition and, in contrast to Grant and Rainville's (2009) findings, no differences in baseline pain sensitivity were observed. While differences exist between these two studies, the findings suggest that different meditative traditions (Zen, Vipassana) employing mindfulness practice, particularly the open monitoring style of mindfulness, were associated with pain reduction.

Emotional   Self-Regulation

Adolescence is characterized by the reconfiguration of relationships with peers and family, increased academic stresses, pressures to choose career paths, among other individual challenges (Zimmer-Gembeck & Skinner, 2008). Consequently, successful adaptation appears to depend upon the ways in which individuals manage their emotions, think constructively, regulate and direct their behaviors, and modify their contexts to change or diminish sources of stress (Zimmer-Gembeck & Skinner, 2011). In other words, according to Elliot, Thrash, & Murayama, (2011) adolescents' self-regulatory abilities can play a central role in this phase, in human functioning, resilience, and overall well-being. This was supported by Garcia del Castillo & Dias, 2(009); Gardner, Dishion, & Connell, (2008); and Hofer, Busch, & Kärtner, (2011).

Furthermore, Baumeister and Vohs (2003: p. 213) stated that, 'the ability to self-regulate is an integral component of mental and physical well-being' because self-regulation, for example, enables

people to persist despite failure feedback (Vohs, Baumeister, Schmeichel, Twenge, Nelson, & Tice, 2008), but also to give up unattainable goals (Wrosch, Scheier, Miller, Schulz, & Carver, 2003). On the contrary, Baumann, Kaschel, and Kuhl (2007) found that high affect sensitivity, that is the intensity of an individual's first emotional reaction to a stressful event, is associated with impaired well-being and increased psychosomatic symptoms only when the self-regulatory capacity of action control is weak. In addition, according their study, impaired action control also increases the perseveration of negative affect states and hence the development of psychosomatic symptoms under stress induced by motive goal incongruence (Baumann et al., 2005).

Besides, cognitive reappraisal improves human health by successfully altering emotional cues at early phase that exerts direct influence on biological stress pathway, involved in the activation of the hypothalamic-pituitary-adrenal (HPA) and cortisol secretion (Garland, Gaylord & Park, 2009). On the contrary, it was also evident in the literature that expression suppression leads to psycho-somatic ill symptoms (Garland et al. 2009). Consequently, counting on the emotional turmoil often experienced in adolescence and the oftentimes conflicting expectations of parents and peers, according to Schwarzer & Luszcynska (2008) keeping to a course of action considered desirable and beneficial for one's own life requires the self-regulatory capacity of not being led astray by distracting external or internal stimuli.

Generally, the review suggests that the beneficial effect of emotional self-regulation depends upon the nature of emotional regulatory strategies used. It was evident from the preceding review that when emotions are regulated through cognitive reappraisal and/or restructuring it is very much beneficial for health and well-being, but when it is done through deliberate expression / suppression it often results in negative symptoms, decreased satisfaction with life, and well-being.

Psychological well-being
According to Burris, Brechting, Carlson, Salsman, (2009) the years that someone spends in college are often one of the most stressful

periods, especially the beginning of college and often the transition from childhood to adulthood. Often these stressors could throw students off track, causing a decrease in their psychological well-being, (Chao, 2012). This contributed to the purpose of positive psychology which initiated a change that concentrates on equipping people with positive qualities rather than struggling to change bad aspects of life. One of the concepts of this approach was psychological well-being (Seligman & Csikszentmihalyi, 2000).

Furthermore, the school environment constitutes another concept that has direct and indirect impact on students' psychological well-being, most especially foreign students. Christie, Cree, Hounsell, McCune, and Tett, (2008) found that traditional students were active participants in a broad social-life in the microcosm of the university. Conversely, non-traditional students did not see themselves as "proper" full-time students and did not expect to fit into the college environment (Christie et al. 2008).

Furthermore, Chang (2006) stress fully mediated the relations between socially prescribed perfectionism and three dimensions of psychological well–being, namely, autonomy, environmental mastery, and purpose in life. In addition, Wintre and Yaffe, (2000) found out that as stress increases, overall adjustment decreases, making students more susceptible to social and psychological problems and poor academic performance.

The above studies showed that psychological well-being could directly influence students" levels of depression, value systems, and perfectionism. It was reported that students" psychological well-being was negatively related to these areas. For instance, as students experienced more stress, their level of psychological well-being decreased.

Theoretical Framework
This study was anchored on theories of Mindfulness (Baer *et al*., 2006), self-regulation theory (Ibanez et al., 2008), and psychological well-being theory (Ryff, 1989).

The mindfulness theory was used to determine the mindfulness level of the participants in relation to their observing, describing, acting, non-judging, and non-reactivity of life and social experiences. However, the adolescence self-regulation inventory which was theoretically-based questionnaire that taps two temporal aspects of self-regulation (regulation in the short- and long-term) was utilized for this study. The five self-regulation scale factors included: positive action (problem solving and facilitating happiness), controllability (internal control attributions), expression of feeling and needs (identification and expression of needs, wishes and feelings), assertiveness (autonomy and self-confidence) and well-being seeking (satisfaction with oneself and others).

Furthermore, earlier disagreement pertaining to the nature and pursuit of happiness and well-being resulted in the establishment of two opposing philosophical traditions: hedonia and eudaimonia (Grinde, 2012). The hedonic perspective suggested that maximizing one's pleasurable moments was the pathway to happiness, whilst eudaimonic advocates argued that living a life of virtue, and actualizing one's inherent potentials was the way to well-being (Delle Fave, Massimini, & Bassi, 2011b).

Consequently, eudaimonic dimensions of individual conceptions of well-being were expected to be more robustly associated with each measure of well-being than hedonic dimensions. Hence, this study conceptualized the six factors (dimensions) of Ryff (1989) scale of psychological well-being. These were autonomy, environmental mastery, personal growth, positive relationships with others, purpose in life, and self-acceptance (Ryff, 1989). This theory would help to elicit the influence of mindfulness, emotional self-regulation on psychological well-being of the participants.

Research Paradigm
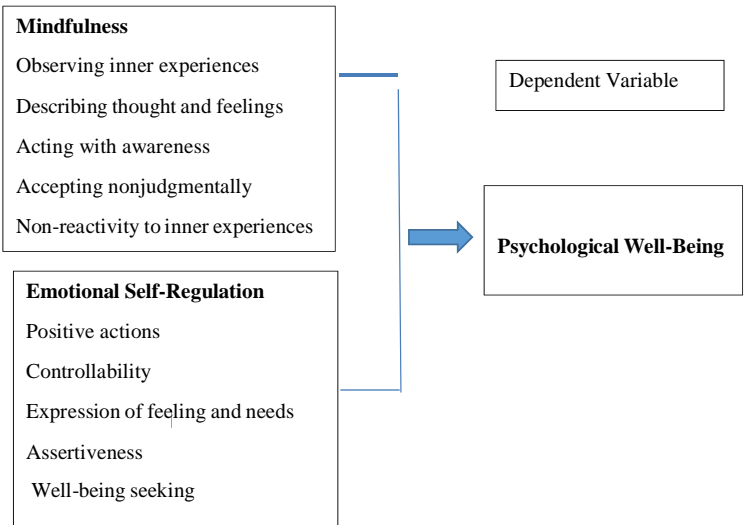
Figure 1: Schematic diagram shows the relationship between independent mindfulness, emotional self-regulation and psychological well-being.

METHODOLOGY

Research Design

Descriptive correlational and inferential research design method was used in this study. While purposive sampling technique was implemented in order to identify the participants for this study.

Research Instruments

Mindfulness was measured using the five facets of mindfulness scale. Alpha coefficients for all facets in all samples were adequate-to-good (range .72 to .92), with the exception of the nonreactivity to internal experience facet in the student sample, for which alpha was .67. For this facet, alpha coefficients in the other three samples were good, ranging from .81 to .86 (Baer *et al*. 2006). Whereas Self-Regulation Inventory- (SRI -25; Ibanez et al., 2005) consists of 25- items that measures self-regulation in five components of positive actions, controllability, expression of feelings and needs, assertiveness and well-being seeking on a five-point Likert scale

(ranging from 1 to 5) was used to measure the emotional self-regulation of the participants.

However, psychological well-being of the participants was measured using the Ryff scales of psychological well-being. RPWB was originally validated on a sample of 321 well-educated, socially connected, financially-comfortable and physically healthy men and women (Ryff 1989b). In that study a 20-item scale was used for each of the six constructs, with approximately equal numbers of positively and negatively worded items. The internal consistency coefficients were quite high (between 0.86 and 0.93) and the test-retest reliability coefficients for a subsample of the participants over a six week period were also high (0.81-0.88).

Statistical Treatment

The descriptive and inferential statistics method were used in analyzing sets of data. Also weighted mean, and standard deviation was used to determine the mindfulness, emotional self-regulation, and psychological well-being of the participants. Whereas Spearman Rank Correlations was used to assess the relationships between mindfulness, emotional self-regulation, and psychological well-being.

RESULT AND DISCUSSION

Result

Descriptive Statistics

The gender frequency of participants. Male were 113 (49.8%) while female were 114 (50.2). This showed that both male and female were approximately 50% each.

The age frequency of participants. Age bracket of 21 to 25 years were 112 (49.3%) followed by 18 to 20 (32.2%) years while 26 to 30 were 24 (10.6), and 30 and above years of age were 18 (7.9%). This result showed that age bracket of 21 to 25 years old were the highest participants in the study.

The academic year level frequency of participants. The result showed that fourth year participants were 66 (29.1%) followed by second year and first year who were 56 (24.7%) respectively while third year were 49 (21.6%). Thus, result showed that fourth year were the highest participants in this study seconded by second and first year respectively. On the contrary, third year were the lowest participants in this study as shown by the result.

The participants' parental estimated monthly income level. The results show that eight thousand and below pesos was 36 (15.9%), eight thousand and one to twelve thousand pesos was 26 (11.5%), twelve thousand and one to twenty thousand pesos was 41 (18.1%), and twenty thousand and one and above was 124 (54.6%). Hence, result showed that twenty thousand and one and above (54.6%) pesos was the highest parental estimated monthly income while eight thousand and one and below (11.5%) pesos was the lowest participants' parental estimated monthly income.

The frequency distribution of participants' nationality. Based from the countries participated in the study, four subgroups emerged. Asian, African, others and no response. Others means participants from United States of America, United Kingdoms, and any other country that those not belong to Asia and Africa continents. Moreover, no response means those participants who did not indicate their nationality. As a result, Asian were 74 (32.6%), African were 93 (41.0%), others were 23 (10.1%) while no response were 37 (16.3). Thus, the result showed that African were the highest participants seconded by Asian in this study.

Table 1 shows the descriptive statistics of mindfulness based on the five facet of mindfulness scale. Results from the showed that acting got high mean score of 3.41 and a standard deviation score of 0.68, whereas observing, describing, non-judging and non-reactivity had average mean scores.

Table 1. Descriptive distribution statistics of mindfulness of
participants

MINDFULNESS VARIABLES	MEAN	SD	VERBAL INTERPRETATION
Observing	3.39	0.66	Average
Describing	3.37	0.64	Average
Acting	3.41	0.68	High
No Judging	2.79	0.65	Average
Non Reactivity	3.11	0.58	Average
TOTAL	**3.22**	**0.32**	**AVERAGE**

Legend	1.00 – 1.79	Never	Very Low
	1.80 – 2.59	Rarely True	Low
	2.60 – 3.39	Sometimes True	Average
	3.40 – 4.19	Often True	High
	4.20 – 5.00	Always True	Very High

Drawn from the result generally, result showed that participants had moderate level of mindfulness which has the potential to influence their emotion self-regulation and psychological well-being.

Table 2 shows the descriptive statistics result of emotional self-regulation. Positive actions, expressing of feelings, assertiveness, and seeking of well-being had average mean scores. On the other hand, controllability had a high mean score of 2.92 and a standard deviation score of 1.172.

Table 2. Descriptive distribution statistics of emotional self-regulation of participants

EMOTIONAL SELF-REGULATION	MEAN	SD	VERBAL INTERPRETATION
Positive Actions	3.70	1.047	High
Controllability	2.92	1.172	Average
Expressing of Feelings	3.84	1.264	High
Assertiveness	3.70	.840	High
Seeking Well-being	4.39	.927	High
TOTAL	**18.55**	**3.079**	**HIGH**

Legend	0.00 – 1.66	Low	0.00 – 8.33
	1.67 – 3.33	Average	8.34 – 16.66
	3.34 – 5.00	High	16.67 – 25.00

Taking into account these five components, the emotional self-regulation concept represented a coping style characterized by positive actions, controllability, expression of feelings and needs, assertiveness, and well-being seeking. As shown in the result, the participants needs to improve their low level of controlling their emotional self-regulation.

Table 3 shows the result of psychological well-being in terms of autonomy, environmental mastering, personal growth, positive relation with others, purpose in life, and self-acceptance. As shown from the table, autonomy, eenvironmental mastery, positive relation with others, purpose in life, and self-acceptance had a slightly high mean scores. Whereas personal growth got a high mean score of 4.36 and standard deviation of 0.824 with a verbal interpretation of "High".

Table 3. Descriptive distribution statistics of psychological well-being of participants

PWB VARIABLES	MEAN	SD	VERBAL INTERP.
Autonomy	3.76	0.520	Slightly High
Environmental Mastery	3.94	0.690	Slightly High
Personal Growth	4.36	0.824	High
Positive Relation with others.	4.08	0.844	Slightly High
Purpose in life	4.35	0.837	Slightly High
Self-Acceptance.	4.08	0.797	Slightly High
TOTAL	**4.09**	**0.557**	**SLIGHTLY HIGH**

Legend	1.00 – 1.83	Strongly Disagree	Very Low
	1.84 – 2.67	Moderately Disagree	Low
	2.68 – 3.51	Slightly Disagree	Slightly Low
	3.52 – 4.35	Slightly Agree	Slightly High
	4.36 – 5.19	Moderately Agree	High
	5.20 – 6.00	Strongly Agree	Very High

Table 4 shows the correlation between mindfulness in terms of observing subscale and psychological well-being of participants. Autonomy had a correlation coefficient score of .185 and a p-value score of .005, environmental mastery had a correlation coefficient score of .194 and p-value score of .003, personal growth had correlation coefficient score of 124 and p-value score of .063, positive relation with others had correlation coefficient score of .245 and p-value score of .000, purpose in life had correlation coefficient score of .089 and p-value score of .180, and self-acceptance had correlate coefficient score of .185 and a p-value score of .005.

Table 4. Correlation between mindfulness and psychological well-being

Psychological Well-Being	Spearman Rank Correlation Coefficient	P-value	Remarks
Autonomy	.353	.000	**Reject Ho**
Environmental	.463	.000	**Reject Ho**
Personal Growth	.350	.000	**Reject Ho**
Positive Relation with Others	.421	.000	**Reject Ho**
Purpose in Life	.363	.000	**Reject Ho**
Self -Acceptance	.509	.000	**Reject Ho**
Total	.541	.000	**Reject Ho**

Table 5 results show that autonomy, environmental mastery, positive relation with others, self-acceptance was significantly correlated with the psychological well-being of participants. Conversely, personal growth and purpose in life was negatively correlated with psychological well-being of participants. In general, mindfulness in terms of observing was significantly correlated with psychological well-being.

Table 5. Correlation between emotional self-regulation and psychological well-being

Psychological Well-Being	Spearman Rank Correlation Coefficient	P-value	Remarks
Autonomy	.160	.016	**Reject Ho**
Environmental	.198	.003	**Reject Ho**
Personal Growth	-.046	.491	Accept Ho
Positive Relation with Others	.129	.053	Accept Ho
Purpose in Life	.083	.214	Accept Ho
Self -Acceptance	.249	.000	**Reject Ho**
Total	.164	.014	**Reject Ho**

Discussion

The purpose of this study was to address the gap in the literature by focusing on the interrelation of mindfulness, emotional self-regulation, and psychological well-being of the participants and to determine if there is any significant relationship between mindfulness, emotional self-regulation and psychological well-being of the participants.

Mindfulness: the result that the participants scored high in acting whereas they scored averagely on observing, describing, non-judging and non-reactivity. In totality, the result showed that the participants had moderate level of mindfulness. This was in congruence with Fredrickson (2000) that mindfulness promotes more awareness and sensitivity to positive emotions which in turn broadens an individual's thought-action repertoire and increases psychological resource and well-being. Drawn from the result, it could inferred that participant possess the ability to focus their attention on the present-moment experiences which appears to be an effective way to regulate one's overall affective state and well-being (Brown, Ryan, & Creswell, 2007). Mindfulness practice has been shown to reduce such mind wandering, including the excessive rumination about past events associated with depression (Mrazek *et al.*, 2013).

Concerning emotional self-regulation, the result showed that the participants had high score in positive actions, expressing

of feelings, assertiveness, and seeking of well-being except for controllability were they an average score. Consequently, this means that the participants were able to regulate their emotions to the advantage of boosting their psychological well-being. The result was in consonance with Zimmer-Gembeck & Skinner, (2011) that successful adaptation has the capacity help people manage their emotions, think constructively, regulate and direct their behaviors, and modify their contexts to change or diminish sources of stress. Similarly, Quoidbach, *et al.,* (2010) result showed that positive emotion regulation increases the experience of positive emotional states, enhances life satisfaction, and decreases negative emotional experiences. Their result also suggested that wide range of emotional regulation strategies instead of some specific ones promotes overall happiness and life satisfaction.

In addition, Martini & Busseri, (2010), found that proper emotion regulation strategies foster higher life-satisfaction and lowers negative affect whereas improper emotion regulation strategy (expression suppression) leads to increased vulnerability to negative symptoms, burn out, and decreased well-being (Zammuner, Lotto & Galli, 2003). In education, self-regulation capacity was linked to several positive outcomes. For example, Hofer *et al.,* (2011) found that university students with pronounced self-regulatory capabilities had higher levels of well-being. Further, Park *et al.*, (2012) observed that self-regulation competence was significantly related to positive adjustment (e.g., lower depression, anxiety, and stress) among university students.

Moreover, Tangney *et al.,* (2004) demonstrated that students' self-control, a central self-regulation sub-process, predicted low psychopathological symptoms, and better interpersonal relationships. Conversely, Hustad *et al.*, (2009) reported that ineffective self-regulation was a risk factor for adverse consequences related to alcohol use among college students. In the context of health, self-regulation capacity has been investigated more as the ability to cope with and adapt to health threats (Leventhal *et al.*, 2003). Tavakolizadeh *et al*., (2012) results showed that total self-regulation learning strategies as well as cognitive and meta-cognitive strategies, goal orientation, and intrinsic value have the

positive role and test anxiety had a negative role in prediction of psychological well-being.

Furthermore, the result showed that on psychological well-being, the participants score was slightly high in autonomy, eenvironmental mastery, positive relation with others, purpose in life, and self-acceptance except for personal growth were they got a high score. Based on the result, it implies that the participants had low level of psychological well-being. It equally implies that the participants were concerned about the expectations and evaluations of others; relies on judgments of others to make important decisions; were unaware of surrounding opportunities; lacks sense of control over external world; has few close, trusting relationships with others; finds it difficult to be warm, open, and concerned about others, has few goals or aims; does not see purpose of past life; feels disappointed with what has occurred in past life; is troubled about certain personal qualities; and wishes to be different than what he or she is (Ryff, 1989). On the other hand, on personal growth, the result indicated that participants has a feeling of continued development; sees self as growing and expanding; is open to new experiences; sees improvement in self and behavior over time; and are capable of changing in ways that reflect more self-knowledge and effectiveness (Ryff, 1989).

Besides, the result showed that there was positive correlation between mindfulness and psychological well-being. In addition, there was significant correlation between emotional self-regulation and autonomy, environmental mastery, and self-acceptance of the subscales of scales of psychological well-being. However, Brown and Ryan (2003) found that mindfulness was negatively associated with impulsivity, anxiety, and hostility, while positively correlated with feelings of autonomy and eudemonic well-being. Whereas, there was there was no significant correlation between personal growth, purpose in life and positive relations with others. However, in general, there was positive relationship between emotional well-being and psychological well-being of the participants. This findings was consistent with Simon and Durand-Bush (2014) study which showed that self-regulation capacity had a strong positive relationship with environmental mastery and purpose in life,

which suggested that effective self-management skills may help physicians to fulfill/balance tasks and maintain a sense of direction in their work.

Conclusion

Research findings showed that participants had moderate level of mindfulness and high level of self-regulation which helped them to ameliorate their psychological well-being. This research was significant in the field of education and psychology as it showed that mindfulness, emotional self-regulation was important to improve student's social, emotional, and psychological well-being which ultimately leads to an improvement in their academic success. However, based on the fact that there was no significant correlation between controllability subscale and psychological well-being, this has an indirect effect on emotional self-regulation especially when linked to the high score on assertiveness. Thus, there is a practical implication that participants should practice how to reduce their assertive tendencies which might help them to be less assertive and consequently improve their ability to control emotions thereby resulting in their overall mental processes and psychological well-being. These findings were relevant as it reinforces existing literature in this field and equally mitigating against non-generalization of studies in this topic as was earlier pointed out (Ryan & Deci 2003; Tavakolizadeh, 2008) that previous studies were western centered.

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STAKEHOLDERS COLLABORATION IN IMPROVING SOCIAL RESILIENCY IN SEMARANG:
Case of Kampong Kemijen, East Semarang[1]

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Abstract

Social capital and social cohesion are two important concepts in building social resilience, particularly in preparing a community to overcome threats. So, the participation of stakeholders is important in developing social resilience. Kampong Kemijen in the district of East Semarang was selected for this case study as it is a site that is one of the most vulnerable to tidal floods. Interestingly, the authors found that the diversity of empowerment programs in the area has been able to generate social cohesion, which increased the potential for actualizing social resilience in the community. Social cohesion emerging from engagement between the stakeholders, directly or indirectly, created trust, social networks, norms and reciprocity. It also became an important component for strengthening social capital in the community. This contributed to social resilience in Kampong Kemijen, particularly in the people's adaptation processes to tidal flood disaster. This study aimed to analyze the processes of community social resilience in Kampong Kemijen based on

evidence obtained from observation, focus group discussions and interviews. Results evidence that social cohesion in the community was built through collaborative empowerment programs with many parties. This social cohesion not only indicated individual's social capital, but also improvement of the community's social capital. Therefore, stakeholders need to encourage more social cohesion in the community to increase the capability of the people in Kampong Kemijen to develop stronger social resilience.
Keywords: stakeholders, social cohesion, social capital, social resilience, Kampong Kemijen, Semarang

INTRODUCTION

As the capital city of Central Java, Semarang became a parameter for other cities in Central Java, both social and economic development. Based on data from the Central Bureau of Statistics (*Badan Pusat Statistitik* or BPS) and Development Planning Agency at Sub-National Level (*Badan Perencanaan Pembangunan Daerah* or Bappeda) in 2015, Semarang is one of the industrial city in Indonesia. Strategic position between North Coast the Java Island (*Pantai Utara Pulau Jawa*) has count Semarang as one of the metropolitan cities in Indonesia (BPS, 2015). This condition makes Semarang growing rapidly and it formed high-growth of land use especially for residential areas and industrial areas. Many literatures stated that the rapid growth in an area would increase the local economic income as well as influx migration to the area. In consequently unmanageable land use in the city will raise another social problem. This condition also occurred in Semarang, the impact of influx migration and unmanageable land-use lead Semarang into the city with flood-prone and ecological crisis. In addition due to the climate change impact, the condition of Semarang has been constantly decreased for the last 10 years.

The city of Semarang divided into two areas, hill areas (uptown) and coastal areas (downtown). The distance between uptown and downtown relatively short, it verified only 20 kilometres. Influx migration and local economic development in Semarang has changing the function of uptown areas. Formerly the uptown areas as a catchment area with trees, but today it changed

into a permanent building. Once in the uptown raining then the water goes down directly since the water absorption function has no longer exists. Meanwhile in the downtown areas, more than twice a day is felt tidal flood due to sea level rise. The tidal flood is hit the housing and industrial settlement. This condition also followed with land subsidence in every month that reach 1 to 2.5 cm.

Figure 1. Map of Semarang and Kampong Kemijen
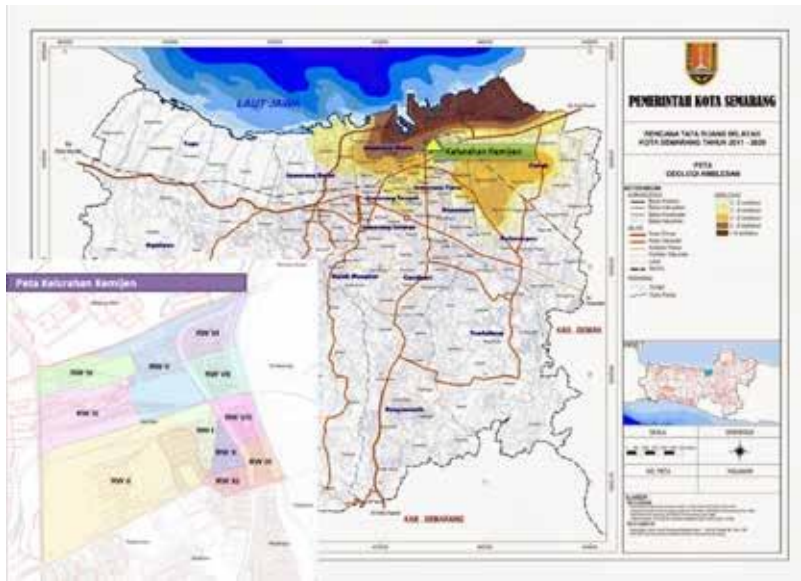
Source: BAPPEDA Semarang and Diponegoro University, 2015.

In addition, based on Bappeda's data figured that in 2015 poor people in Semarang city has been reached up to 114.939 families or its around 367.848 inhabitants. It is means there are 20,85% poor people from the total citizen in Semarang city, and in East Semarang District where our research located, its known almost 20.090 poor inhabitants. Actually to solve this existing problems, the local government of Semarang city has been undertaken an innovative step. One of them is registering Semarang as the first city in Indonesia into the 100 Resilient City (100 RC) programmes that initiated by the Rockefeller Foundation. There are six main strategies such as water and energy, new economic opportunities, disaster and disease risk reduction, integrated mobility, and

transformation of information in policy formulation. In disaster risk reduction, adapting and mitigating tidal flood became an important point on their programmes. Even thought the 100 RC was started from May 2015, in reality Semarang is still vulnerable from flood and facing social and environmental problems.

KAMPONG KEMIJEN: Struggling with Vulnerability and Poverty
Kampong Kemijen is one of the most vulnerable areas in dealing with disaster in Semarang even though it is not directly adjacent to the sea. The observation that the researcher conducted on May 5th, 2016 resulted some several apprehensive views about this Kampong. Land subsidence is one of the most crucial issues in Kemijen until now. The people who lived in that area for decades have been rejected to move to other places for several reasons; the difficulty to earn jobs is dominant. The interviews that the researcher has been conducted with several people in Kemijen showed that they feel anxious to unpredictable condition in the new living place. However, tidal floods and land subsidence faced by the people of Kemijen made them burdened. They have to lift up their houses in every 5 years period (as seen in the photo below). There are several houses that left behind by the owners because they have no money to renovate and to elevate it. Not only houses, the primary school building was also decline. As illustrated in the following photograph (photo 2), the school windows are parallel to the door.

Photo 1. The abandoned house in RT 05 RW 07 Kampong Kemijen, Semarang Timur (source: fieldwork on May 5th, 2016).

Photo 2. The primary school building in Kampong Kemijen, Semarang Timur (source: fieldwork on May 5th, 2016).

Waste, dry and wet, especially from the households are also the crucial issue in East Semarang. Lack of landfill in this area makes the people in Kampong Kemijen facing difficulty to dispose their waste. The impact of this condition is the household waste were thrown to a place among the people's houses in the kampong. This condition worsened by the people's behaviour to throw their garbage to the river. As shown in the photo below, the Banger River that flows this area becomes very dirty.

Moreover, the people surrounding the neighbourhood had been using the river as a waste container by creating a public toilet. These unwise behaviour and actions were giving several negative consequences, especially for their healthy and the environment. Tidal floods which came regularly in Kemijen made the people in this area more suffered. Even though tidal flood has been much reduced since the Banger Polder was operationalized in mid-2017, based on the interview with Pak Jawat (the key informant in Kemijen), the environmental condition in Kemijen still need to be improved. The other issue in Kemijen relates to the hard infrastructure is the covering street by using plastic disposal (as illustrated in the photo 5).

Photo 3 and 4. A spot that used as a garbage dump by the residents and the dirty Banger River in Kampong Kemijen (source: fieldwork on May 5th, 2016).

Photo 5. The covering street by using plastic disposal and the damage paving block in RT 05 RW 07 Kampung Kemijen (source: fieldwork on May 5th, 2016).

Lack of access to clean water and waste disposal is giving impact to the low quality of the people's health. There are some health problems, including various diseases that the people in Kemijen is familiar with. Information that the researchers received from the focus group discussion between LIPI and the community in Kemijen in May 11th, 2016 showed that TB acute and skin problems are much suffered by adults and children. In addition, lack of information and socialization plus lack of awareness about reproductive health and sex behaviour also makes the people are more vulnerable to HIV/AIDS infected. The number of teenage girls who get pregnant before marriage is also high in this area.

Health problems cannot be separated from poverty and environmental conditions. One of the key informants, Mr. Eddy, the Head of Kemijen Sub-District, stated that all environmental problems faced by citizens today are also related to poverty. Every year the population is increasing therefore the burden of the people in Kemijen is heavier, coupled with all the limitations of existing infrastructure. Nevertheless, under Pak Eddy's leadership, the communities social activities were increasingly being intensified, especially those related to health issues and women's empowerment (under the coordination of PKK).

CONCEPTUAL FRAMEWORK
Social Cohesion and Social Capital
In the last four decades rather to economic development, the goals of development focused on better quality of life. The amount of development not only in economic but also considering social and environmental aspects, until the sustainable development concept is strengthening based on the empirical needs for better quality of life. In the processes to realize prosperous and wealthy society, there are so many concept emerge from sustainability, social quality, social equity, and also social cohesion (Berger-Schmitt, 2000). The ideas of social cohesion also important for government in formulating policies, since it is foundation towards welfare society.

The social cohesion concept itself firstly introduced by Emile Durkheim on his thesis to describe about the interdependency, solidarity and sharing in a community (Jenson, 1998b in Berger-

Schmitt, 2000). In his opinion, there is mechanical solidarity in the society, which indicated by the existence of powerful actors in community, and organic solidarity that indicated by the individual's interdependency. Both of them are related and it automatically will form a social cohesion. In general, social cohesion is generated by the existences of equal values, challenges and opportunities with expectation and trust as the foundation (Berger-Schmitt, 2000). In this paper, social cohesion defined as the community ability to unite and social cohesion is the result of individual and institutional relations.

In social cohesion concept, social capital aspect also important and need to be considered, since it described about the density and its relationship quality and its interaction among individual, community and/or institutions. Social capital is viewed as the bond that holds the stakeholders together, includes shared values and rules in every social behavior on the community. Social capital also considered about trust, common sense and relationship that make the society became stronger and build collective norms (Berger-Schmitt, 2000). Similar with Narayan (1999), social capital divided into three aspects, there were (1) "bonding" capital in primary groups, (2)"bridging" capital as the linkages between social group or stakeholders, and (3) the function of the formal institution. Social capital is not only the basic of social cohesion, but also the main component of the wealth community in a nation. In addition, social capital also the important basis for economic growth, physical, human and environmental capital (Jenson, 1998b; Hardi/Barg, 1997; Hjerppe, 1999; Grootaert, 1998; Wiman, 1999 on Berger-Schmitt, 2000).

Social Resilience
Social resilience as the key concept in analyzing the interaction between natural environments with human, or usually it calls socio-ecological system. The aim of social resilience it to explore the interaction between human and climate factors related to the social issues, such as well-being, quality of life, identity, social and cultural values in relation to transformation for sustainability. Holling (1973, Carpenter et al.(2001), Folke et al.(2002) dan Berkes

et al.(2003) defined that social resilience as the actors' capacity to access better livelihood in urban areas, not only for reactive capacity but also in proactive capacity in facing disaster. Based on those reactions, then it can develop enhanced competencies in the positive outcomes in handling the climate change threats and its impact.

The social resilience concept is exists to help in understanding the negative impact of changes, not only social but also climate change and climate variability. Speranza through her theory, stated that there were three aspects to strengthening the social resilience, such as:

1. Buffer   Capacity

   Here, buffer capacity considered as the capacity for changes and its used the emerging opportunities to reach a better quality of life, include reducing poverty (Speranza, 2013). In general, the buffer capacity is organization in social system that refers to the re-produce of spontaneity society such as rules, norms, values, and organization through top-down process and bottom-up process.

   Buffer capacity has been described as the number of system that can be absorbed and still retained the same structures, function, identity, input on function and structure (Carpenter et al., 2001 dan Ketahanan Alliance, 2010). Based on actors' perspective and livelihood, capacity is represented by livelihood and dynamic capacity.

2. Social Self-Organization

   It refers to a country's actors who defined their own rules. In the disaster risk and instability condition, self-organization has function as mediator between individuals who determine the design of empowerment form and their goals. Social self-organization context is relatively near to freedom in action, collective action, self-help, self-reliance, power and self-control. All of those can contribute to empowerment based on identity, principles and beliefs.

   Milestad (2003) defined self-organization as a system to show the community's ability to form a flexible networks and engaged

with their social, environmental, economic, and institutional.

Related to the social resilience, social cohesion can be the key to transform multiple society in to a positive social change through social capital strengthen. Resilience in Semarang related to the disaster risk reduction especially flood and land subsidence. The participation of urban communities, especially in Kemijen, should be tend more easier since the community already have access and well-informed from the local government and private sectors.

Especially in Kemijen, the existing social capital that has been developed will create an innovative approach for better quality of life. There are several elements in social self-organization, there are:

a. Institutions, it refers to social norms and rules as well as formal institution (Ostrom, 1990).

b. Cooperation and networking, it refer to interaction between actors in social-ecological system (SES). This interaction is produce their own norms, group values, building trust and reducing the dependences to external actors for information, innovation and capital (Speranza, 2010).

Building trust and increasing the social capital can improve livelihood when shocks or pressure are occurred (Pretty dan Smith, 2004 dan Ifejika Speranza, 2010).

c. Network structure of SES can affect the dynamics system and management outcomes. By facilitating or sharing information and open the obstructed access for resources and opportunities (Cumming, 2011). Networks structures can diminish the livelihood of shocks or larger shocks more fast through system.

d. Reliance, it refers to the own resources that can reduce dependency of external input. It related to the key resources but not exclusively available. Local knowledge, culture and leadership, with openness integrated external knowledge and practice (COMPAS, 2007).

3. Capacity for Learning

Learning capacity is defined as the acquisition of knowledge or skills. Fiol and Lyles (1985) defined learning as the development

of insight, knowledge and relationship between past action, the effectiveness of actions, and future actions". In addition, Kim (1993) stated that learning has two meanings, (1)physical ability to produce some actions, and (2)knowledge as ability in articulating conceptual understanding. Based on the definition, the ability to learn at the livelihood level and individual system is important to build resilience, and it can be reached through:

a. Knowledge of threats and its potential opportunities related to the issues of concern (Li et al, 2008)

b. Collective vision about livelihood system can contribute to transformation for resilience. Collective vision is shown through the existing institution and condition in promoting information exchange and services, sharing knowledge, perception, beliefs, and collective ations that empowering the individual actors itself (Jerez-Gomez, et. al.,2005).

c. Commitment of the SES to "learn and develop culture that promotes and transfer of knowledge as the fundamental values (Jerez-Gomez, et. al.,2005). It related to the government policies and regulations in supporting the livelihood of actors and involves them into their decision.

d. Knowledge Identification Capacity (KIC) it refers to the ability in identifies knowledge from external environment as valuable knowledge for livelihood strategies (Li et al., 2008)

e. Sharing knowledge (Li et al., 2008) refers to the degree of an actor spread their knowledge to others.

f. The ability of transfer knowledge refers to the degree of someone applies his own knowledge and/or internaliting of his external knowledge (Li et al., 2008)

g. Functional mechanism is the feedback can spread out the knowledge and improve their social memory through interaction between actors.

Graph 1. Social Resilience Elements
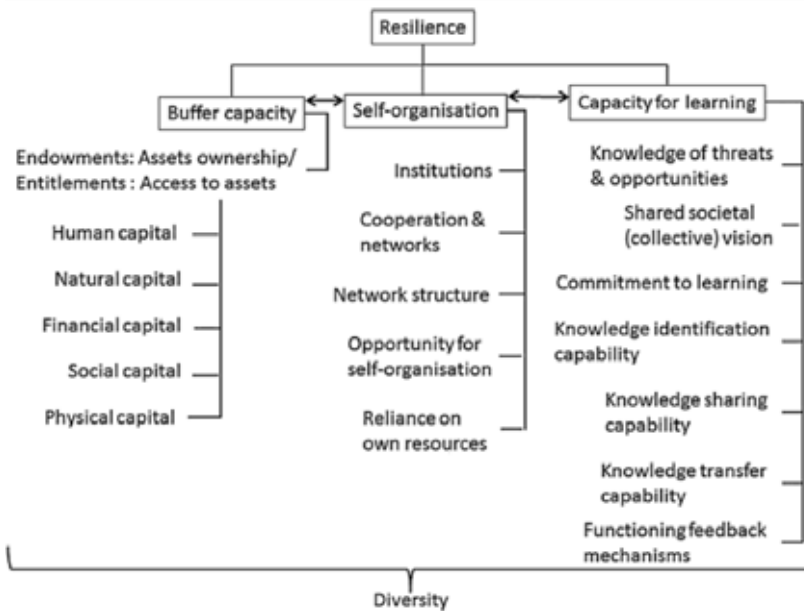
Sumber: Speranza, et. al (2014).

ANALYSIS SOCIAL CAPITAL AND SOCIAL COHESION TOWARDS SOCIAL RESILIENCE IN KEMIJEN

Based on the social resilience elements Speranza, it is known that to build a social resilience in community should has three important elements, there were (1)buffer capacity, (2)self-organization, and (3)capacity for learning. In these three aspects, even social capital is one of the keys in buffer capacity, but it should be exist on every elements. Following on the table below is self-organization that existed in Kemijen. There are several stakeholders who has engaged with the Kemijen community and has initiated several empowerment program to mitigate the risk and build bonds among the stakeholders, there are:

Table 1. Various Stakeholders and the Empowerment Programs in Kemijen

STAKE-HOLDERS	STRATEGIES OF SOCIAL INSTITUTION EMPOWERMENT	EMPOWERMENT PROGRAM
COMMU-NITY	▪ Kemijen Local Community ▪ Komunitas Kemijen (KOMJEN) ▪ Community Self-Reliance Agency (BKM) Kemijen ▪ Kemijen Community Consultative Assembly (LPMK) ▪ Empowerment and Family Welfare Community (PKK) Kemijen	▪ Socialization of empowerment programs ▪ Communication of disaster ▪ Empowerment and Family Welfare Community
NGO	▪ FORSIBA (Advocacy for democracy after regional autonomy) ▪ SIMA (Project Collaboration in flood adaptation impact between NGOs, Community, University, Local Government of Semarang, and Private Sector). ▪ PERDIKAN by Mercy Corps (Developed Communal Bathroom and Toilet) ▪ PATTIRO (Advocacy for public disclosure and transparency) ▪ LBH APIK (Advocacy for Woman and Children Care) ▪ Institute for Business Companion for Labor, Farmer, and Fisherman or LPUBTN (Community-based advocacy for healthy life pharmacy) ▪ Hysteria – Peka Kota (Art of area mapping)	▪ Advocacy for democracy after regional autonomy ▪ Project Collaboration in flood adaptation impact between NGOs, Community, University, Local Government of Semarang, and Private Sector ▪ Developed Communal Bathroom and Toilet ▪ Advocacy for public disclosure and transparency ▪ Advocacy for Woman and Children Care ▪ Community-based advocacy for healthy life pharmacy ▪ Art of area mapping

UNIVERSITY	▪ Urban Planning Faculty Diponegoro University (UNDIP) ▪ Public Administration UNDIP as PT Pertamina CSR Consultant. ▪ Community Services Organization Semarang University (UNNES) as Former Consultant of PT Pertamina ▪ Community Services Organization Sultan Agung University (UNINSULA) ▪ Community Services Organization Sugiyopranoto Catholic University.	▪ Society empowerment
PRIVATE	▪ PT Pertamina ▪ PT Indonesia Power ▪ PT KAI ▪ Oen Foundation	▪ Corporate Social Responsibility (CSR) programs
GOVERN-MENT	▪ Agency for Regional Development Semarang City (Semarang Resilience City Planning) ▪ Environmental Agency of Semarang City (related to flood adaptation and mitigation) ▪ National Board for Disaster Management for Semarang City ▪ Agency for Mine and Water Sources of Semarang City (related to normalization of Banger River, East and West Canal, and tidal flood management). ▪ Ministry of Public Work for Central Java province ▪ Ministry of Home Affairs (related to the Central Government management)	▪ City infrastructures development ▪ Semarang Resilience City Planning ▪ Program related to flood adaptation and mitigation. ▪ National Board for Disaster Management for Semarang City ▪ Agency for Mine and Water Sources of Semarang City (related to normalization of Banger River, East and West Canal, and tidal flood management

Source: Fieldwork on May 5th, 2016

Social Capital in Kemijen

Savings and loan cooperative (*Koperasi Simpan Pinjam*) become one indicator that social capital in a society is still exist and develop. Case in Kampong Kemijen, social capital emerged in the form of network, norm and social trust. The network is formed on the desire of citizens to change their condition in the form of social organization called "Community of Kemijen (*Komunitas Kamijen*)" or abbreviated as *Komjen*.[5] *Komjen* is formed as a medium for exchanging information, thoughts and experiences in disaster, such as: vulnerability, adaptation, and urban and social resilience, and also as a medium for obtaining information about development in their region, especially those related to development of disaster infrastructure such as *Pembangunan Banjir Kanal Barat dan Kanal Timur,* Polder Banger and a plan of retention pond development in three *Rukun Warga* of Kemijen.

Norms that are still maintained by the community among others are religious norms, norms of morality and norms of politeness. Although some cases indicate a violation of moral norms of pregnancy before marriage and early marriage of teenagers in Kemijen, or the waning of modesty norms by the occurrence of inter-community dispute and the consumption of alcohol and drugs.

While *trust* is still exist by several activities that social organisations do as an initiative of the people in Kemijen and facilitated by Community of Kemijen (Komjen). Trust between communities becomes stronger when Komjen has to deal with other stakeholders, such as universities, government, NGOs or even privates. Moreover, trust develops as a self-confidence, that mostly

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5 The Community of Kemijen (*Komunitas Kemijen*) is a civil association in sub-district Kemijen, Semarang City, Central Java. *Komunitas Kemijen* established as an initiative of the people in Kemijen. The community which known as *Komjen* was launched on October 8th, 2010. However, Komjen has been started to do several activities since 1999. The people who join this community have a common awareness to make a better Kemijen for the society (http://youthproactive.com/201701/speak-up/melawan-korupsi-dari-semarang-timur/). Komjen has been using the Deliberation of Development Planning (Musyawarah Perencanaan Pembangunan/Musrenbang) as the mechanism to make decisions. Dalam kegiatan ini, Komjen terus mengkritisi kebijakan pemerintah desa yang merupakan pihak yang memiliki kewenangan dalam memutuskan kebijakan.

emerge after Komjen open to some possibilities to collaborate and cooperate with universities, government, NGOs and private companies in variety empowerment programs.

Self-Organisation in Kemijen

Based on the interview with Pak Katno from Komjen in the field research, the researchers obtained a following information about self-organization in terms of increasing adaptive capacity of people in Kemijen. The potentials that exist in self-organization are the various social institutions such as the Kemijen Community (Komjen), Community Empowerment Institution (*Lembaga Pemberdayaan Masyarakat Kelurahan* or LPMK), Family Welfare Development (*Pembinaan Kesejahteraan Keluarga* or PPK), The Organisation of Youth People (*Karang Taruna*), the Self-Helping Body (*Badan Keswadayaan Masyarakat* or BKM), the Community Protection (*Perlindungan Masyarakat* or Linmas) and the Disaster Alert Village (*Kelurahan Siaga Bencana* or KSB). KSB is the only organisation which concern to disaster and the environment issues, meanwhile the others focus on community welfare activities.

Cooperation between the community in Kemijen was built based on trust with other parties (universities, NGOs, private and the government). There has been a lot of cooperation built with those stakeholders in the framework of Corporate Social Responsibility or CSR from several private and semi-private companies, empowerment programs from NGOs and also development programs from the government and universities. For example, the disaster alert as part of KSB program from the local government (Regional Disaster Management Agency/*Badan Penanggulangan Bencana Daerah* or BPBD, empowerment program from several companies such as Perindo, Petronas, Bank Indonesia and Pertamina as part of their CSR and also several multiyears programs from University of Diponegoro (Undip), Semarang State University (Unnes) and NGOs (Hysteria and Peka Kota) creativities in facilitating the community activities. The other empowerment program has been delivered by *Pusat Telaah dan Informasi Regional* (Pattiro), a non-governmental organisation which concern to legal protection and education to community. A multi-stakeholder

activities have been developed by exploring the potential and local values based on the community needs, in the form of a bottom up approach in improving the quality of their lives.

In the society, self-organization is implemented in the form of socialization of waste management, community services (*kerja bakti*) and festivals. For example, the activities initiated by Peka Kota, under the Hysteria umbrella, which called the Banger Kali Festival in Kemijen. In addition, The Organisation of Youth People (*Karang Taruna*) Kemijen facilitated the production of cloth sewing, t-shirt printing, *batik* making and plastic waste handcrafting.

However, one of the crucial problems in empowerment programs delivering to the community is lack of coordination between the institutions which involved in those programs. It makes they have no clear and directed goals. Moreover, the people who incharge in the programs in the community are mostly passive, so that the sustainability programs are difficult to achieve. For example, Community Empowerment Institution (*Lembaga Pemberdsyaan Masyarakat Kelurahan* or LPMK) in Kemijen was not functioning properly and it resulted Komjen play roles as the facilitator of empowerment programs that offered by various stakeholders.

Capacity for Learning of the Community in Kemijen
The field study conducted by the Resilient City team of LIPI on 15-22 May 2017 resulted in some additional data to sharpen the analysis of the three elements of a social resilience strategy referring to Speranza, et.al (2014). The following is the analysis of Capacity for Learning element based on interview data with Pak Katno (Komjen) on May 17, 2017.

To strengthen Capacity for Learning, there are 7 factors that influence, which are:
  a) *Knowledge of threats & opportunities*
  b) *Shared societal/collective vision*
  c) *Commitment to learning*
  d) *Knowledge identification capability*
  e) *Knowledge sharing capability*
  f) *Knowledge transfer capability*
  g) *Functioning feedback mechanism.*

Analysis of these factors about people in Kemijen indicates that the people have sufficient knowledge about flood and tidal flood disaster. Pak Katno mentioned that the people were very familiar with flood and tidal flood since the late 1990s or early 2000s. The people installed water pumps in each neighbourhood association (*Rukun Tetangga* or RT), the smallest group in a sub-district area, as an adaptation strategy to flood and tidal flood disasters. The people also have knowledge about land subsidence, drainage and even reclamation, all of which are ecological or environmental concepts that are linked to climate change issues.

The common vision of the people in Kemijen emerged when the festivals, organised by a community organisation which is driven by a group of young people who have concern to the environment. Peka Kota (part of Hysteria) is the non-governmental organisation which is actively struggling to help kampongs in East Semarang to improve their quality through empowerment activities. Through arts and cultural activities, Peka Kota organised a festival in a week to facilitate the people of Kemijen to contribute in actualising their vision. Discussions that also involved the people and other stakeholders in the festival produce ideas about the ideal kampong in the future.

The various programs, CSR that facilitated by large companies and empowerment programs organised by NGOs or the government, are followed enthusiastically by the people in Kemijen indicating that they are committed to learning. Consistency in following various activities facilitated by various institutions also shows the people of Kemijen are eager to learn new things. Nevertheless, an important note by Pak Katno is that the ability to create sustainable enterprises is not shared by all participants of the programs. He mentioned that of the 30 trainees, only 4 people managed to keep their business.

Identification of the people's knowledge as the receiver of CSR and empowerment program is very important before the program delivers. Perdikan[6] in cooperation with Komjen in 2006

6   Perdikan, is an NGO much more active with the local communities in Kemijen. They specifically work on the Polder system management issues at the community level.

has been mapped the people's needs through discussions with the community. Moreover, the trainings provided by universities such as *Undip*, *Unika* and *Unnes* were also involved local community organisations such as *LPMK*, *PKK*, *Karang Taruna*, *BKM* and *KSB*. Purnacipta, the activist of Peka Kota was also concerned to do the mapping of knowledge by informal interviews and discussion methods to help the people to solve their problems. Therefore, he expected that the people in Kemijen able to get advantages from several empowerment activities which are organised by various stakeholders.

In sharing and transferring knowledge, the people of Kemijen were using formal and informal meetings, whether scheduled or not. Based on the statement of Pak Katno, the members of Komjen had a better comprehension of complex problems in Kemijen because they have a better access to get information from outside. On the one side, this is an advantage for the Komjen's members but on the other side, it is a challenge for them to deliver information to the people in Kemijen, especially related to the solution strategy for flood and tidal flood. Recently, flood and tidal flood are no longer a problem for people in Kemijen, but they are still facing various social, health and environmental problems such as juvenile delinquency, high crime, drug use, low quality of public health, lack of garbage disposal and poor quality of environment.

The last factor in capacity for learning is the feedback mechanism that is functioned by actors and beneficiaries of programs or activities in Kemijen. Pak Katno mentioned that the feedback mechanism that has been used in Kemijen was direct dialogue between companies or empowerment organisers (various institutions). Unfortunately, Komjen as the intermediary between the community and the empowerment facilitators (the government, universities, NGOs, private companies) was lack of documents filing of the program implementation processes so that the community have no hard documentation about the programs result. It also

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They are also working with vulnerable populations, particularly widows to provide micro-finance lending to support home businesses (https://learningfromdisasters. wordpress.com/2016/11/14/meeting-the-ngos-active-in-kemijen-and-semarang/).

shows that the feedback mechanism used after a program runs, is not included in the planning. The information is important since Kemijen is one of the target areas of empowerment programs from the government, companies, universities and NGOs. It assumed that the community in Kemijen experienced in document storage.

Cooperation that built between the stakeholders is both formal (based on the project offered by the facilitator) and informal (done by the social organisation within *Rukun Warga* or RW). Universities, private sectors and the government are the parties that work with the people in the framework of empowerment program or Corporate Social Responsibility (CSR). The cooperation was formal, well-scheduled and present the experts in it. While the cooperation conducted by NGOs was more informal and visit activities of NGO activists were often unscheduled. But it does not mean that NGOs programs have no purpose and direction. The work of Peka Kota, for example, visualised in the Kampong Kemijen Map, art and music festivals and the making of a drone video about Kampong Kemijen's area. It shows that the informal cooperation has also giving a big advantage for improving the community's live.

Cooperation between Kemijen residents and stakeholders (the government, universities and private companies) who facilitate empowerment programs shows a hierarchy or structure. The researchers observed that the people were treated as beneficiaries of the programs who often did not have opportunity to criticise or evaluate the programs. This is reinforced by the evidence that the results of empowerment programs have not given optimal benefits. For example, the people are still difficult to market the goods they produce or the skills provided are still partial. Thus it can be said that the programs provided have not been comprehensive and integrated with each other.

Komjen and social organisation in internal Kemijen also have a clear structure but the network that is built is not formal like a company. The structure is built on mutual trust between the people and organisational committee. These social organisations were formed to represent the people of Kemijen to "speak" with outsiders, including seeking cooperation opportunities to

strengthen their adaptation capacity. Their ability to take advantage of these opportunities is enriched with the knowledge gained from the interaction with various parties outside Kemijen. It is definitely a potential for the citizens of Kemijen to strengthen the social organization they have.

The social networks supported self-confidence of the people in Kemijen. One of the events that the research team experienced was the meeting between PT. KAI and the people of Kemijen in discussing the retention basin construction plan in Kemijen. In the meeting which also presented the army and the head of Kemijen as a moderator, showed an equal position between the government and the people. One of the senior residents who became the spokesperson expressed his objection to be relocated if PT. KAI insisted on not compensating the people's land and house building as their requested. Emergence of the spokeperson also shows that the people have trust among them.

Social Cohesion in the Community in Kemijen

In general, social cohesion is created by equality of values, equality of challenges and equal opportunities based on expectations and beliefs. In the position of the Kemijen community, mechanical social cohesion presents through several powerful figures, such as community leaders, youth leaders, and religious leaders. Meanwhile, organic social cohesion arises in the form of high dependence between individuals and groups and they deliberately form a social network under Komjen.

The mechanical and organic social cohesion that develops in Kampong Kemijen is able to facilitate the involvement of community participation in spatial planning of urban areas. And this is a form of community participation as part of stakeholders in order to provide original ideas and aspirations that must be accommodated fairly and balanced. Community involvement needs to be developed based on mutually agreed consensus, and is done by taking into account local wisdom and local institutional models, such as through city forums or community gatherings. In this context the fostering of community participation in spatial

planning has been regulated through PP No.69/1996 on the Implementation of Rights and Obligations and the Form and Role of Public Participation which is a derivation of Law No.24/1992.

In the city government system that adheres to the policy of regional autonomy, has been developed a planning, implementation of development and control of development in community-based urban village (community based development). The planning and evaluation of urban development can take the form of local initiative, potential, and excellence development. While the role of the city government, in this case, is focused on empowerment, the creation of an enabling environment and the role of the facilitator of development that bridges the various aspirations and interests of the community, which has been poured in the social cohesion of mechanical and organic social cohesion. The development of forms of partnership between city governments and urban villagers in this article is represented by Komjen, a strategic choice to minimize existing forms of disaster, such as floods, tidal flood, land subsidence and landslides. Because from the side of the community itself, is still lack of understanding and knowledge of disaster risk and ways of handling it. The people must to elevate their houses with plastic waste and soil. Such conditions, undoubted, will endanger humans and their health in the future, considering that plastic waste is not easy to decompose. In addition, the community, according to the diverse interviews that was taken, wish to have a kampong that is resilient to disaster and also has social resilience.

On the contrary, according to the city government, the preference of partnerships between the government and the community is based on the need to manage the space of the region -including infrastructure and facilities- in an integrated manner, so that the delivery process of development programs becomes more effective and efficient. In addition, the development of the partnership model is expected to minimize the potential for conflict in urban space utilization, to avoid un-synchronized space utilization in border areas (upstream - downstream), as well as to reduce inefficiencies and transaction costs that are too great.

As in the findings of research on "Urban Resilience and Social

Resilience of the Coastal Semarang Community in Facing the Climate Risk of Climate Change and Rob" (2016-2017) conducted by the Research Team from LIPI, a unilateral plan by Bappeda to build a retention pool will displace residents in three *Rukun Warga* or RW caused conflict between the people and the government, even though the retention pool will be functioned to prevent flood from the Banger Polder burst. If there was a good communication between the government and the community, through Komjen as a form of social cohesion, the conflict could be avoided.

CONCLUSION

The findings of this study show that the social cohesion in Kemijen built by the local initiatives, potentials and wisdom as a strategy of planning, implementing and controlling based on community development. The role of government in this case, is more focused on empowerment efforts, the creation of a conducive climate (enabling environment) and the role of development facilitators that bridge the various aspirations and interests of the community. Although on several occasions, the partnership between the community and the city government was seen not always harmonise, but in some ways social cohesion has given much positive value. If social cohesion, which was built mechanically and organically, is able to build dreams of a prosperous and sustainable community, then this slum area can be transformed as a river tourist village.

Definitely, this social cohesion was not appeared suddenly, but it emerged from the social capital they have maintained; cultural values, mutual cooperation, mutual trust and social networking. Social capital and social cohesion are the components that strengthen the social resilience of the people, especially in adapting floods, tidal floods and climate change disasters which destructing their settlements, damaging facilities and infrastructures in their daily life.

Social resilience also elevates the people's knowledge capacity of disaster risk (by participating in seminars, trainings and workshops on disaster), increases their capacity of experience to solve disaster-related problems (by mangrove planting, coastal

strengthening and river belt) and improves their non-formal education capacity through empowerment (socio-economic empowerment and empowerment of waste recycling technology) organised by the government, privates, universities and NGOs. This social cohesion is not only indicating the individual social capital, but also improving the community social capital. Therefore, social cohesion in the community is needed to be more encouraged by the stakeholders to objectify the capability of the people in Kampong Kemijen to build a stronger social resilience.

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THE ROLES OF SOCIAL NETWORKS IN THE BORDER AREA COMMUNITIES IN PALOH DISTRICT, SAMBAS, WEST KALIMANTAN PROVINCE

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Abstract

Border areas are prone to particular problems, namely lack of infrastructure, limited access to public facilities and education, underused human resources, a low level of welfare, and other complex issues. One example is the border area between Indonesia and Malaysia in the Paloh District of the Sambas Regency in the West Kalimantan Province. Even with all of the limitations and the various dynamics of complex issues, people in the area always strive hard to survive. It seems that they are able to carry on with their lives due to the social interactions among them, both between members of the community within Indonesia's regions and with communities from other countries. These interactions are possible because of their social networks. This study, based on a qualitative approach, aimed to analyze the roles of social networks in the survival of people in border areas. Results show that the border area between Indonesia and Malaysia in the Paloh District has a characteristic of interdependence; hence, social networks are multi-directional or reciprocal. While affiliations are based on kinship (biological), these networks also contribute to social cohesion. Social networks are thus a form of social capital that enables communities to survive. In addition, social networks developed between communities in border regions play an important role in adaptation processes. Therefore, people can survive albeit the dynamics of problems in the areas are complex.

Keywords: Adaptation, Borders, Social Capital, Social Networks.

I. INTRODUCTION

Border areas are identical with limitations, such as lack infrastructures, limited access to public facilities, low level of welfare, education, human resources, and various other complex issues. In an effort to build border areas as the front page or porch of the Republic of Indonesia, the Government of Indonesia in the era of Jokowi–Jusuf Kalla has a priority agenda known as Nawacita (Nine Purposes). One of the agenda of the Nawacita is to build Indonesia from the periphery by strengthening regions and villages within the framework of unitary state. However, until now, not all border issues in Indonesia can be solved, especially on improving welfare of the people in border areas. Indeed, our development agenda aims to improve people's welfare. This study aims to analyze the role of social network in the community in maintaining lives in the border area in District Paloh, Sambas, West Kalimantan Province. This location was chosen because Paloh District is one of the border areas directly adjacent to Malaysia, namely Sarawak, precisely the area of Teluk Melano. In addition, this location is also located far from the provincial capital which is about 270 km. This border area has minimum access to transportation, electricity, clean water, education, economic, and other infrastructures. Therefore, it is interesting to analyze the life of the people in border area through their interaction with both communities in Paloh District and with people in Melano Gulf. In carrying out life in border area with minimum facilities and infrastructure, they have certain adaptation strategies to survive.

With all its limitations, people in the border area live by utilizing existing resources. Similarly, the people in the border region between Indonesia and Malaysia are located in Paloh District, Sambas, West Kalimantan Province. People in this area are able to survive by utilizing various resources they have. One factor that makes them able to survive because the border area is directly adjacent to the Gulf of Melano, Sarawak, Malaysia.

The existence of the community in Paloh District can sustain because of the social interaction between them, both among the community members themselves as well as among the community groups of Temajuk and Melano. Interactions between them happen

because of the social network. This study aims to analyze the role of social networks in the survival of border area communities in Paloh District.

This research is interesting to be studied because through the interaction between people in the border areas, Temajuk and Melano communities, we can assume the important roles which support the survival of people in the region. It can be analyzed through social network that exists in society in border areas.

II. THEORITICAL APPROACH

Role

Role, referring to Horton and Hunt's (1996) explanation is the expected behavior of a person or group having a status. Furthermore, status is a person's position in a group or the position of a group in relation to other groups. In other words, Horton and Hunt call status as a set of rights and obligations, whereas roles are a characterization of the set of duties and rights. Role perception presupposes a fraction of expectations. We are expected to act in certain ways and to persuade others to act in certain ways. Referring to the explanation, then in this study, the role does not refer to the individual but on a concept that is social network. Thus, this study examines how the role of social network in border communities in maintaining life in the border area is synonymous with various limitations.

Social Interaction

Simply put, social interaction can be defined as dynamic social relationships. Social interaction is the contact or mutual relationship between individuals, between groups, or between individuals and between groups (Anwar and Adang, 2013). Social interaction is the starting point of a social event and has a specific purpose. People act and react to others in order to achieve certain goals. According to Gillin (1954), the process of social interaction can occur with following conditions: the existence of social contact and the existence of communication. Social contact can occur in the form of: between

individuals, between individuals and groups, and between groups. Human interactions are influenced by environmental factors. In this context, the environment consists of physical environment and social environment. The social environment is divided into primary environment, namely the environment whose members know each other and the secondary environment, namely the environment whose members are loose. In this study, social interactions were studied within social interaction between community groups residing in Paloh District and community groups located in Melano, Sarawak, Malaysia. By examining the social interaction between them, it can be seen that the role of social network occurs in the community in the border areas between Indonesia and Malaysia located in Paloh District.

Social Network

A social network is a grouping of three or more people, each of whom has an identity and is linked through existing social relationships, so that through that relationship they can be grouped as a social unity. The pattern of interaction that exists between individuals and groups is referred to as social relations and social relationships that will form a social network. Relationships that exist between them in the form of social networks are generally not an official relationship (Sumantri MC, 2015). Additionally, social networks are defined as a set of specific or specific relationships formed between a group of people, in which the characteristics of those relationships can be used to interpret the motives of social behavior of the people involved (Mitchell 1969, in Haryono, tt).

According to Ruddy (2007, in Arda: 2010), social networks are divided into three types: (1) power network, in which the relationship formed by the power-related social relations. (2) the interest network, in which the relationship formed by the social relationship of interest, it is meaningful to the specific purposes. If concrete or specific goals or interests have been achieved, the relationship ends. Nonetheless, if the goal is not concrete (abstract), then the structure is relatively stable and permanent, and (3) the feeling network (sentiment), formed on the basis of a social relationship with feelings and social relations itself becomes the

goal and social action. The structures formed tend to be steady and permanent, while the relationships tend to be closed and continuous. Thus, there emerged a relatively strong emotional control between the perpetrators. In fact, a social network is not only constituted by a social one, but there is often overlapping between the three types of social relationships.

Barnes (1969) mentioned that society establishes social ties based on the elements of kinship, neighborliness and friendship. These bonds can take place between those with equal or disproportionate socioe-conomic status. The bonds of kinship, neighbor and friendship networks are not exclusive. In the established networks, the social relationships and membership extend beyond the territorial boundaries and the existence of the people concerned (Haryono, 1999).

Social Capital
Putnam's social capital (1993: 169) is part of a social organization (trust, norm and network) which can improve people's efficiency in facilitating coordinated action. In this context, networks and shared sets of values are at the heart of the concept of social capital. By building rapport between individuals and groups and keeping it going all the time, both individuals and groups can work together to achieve goals on things that cannot be done alone. Individuals or groups that are related through social networks, tend to have a common value with other members in a network and as long as the network has resources, then those networks can be viewed as social capital. In this study, the concept of social capital is used to see the social interactions of people at the border in forming social networks between them.

Adaptation Strategies
Adaptation strategy in this research is defined by the way people adapt to their environment, both physical and social environment. Adaptation in the context of social science refers to the explanation of Rappaport (in Giddens, 2016) as a process used by individuals or groups of individuals through responsive changes on circumstances to maintain homeostasis in the face of environmental change

both in the short and long term. In addition, adaptation can also be interpreted as control of the environment. Adaptation with nature will shape cultural technology and derivatively form its social and ideological components. The perfect result of the adaptive process is an integrated cultural totality and overcomes the double selective influence of nature on the one hand, and the cultural impact on the other (Gidden, 2016). In this study, the concept of adaptation strategy is used to analyze the community of border areas in an effort to maintain their life by adapting to the natural and social environment through social interaction in daily life. Furthermore, Adimiharja (1993: 11) states that adaptation is a human effort or a living thing to adapt to a particular environment in utilizing resources to cope or face urgent problems. In this case, adaptation demands the development of behavioral patterns, which ultimately helps an organism to be able to utilize a particular environment for its sake, both to obtain food and to escape from harm.

Border Area

Geographically, Indonesia has two dimensions of borders, namely the land border area and the sea border area. Indonesia has direct borders on land border areas with three countries, namely: Malaysia, Papua New Guinea and Timor Leste. In the border area of the sea, Indonesia is directly bordered by ten countries, namely: Malaysia, Singapore, Philippines, India, Thailand, Vietnam, Palau Republic, Australia, Timor Leste and Papua New Guinea. Land border areas in Indonesia are located in four provinces, namely: West Kalimantan, East Kalimantan, Papua and East Nusa Tenggara. Meanwhile, in the sea border area, there are six provinces, namely: Riau, East Kalimantan, West Kalimantan, North Sulawesi, Papua and East Nusa Tenggara. The border regions have considerable potential natural resources, but the number of people in the area is still rare, so that potential cannot be utilized optimally (Nurisnaeny, 2013).

The border area of a country is a major manifestation of state's sovereignty. The border area described in the Law of the Republic of Indonesia No 43 Year 2008 on State Sovereignty, as part of the territory of Indonesia which lies on the inside part of the boundary of Indonesia with other countries, in the case of land border area, Border Area is in

the Sub District. Martinez in his book Border People explains that there are four interaction models on the border: (1) alienated borderlands, (2) coexistent borderlands, (3) interdependent borderlands, and (4) integrated borderlands. In alienated model, tension prevails, border is functionally closed, and cross-border interaction is almost absent. Residents of each country interact as strangers. In coexistent model, borderlands' stability is an on-and-off proportion. The borders are slightly open, allowing for development of limited nations' interaction. Residents of each country deal with each other as casual acquaintances, but borderlands develop closer relationships. In interdependent borderlands model, stability prevails most of the time, economic aspect as social complementary prompts increased cross-border interaction, leading to expansion of the borderlands. Borderlands carry on friendly and cooperative relationships. In the integrated borderlands model, stability is strong and permanent. The economics of the two countries are functionally merged and there is unrestricted movement of people and goods across the boundary. Borderland people perceive themselves as member of one social system. In this research, the concept of interaction model in border areas described by Martinez as used to analyze the interaction among people in Paloh District, so that based on this interaction model, the character of border people in Paloh District and how social network formed in the region can be identified. Thus, the role of social network in the border community can be analyzed comprehensively based on the interaction model that occurs in the border areas.

III. RESEARCH METHOD

The border area is an important area which relates to the sovereignty of a nation and has strategic value for the country. The complexity of problems in the border areas are interesting to investigate. One of the most interesting issues to be studied is the relationship of the communities between the two countries living in the border region. In this study, the border areas between Indonesia and Malaysia located in Paloh District, Sambas, West Kalimantan Province was selected as primary study object. This research used a qualitative approach in analyzing the research focus on the role of social network in border community in Paloh District, Sambas, West

Kalimantan Province. Qualitative approach is used in this research because through this approach can be expressed the implied meaning in the symbols of interaction that occur in social networks entities on the border communities in Paloh District. As Creswell (2016) explains that qualitative methods are the methods used to explore and understand the meaning of social problems. Technique of data collection is done through observation, interview to informants which determined by purposive requirements of data and literature study.

IV. ANALYSIS

Border Characteristics in Paloh District

Paloh District is located in the northern part of Sambas Regency. Paloh District is an area bordering the country of Malaysia (Sarawak). This region has a strategic roles for the development of Sambas Regency as the homepage or the front page of NKRI. Paloh District is located on the coast of Natuna Sea. The sub-district is located in Liku Village. Paloh District has a total area of 1.148,28 km². Administratively, Paloh's Subdistrict is adjacent to the South of Keramat Bay Subdistrict, in the North with Natuna Sea, to the West with Natuna Sea, and East with Sarawak (Eastern Malaysia).

The character of the border in Paloh District is a land border. This type of border character allows people to interact in fulfilling their daily lives. Moreover, people living in the Paloh border area, especially in Temajuk and Teluk Melano villages, are one clump with Malay tribes, and the majority of people in both areas are Muslims. The existence of some equality of values in their lives makes the interaction between them beneficial to each party.

One of the villages directly adjacent to the Malaysian border is Temajuk Village. Based on the profile of Paloh District year 2015, Temajuk Village has an area of about 230 km². This village is the second largest village after Sebubus village which has an area of about 326.21 km², from the total area of Paloh District is 1,148.28 km². Administratively, Temajuk Village is adjacent to the North with the South China Sea, to the South with Galing Subdistrict,

to the West with Natuna Sea, and to the East with Teluk Melano Village, Sarawak, Malaysia.

SPECIAL AREA OF PALOH DISTRICT

NO	Village	Wide (Km²)
1	Kalimantan	64,86
2	Matang Danau	44,01
3	Tanah Hitam	126.06
4	Malek	136,70
5	Nibung	147,85
6	Sebubus	326,21
7	Temajuk	230,00
8	Mentibar	72,56
Paloh District		**1.148.28**

Source: Central Bureau of Statistics, Sambas District, Year 2015

Overview of Border Society in Paloh District

In general, the level of welfare of people in the border area is still very alarming. Besides, the border area is an isolated and lagging region, making it very vulnerable to disintegration, and easily influenced by more advanced outsiders. Frontier areas that are not well managed will potentially become problem-filled areas. In addition, the low carrying capacity of human resources at the border generally has implications for the low ability to build the economy. The carrying capacity is reflected in the lack of educational opportunities, the unavailability of public health facilities, the opportunity to get a job, and the business opportunity and the condition is still below the poverty line. Hence, the conditions of people along the border areas are generally poor, lagging, isolated and have no access to information, facilities and infrastructure and the economy.

Data Profile of Paloh District on 2015 showed that education facilities and infrastructure in Paloh District consisted of 24 Elementary Schools, 9 Junior High Schools, and 3 Senior High

Schools. These educational infrastructures at the elementary level were used by elementary students reaching 3,881 students with the number of 305 teachers. This means, the ratio of pupils to teachers reached 12.72, in other words the burden of each teacher to educate an average of 12-13 pupils. At the junior level, the numbers of 9 schools were used by 1,491 students, with pupil-to-teacher ratio of 12.85. At the senior secondary level, the number of educational facilities were 3 schools with total of 916 students. The numbers of existing high school teachers were 65 people, so the ratio of pupils to teachers reaches 14.09. This means that each teacher has to teach around 14-15 students. Referring to the data, the ratio of teachers to students is still in accordance with the rules established by the government through Government Regulation NO. 74 Year 2008 about the ratio of minimum number of students to teachers, namely for elementary, junior, and senior high school is as much as 20:1. However, other supporting infrastructure in each school were still minimum, such as library facilities, places of worship, and other supporting learning facilities. This is why the level of education in Paloh District is still very low. Meanwhile, the success of education process depends on the availability of adequate facilities, infrastructures, and teaching staffs. Therefore, the government needs to improve the development of educational facilities and infrastructures in Paloh District for the purpose of realizing Nawa Cita, so that the border regions as the country's front areas can be optimized.

Health infrastructures and facilities in Paloh District were still minimum. This can be seen from the number of Puskesmas (Society Health Center) and medical personnel available. There was only one Puskesmas with medical personnel consisting of 2 doctors, namely a doctor and a dentist. With these conditions, it can be understood why the level of public health at the border area is low due to the lack of health facilities and infrastructures. In an effort to improve the welfare of the people in the border area, the government must increase the development of health facilities and infrastructures.

Meanwhile, the population spread in Paloh District was not evenly distributed among villages. Matang Danau Village got the

highest density of 96 people/km^2 with total population of 4040 people. Temajuk Village is the village with the lowest population density, which got 8 people/km^2, and the population of 2,181 inhabitants. Temajuk Village is a region whose borders directly lied next to Malaysia border in Teluk Melano. Temajuk Village consists of 3 hamlets, namely Camar Bulan Village, Maludin and Sempadan. Temajuk Village is the entrance or access for the people in the border area who want to go to Melano, and vice versa. In performing their worship, the community in Paloh District is supported by the amount of praying infrastructures on 71 places. The livelihood of most people in Paloh District is gardening. The superior production of plantation products is black pepper. Black pepper produced from this area is an export commodity.

Infrastructure and facilities in the field of transportation, communications, and electricity were still low too. The existing transportation in Paloh District is Ojeg. There was lack of telephone network, especially in the Temajuk area which directly adjacent to Malaysia. In Temajuk Village, there was no communication network, so communication through telephone network was often a constraint. As for the electricity network, these facilities were still minimal. Electricity network especially in Temajuk Village, starts at 07.00 am, and ends at 18.00 pm daily. This shows that the border area in Paloh District still needs more government attention in an effort to improve the welfare of border area communities.

Social Interaction of Communities in Border Areas
The interaction of the communities in Paloh District with the people of Teluk Melano has been happening since a long time ago. This is conveyed by Kakesbangpol Linmas Sambas Regency which stated that there has always been interaction between the people in Paloh District, especially Temajuk, with Melano without having to take care of the trans-boundary license in advance because there is no cross-border guard post as it is today. Now that there is a guard post, any citizen who wants to cross-border to Melano should report to a guard post or known as a cross-border post. Cross-border licenses issued by postal service officers are valid only for 24 hours. If within 24 hours they have not returned, the Indonesian guard post will have

to coordinate with Malaysia's Royal checkpoint to inform about the existence of a citizen that has not returned yet. The purpose of the community through cross-border to Melano is to fulfill the needs of everyday life, and vice versa with the Melano people who cross-border to Temajuk. Referring to Anwar and Adang's explanation (2013), social interaction conducted in Paloh District, especially in Temajuk Village is a dynamic social relationship. Social interaction is done in the form of contact or mutual relationship between individuals, between groups, or between individuals and between groups. Interpersonal relationships occur between members of the community in Paloh District and inter-individual relationships with community groups, as well as between community groups between Paloh and Melano.

The interaction of the communities among people of Paloh with Melano was observed because it was influenced by geographical location of Paloh District, especially Temajuk Village with Teluk Melano. This condition has resulted in interaction between members of the two border communities which becoming more intense in their adjustment to survive in the border regions. As explained by Gillin and Gillin (1994) that interaction will occur in the event of contact and communication. In addition, human interactions are influenced by environmental factors.

In this context, the environment consists of the physical environment and the social environment. The fissile environment is the environment in which the society lives and the social environment is the environment that consists of the surrounding community. The interactions are influenced by the physical environment in this study which refers to the interaction made by the Paloh community to their environment. With minimum environmental conditions and infrastructures, people can still utilize the existing resources so that they can survive. One of the efforts of the community in utilizing the natural environment is by planting certain type of Sahang (pepper). This plant is a leading commodity from Temajuk Village and exported to many countries, especially Malaysia. By planting Sahang, then the community can survive and this is one of the adaptation of the community in adjusting to the border environment.

The interaction that exists between the members of society and between groups of people, both people in Paloh District and Melano were based on the existence of biological ties (blood bonds) and sociological (friendship ties). Interactions based on the existence of social relationships form a bond in the level of the concept called the social network. This social network forms a social unity of the people of the border region. In fact, people do not realize that their interaction is a social network formed based on the existence of bonds between them. Referring to Sumantri (2015) explanation, the relationship between them in the form of social network is generally not formal (informal).

The existence of this unofficial relationship makes interaction between them can be done without any coercion. They do interactions based on kinship ties and friendship ties. As one informant explains that every time there is a celebration event in one of the community members in Paloh or Temajuk then they will invite their relatives or acquaintances who live in Melano, and vice versa. The social relationships that exist between them are informal, so they can interact at any time without any binding rules. The social network formed between them is a social capital for them in social interaction.

Social Network as a Social Capital for Society in Adapting in Border Area

In analyzing the life of people in border area, especially the community in Paloh District, it is done by using social network approach. This concept is used to understand the form and function of social relations in society. This can be seen in the social relations found in Paloh community in interacting between community members in Paloh and Melano. The ties that exists between them are based on kinship, friendship, and neighborhood.

As one of the public figures in Paloh District stated that there are many of his relatives in Melano. This is one of the factors causing the interaction between Paloh and Melano communities to run intensively, although they are separated by administrative boundaries, namely border of the state. Besides, the relationship

between them is an unofficial or informal bond. In Barner's view on the bonding of kinship networks, neighbors and friendships are not exclusive, and the social networks that they form, their social relations and membership transcend the boundaries of territorial and existence of the peoples concerned.

Communities in Paloh and Melano often cross-border with the intention of visiting relatives or shopping for daily needs in an effort to sustain their lives. Paloh people usually shop for basic needs to Melano because for them, the price of basic necessities in Melano are cheaper than the price in Paloh. Meanwhile, the people of Melano shop for household appliances to Paloh for the same reason that the prices in Paloh or Temajuk are cheaper than the price in Melano. If we look at the facilities and infrastructures in Paloh, then the condition is very different from the facilities and infrastructures in Melano. Although Melano is a border area of Malaysia and Indonesia, but it has better facilities and infrastructures than Paloh. The school building stands majestically and comes with infrastructures which support the teaching and learning processes. In addition, the conditions of the houses in Melano are permanent and neatly arranged. Despite the fact that the condition of educational facilities and infrastructures in Melano are better than Paloh, but school-age children in Paloh cannot go to schools there because the schools are only for Malaysian citizens only.

In the context of social interaction, people in Paloh are highly mobile in cross-border and in interaction with the community in Sambas. They are generally derived from the Jawai region that is located in the region of Sambas District. With such high mobility, it shows that they have social relationships with various social networks, whether based on kinship, friendship or work. As one of Paloh community official pointed out, the social relationships are not only focused on one individual, but with various individuals and even groups who are relatives, friends and business associates. This relationship is done with several individuals and groups located in various places, both in Paloh, Sambas, and in Melano.

Individuals with high mobility will engage in extensive social relationships, and have the opportunity to have a number of social

networks. As explained by Mitchell (1969) that social networks are a set of specific or specific relationships formed between a group of people, in which the characteristics of those relationships can be used to interpret the motives of social behavior of the people involved in them. In this context, the motives of social behavior are kinship, friendship, neighborhood, and business associates. The motives of social relations behavior carried out by the people in Paloh and Melano caused by the high intensity of their social relationships and this did not make the Paloh people wish to become Malaysian citizens, as submitted by the Head of Dusun Sempadan. Though Sempadan Village is directly adjacent to Melano Gulf, Malaysia.

People in Paloh or Temajuk and in Dusun Sempadan realize that, even though the facilities in Melano are more available for them; nevertheless, they do not want to be Malaysian citizens since they know the that to be a Malaysian citizen is not easy, but they must go through complicated procedures, and every citizen must follow the rules set by the government in regulating the daily life of its citizens. If any member of the Paloh community is married to members of the Melano community, their children may not necessarily get free school facilities at Melano because their parents are from different countries. Schools in Melano will only accept their children if both parents are Malaysian citizens. Seeing this condition, it can be seen that the social network that exists between Paloh community members and with the Melano community is based on certain interests.

As explained by Ruddy (2007) that social network is divided into three types, namely power network, interest network, and the network of sentiments. In fact, a social network is not only formed by one type of social network, but there is often overlapping between the three types of social relationships. In this case, a social network based on interests is done to meet the needs of everyday life. Meanwhile, the feeling network is based on the existence of kinship (biological) which is related to family, namely Malay and friendship (sociological aspect).

With the existence of social networks formed among fellow members of the Paloh community, as well as between the people of Paloh and Melano community, the bonds that are intertwined

between them are getting closer. It is based on the similarity of clumps, the Malay and the religion they profess, Islam. Individuals or groups that are related through social networks, tend to have a common value with other members in a network as long as the network has resources, then those networks can be viewed as social capital. Hence, the similarity of values that they make as the guidelines in everyday life and mutual trust among them is a social capital that they have in running life in the border areas. In the view of Putnam (1993), the existing social network of the Paloh community is a social capital because social capital consists of trust, norm and network. The social capital owned by the people of Paloh can be used as capital to solve various problems in the border area.

With the social capital they have, they can adjust to the natural environment and social environment in various ways so that they can survive. Some of the adaptation strategies implemented by the Paloh community in fulfilling the necessities of life are by building Koperasi Harapan Kita (a cooperative economic organization) located in Sebubus Village. This organization was established to meet the basic needs of the community in Paloh District because in order to fulfill various basic needs, they must travel for a long distance, from Sambas to Melano and the other way around. However, for the people in Temajuk village, their daily necessities can be fulfilled by shopping to Melano because the distance from Temajuk to Melano is relatively close and can be reached by road. Meanwhile, from Temajuk Village to Sebubus Village where Koperasi Harapan Kita is located, it must be reached by crossing the river. The basic needs of many purchases are rice and eggs. According to former Temajuk Village secretary, they can get a cheaper price with good quality when buying basic necessities in Melano.

Another strategy undertaken by the Paloh Community that is by becoming a porter or a coolie at the plantation owned Melano residents. According to the Head of Dusun Sempadan, being a construction worker in Melano will give them a bigger wage compared to being a construction worker in Paloh. Likewise, being a coolie on a Melano-owned plantation, in addition to getting a bigger wage, they got the freedom to grow shrubs, the vanilla on

the land belonging to Melano residents with free of charge. This can take place because they have a close social relationship on the basis of kinship or friendship. This social network is an important social capital for the Paloh people in maintaining their lives in the border area. In other words, social capital is an important aspect for Paloh's community to adapt to the environment in which they live. Referring to the explanation of Rappaport (in Giddens, 2016) adaptation is a process used by individuals or groups of individuals through responsive changes to circumstances to maintain homeostasis in the face of environmental changes both in the short and long term. Adaptation can also be interpreted as control of the environment. Control of the environment is important in the effort to keep the environment in a state that can benefit people in the border region.

The networks of relationships formed in society are so important to the society since no human beings belong to no part of any social relations network with other human beings in their society. Humans on this earth always foster social relationships with other human beings wherever they live because humans are basically unable to live alone. The attachment of individuals in social relations is a reflection of itself as a social being. In the life of society, the individual social relationships are an attempt to maintain their existence. Similarly, in the Paloh community, social relationships woven with the Melano community is one strategy to defend themselves in the border region.

The border area in Paloh is a type of land border area, namely the border between countries of Indonesia (Paloh, Sambas) with Malaysia (Melano, Sarawak). Communities living on land border, such as communities in Paloh, tend to have greater opportunities for interaction with communities on the borders of neighboring countries. Furthermore, the border condition in Malaysia has a higher level of welfare than the border conditions in Indonesia. This condition is beneficial for the Paloh community to be able to utilize the facilities available in Melano, such as rice, basic necessities, lands for gardening, etcetera. In addition, people in Melano also take advantage of social relationships that are intertwined with the Paloh community by making residents in Paloh as construction

laborers or plantation laborers because according to Head of Dusun Sempada, people in Melano do not want to work as coolies especially with low pay.

Activities that occur in the Paloh border region, referring to Martinez's explanation on the interaction model at the border, stated that interaction is an interdependent model of borderlands, where both communities in each border need each other. Thus, the communication that exists between the people of Paloh and Melano is a two-way communication (directional). This resulted in their mutual need and formed a social network based on interests and feelings in the form of bonds of kinship or friendship. This condition allows them to cross-border.

Cross-border processes can be done only by reporting to cross-border posters at each border by stating their intention to cross-border. This can happen because between the people of Paloh and Melano established mutual trust in a close bond because both share the religion of Islam and the Malay family.

The efforts of the Paloh community to deal with various problems in the border area by utilizing existing resources in the surrounding environment are a strategy to survive. Further, Adimiharja (1993) stated that adaptation is a human effort or a living thing to adapt to a particular environment in utilizing resources to cope or face urgent problems. Based on Adimiharja's explanation, the people of Paloh can survive because they can utilize the existing resources, the social network they have with the Melano community as a social capital for them in dealing with the problems they face. This is also supported by the type of border in the form of a land border in which Melano's companion zone has more complete facilities and infrastructures than in the Paloh pruning area.

In an effort to realize the development of border areas, and in accordance with the agenda Nawa Cita, to build Indonesia from the periphery, of course the government from related parties should keep trying to improve the border conditions, so that the border can be a safe and prosperous homeland of NKRI. Therefore, the social network owned by the Paloh Community is a social capital in the process of their adaptation strategy in the border region.

Additionally, the border character also determines the adaptation strategy adopted by the Paloh community.

V. CONCLUSION

Social network in Paloh community is considered as a social capital in developing strategies to adapt in the border area. This is supported by the characteristics of the border area between Indonesia and Malaysia in Paloh District which is interdependence, so that the existing social network is directional (two way). This social network is built through the bonds of kinship (biological) and friendship (sociological). Thus, the social network in the Paloh community has an important role in the adaptation process to maintain their existence in the border region.

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LAW POLITICS OF TRADITIONAL VILLAGE IN BALI AND LOCAL GENIUS VALUE IN ELECTING HEAD OF TRADITIONAL VILLAGE (*BENDESA ADAT* KUTA)

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Abstract

This research was concerned with the political law of desa adat (customary villages) in Bali and the local genius value in electing the chief of the Desa Adat Kuta. It focused on three problems, namely: (a) how was the implementation of national political law in the Order Baru (New Era) in the customary village; (b) how is the construction of political law in Bali in the Era Reformasi (Reformation Era) in relation to implementing the election of the chief of the customary village; and (c) what is the impact and meaning of national political law politics in relation to the local genius value in electing the chief of the customary village of Kuta. A qualitative method was used based on data collected through in-depth interviews, participant observation, and documents. Analysis reveals that the implementation of national political law hegemonizes customary villages in Bali as it is produced by the nation to manage, transform and reconstruct society for the assurance of justice and welfare. In electing the chief of the customary village of Kuta, it is implemented based on local genius values and meaningful social law.

Keywords: politics, law, local genius value, election, bendesa adat, customary village chief

I. PREFACE
1. Background

In the history of villages in Bali, there are two types of village, traditional village(*DesaAdat*) and administrative village(*Desa Dinas*). The administrative village is under control by central government to manage villages in Indonesia. However, the traditional villages

in Bali have an authority to manage their problems independently, and also have their own rules (*Awig-Awig Desa Pakraman*) and have *Laba Desa* or village assets such as *tanah pelaba pura* or temple areas (*Pura Desa, Pura Dalem*, and *Pura Bale Agung*). Traditional village is organized based on *Awig-Awig Desa Adat* or *Pakraman* which leaded by officers who called *Bendesa Adat* and *Prajuru Desa Adat* or traditional village administrators. The traditional village in Bali is a village republic (*Dorprepubliek*). That means the traditional village in Bali as *Dresta* is the unity of traditional law society in Bali Province which has a unity of tradition and manners of social interaction of Hindu people from generation to generation in the bond of *Kahyangan Tiga* which has certain territory and own property, and Have the right to manage their own household (autonomy).

Traditional villages in Bali live based on the philosophy of *Tri Hita Karana* with *desa, kala, patra* principles based *Desa Mawacara, Negara Mawatata*. With those principles of *Desa Mawacara, Negara Mawatata* give an opportunity for traditional villages to still alive and understandable that traditional villages and administrative villages can live together without itegration each of them, basically that both villages have their task and function themselves that don't interfere each other. But, in the other way, the government wants to influence, fabricate traditional villages for political interests in the field of law (legal politics) in DPR and government. The government's hegemony to the traditional village is "the dark side" of the traditional village which is always "preserved", or empowerment traditional village in Bali.

The legal politics of traditional villages in Bali can be found in the Constitution of Republic of Indonesia which recognizes and respects the unity of customary law society and their traditional rights with the provisions are alive and in accordance with development of society and the principle of the Unitary State of Republic of Indonesia (NKRI). It is regulated in the Act (UUD 1945 Constitution of the Second Amendment, section 18B paragraph (2nd)). Indigenous villages in Bali as indigenous and tribal peoples live in the dynamics of the *desa, kala, patra*.

Legal politics in Bali concerning adat villages raises the term *Desa Pakraman* so that it experiences dynamics as a political

objective In maintaining the traditional village or *Desa Pakraman* requires a culture-based political defense system. Politics as a policy requires a legal basis, so as to be a protector of Balinese culture. A policy towards the realm of society, including in the field of economic development, is strongly influenced by persons who have a particular interest (Pramudya, 2007: xvii). In the New Order era, the political power in Bali is dominated from Golkar party. In government, the ruler supported by Golkar, freely determines public policies for the benefit of the profitable. In the New Order era, law was a tool of social engineering. The consequences of the legal paradigm as a means of social engineering resulted in the law being applied in a refresher manner.

The reformation was born as a reaction to discontent over the old situation. The reform era allows a shift in the legal paradigm that can create a more democratic social system that can absorb people's aspirations. In the era of reforming social and political reality shows the absence of political power that majority in Indonesia (Pramudya, 2007: xix).

Michel Foucault argues, every legal discourse can not be separated from the operation of power, knowledge and social realization between the two that produce truth and justice. Furthermore, Foucault in power and knowledge, seeking truth in law can not be interpreted as an exploration of the objectivity of knowledge in order to find a final truth (logos), but a battlefield, in which there is a cultural struggle (it can also be from the " Economy ") and politics in order to gain access and power in defining truth itself, regardless of whether the truth product represents the final truth or not (Yasraf Amir Piliang, 2004: 299-300). Laws as part of a cultural product influenced by rulers and knowledge become the result of cultures that should be carried out with full responsibility.

Since the Provincial Regulation of Bali Province No. 3 of 2001, issued about the Regional Regulation of Pakraman by revoking the Regional Customary Law No. 06 of 1986, providing information that there is a power and knowledge relation such as Michel Foucault's theory in law products conducted by the Provincial Legislative of Bali. Perda Desa Adat is the dominant New Order product. And,

the majority of DPRD Bali Province is from Golkar. In contrast, the era of reform gave birth to the village law of Pakraman, as a product of the dominant and dominant DPRD Province of Bali from the PDI Perjuangan faction.

In discussing the political politics prevailing in Indonesia based on the hierarchy of the law itself, or with the terminology of Logemen, as the current law. But the classical interpretation of positive law is a law created or established by a state institution or an authority authorized to establish it.

In legal politics in Bali, history has noted that the New Order era marked the issuance of Law no. 5 of 1979 about the Village raises the country's hegemony against traditional villages in Bali and administrative villages become marginalized, because the regulated is the official village. In relation to the administrative village has not been regulated in the act, the Minister of Home Affairs issued Regulation no. 11 of 1984, on the fostering and Development of Customs in the Village. It is arranged in the form of local regulations, regional head decisions and other implementation policies (Article 6, Paragraph 2). In the context of hegemony through the legal product, the Bali Regional Government together with the Bali Regional House of Representatives issued Product of Administrative Village Regulation No. 06 of 1986 as a legal politics in saving the cultural assets of Hindu Balinese at the village level.

The traditional villages in Bali are as social-religious institutions for Hindu who are bound to *Pura Kahyangan Tiga*. In the juridical aspect this refers to the Regional Regulation of Bali's First Level Region No. 06/1986 on the status, function and role of traditional village as a unit of customary law community within the Provincial Level Region of Bali, Section 1 (e). Furthermore, in the Provincial Regulation of Bali Number 3 of 2001 on *Desa Pakraman*, Article 1, paragraph 4, *Desa Pakraman* is a unitary customary law community in the Province of Bali which has a unity of tradition and manners of Hindu community life in hereditary in *Kahyangan Tiga* or *Kahyangan Desa* that has a certain territory. In the tradition of Hindus in Bali, especially in traditional villages or pakraman, Kuta has a unique in *Bendesa* customary selection process. Kuta has the value of local wisdom and the value of national legal culture

that blend in the local cultural construction, in the value system of Indonesia.

The traditional Village as *Dresta Desa* is a unit of customary law community in the province of Bali which has a unity of traditions and manners of social life of Hindu people from generation to generation in the bond of *Kahyangan Tiga* or *Kahyangan Desa* which has certain territory.

Based on this background, it is necessary to examine *Bendesa* customary Kuta system which has local wisdom value, since in one side still use *awig-awig* of Kuta traditional village and the other side has adopted value and spirit of Law Number 32 Year 2004 about Local Government and enactment of UURI Number 6 Year 2014 on the Village. It is important to be observed and examined about the history, origin and thought of it in the formulation of the problem as below.

2. Research Problems

Based on the background of the problem, there is the formulation of the problem as follows:

1. How is the implementation of legal politics in the New Order era in the traditional village of Kuta?
2. How is the legal legal construction in Bali in the context of traditional village of Kuta in the era of Reformasi that is associated with the selection of custom Bendesa in Kuta?
3. What is the impact and meaning of political law of the state on the value of local wisdom in the selection of custom bendesa Kuta?

3. Theories and Research Methods

The theory used to discuss this research there are three namely: 1. hegemon theory, 2. theory of deconstruction and 3. theory of power relations and knowledge. This social group theory is used eclectically according to the issues discussed in relation to each other.

This research uses qualitative method and data collection using in-depth interview technique by doing observation and document study. Researchers do not give influence or intervention

on the object of research ethnografik. Researchers consider the specific elements of the research object. To achieve this, researchers become the main instrument of research. This study was studied by applying eclectic hegomonic theory, deconstruction theory, power relations theory and knowledge.

Hememoni Gramsci's theory comes from the thought of an Italian Marxist named Antonio Gramsci. Hegemony theory includes cultural leadership and through consensus can explain the role of state through Parliament to form Law, while through DPRD Bali can form law product in the form of Regional Regulation in its implementation to traditional village and *Desa Pakraman*. Apparently, the hegemony of the state against indigenous villages is continuous, in addition to the resistance of Bali Provincial DPRD to the central government to save the traditional village. The rescue of traditional villages from the direct interversion of the central government is by issuing Regional Regulation of Traditional Village. However, in cultural and political realities, the Regional Regulation of Traditional Village resulted in the uniformity of the traditional village *awig-awig* in Bali, through the provision of an *awig-awig* and a traditional village contest. On the one hand, the DPRD Bali has saved the cultural assets through the legal product of the regional regulation of traditional village but on the other hand, through the traditional village regulation, the traditional village has been hegemonized by the administrative village (*Kelurahan/Perbekel*) in running the government duties.

The Deconstruction Theory of Derrida who is a poststructural figure. Derrida's deconstruction is a rejection of that logocentrism or phenocentrism. Derrida focuses on dismantling this closed source so that it can liberate it from the enslaving. The exact sentence to describe Derrida's attention is "deconstruction of logocentrism". That is, deconstruction involves the decomposition of unity in order to reveal the hidden differences. In relation to the theme of research can be understood that the Regional Regulation of Bali, which is about *Desa Pakraman* No. 3 of 2001, especially the articles that are not aspirational to this indigenous people that will be dismantled. It will be tried to be dismantled and interpreted so that it can be clearly understood. The question is that the *bendesa adat* candidate

of Kuta should not be a politician or a member of a political party. This is dismantled because in the concept of *Desa Mawacara* and *Negara Mawatata*, the village is entitled to regulate in accordance with customs and the state regulate the community in accordance with state regulations.

The theory of power relations and knowledge of the Faucault (in Yusuf Lubis, 2004: 162), that power is relations that work in a certain space and time. Power produces truth because truth is within the network of relations that work in a certain space and time. Power produces truth, for truth is within the network of circular relationships with a system of power that produces truth and keeps it truth. Therefore truth does not exist by itself, the truth is not beyond power, but is within that power.

The The theory of power relations and knowledge of the Faucault does not discuss the power in the socio-political structure, the power in the proletarian-capitalist relationship, the relationship between master slave, the relationship between the center and the periphery, but he speaks of the mechanism and strategy of power. He does not speak of what power is, but speaks of how that power is practiced, accepted and seen as truth and how power functions in a particular field. Power not only works through intimidation and violence but also through rules and normalization. Power is closely related to knowledge. So close is the relationship between the two that there is no knowledge without power and no power without knowledge.

According to Foucult (in Gordon, 1977: 131, Yusuf Lubis, 2004: 162-175), in the power of the role of discourse regimes that can be seen in historical events, in addition to the discourse is seen a game about the truth. Thus it is not something that already exists, not something stable, but something related to an ever-changing history. Truth is the result of cultural and political construction. Truth is in the network of power and never separated from it. Truth is also in a world produced by many forms of coercion or opposition. The will of the ruler sees life as a continuous struggle. The will to power is the basis for all the motion of history, human thought and activity. Therefore the relevance of Power Relation's theory will be used to analyze the relation of power (politics) with

the law product (regional regulation) as the result of legal political construction.

When the New Order regime was controlled by Golkar politicians, it was produced by law product or by Local Regulation No. 6 of 1986 about *Desa Adat*. Then the regime change from the New Order to the Reformasi regime that won the election in Bali in 1999, then as a legal political construction was born law products (regional regulation) *Desa Pakraman* Number 3 of 2001. What is the political policy of the ruling during the New Order and the change of regime to the Reformation at the Provincial Government of Bali is very relevant to be answered by the theory of power relations and knowledge. Given the legal products produced by each epoch have episteme or systems of thought that lead to the practice of science in a particular age, such as the village regional regulation and the regulation of *Desa Pakraman* as well as in the context of the election of *bendesa adat* Kuta.

II. Results and Discussion
A. Dynamics Implementation of Balinese Traditional Law Politics in The New Order Era

The legal politics in accordance with Utrecht's opinion include the field of political science which states that the act of coveting the law is a legal political act (*daad van rechtspolitick*) and they doubt whether the idealized law is the object of legal science, and according to them, Is a political science project. In a modern state, the administration of state power is based on the basic law (droit constitutional). The constitution or *verfassung*, by Carl Schmit is considered the highest political decision.

Legal politics of traditional villages in Bali can be found in the Constitution of the Republic of Indonesia to recognize and respect the unity of indigenous and tribal peoples as long as they are alive and in accordance with the development of society and the principle of the Unitary State of the Republic of Indonesia regulated by the Constitution 1945 Second Amendment of Section 18B Paragraph (2)).

In practice the customary law of Desa Desa in Bali is familiar with the rural dualism as a product of history due to the Dutch

colonialism in Bali. In the other way, the traditional village is still alive to take care of its traditional rights, while to take care of the administration of the government was introduced modern bureaucracy by forming the administrative village as an extension of the Dutch colonial government in Bali.

The implementation of New Order political politics in indigenous villages in Bali occurred state hegemony against indigenous villages as a whole can be found in the centralistic spirit of the government in power through legal products (Law No. 5 of 1975 on Regional Government and Law No. 5 of 1979 on Village Government in the form Approval The traditional village of Bali, as a heterogeneous traditional village, can also be found in the traditional village of Kuta, the country has hegemonized the traditional village of Kuta, so as resistance to the hegemony of the State is responded as opposed by the legislative and executive of Bali Province to create or produce legal products Protect and preserve the essence of traditional villages in Bali with the issuance of the regional regulation No. 06 of 1986 on Desa Adat.

This regional regulation of traditional village was born as a dynamic process of the Balinese Hindu society to preserve customs, religion and culture as part of cultural protection through legal products with the birth of public policy form of regional regulation of traditional village. This legal politics is set forth in the regional regulation of traditional village which is implemented in Tri Hita Karana in the interaction of Balinese man in wewidangan (region) of Bali Province. In addition, the political protection against the cultural assets of Traditional Villages, but the state Hegemony occurs in the form of the substance of the regional regulation of traditional village section 12, paragraph (1,2, and 3) Traditional Village Development is by the Governor who is assisted by the Assembly of Indigenous Council (MPLA), BPPLA (Implementing Agency of Adat Institute Builders) whose structure (structure) is established by the Governor. It is also important to note that the birth of the regional regulation of traditional village No. 06 of 1986, the Governor provides the requirement for traditional villages in order to clarify the *awig-awig* of traditional villages. Indigenous villages that have dirtiest village *awig-awig* and simultaneously held

custom village contest. After the *awig-awig* and participate in the traditional village contest are given assistance to establish the Rural Credit Institution as a traditional village economic institution.

The dynamics of legal politics in the form of adat village regulations can be found in Article 13, the working relationship between traditional village counselors with village heads and village heads is consultative and coordinative. In the political reality of state hegemony through the village head or village chief against the traditional village is very thick. Village Head as Sole Ruler at village level, as well as LMD Chair at LKMD with a centralized government system. Satjipto Raharjo, states that the law is hegemonic of human life is no longer fully independent and natural, but has turned into a life that is designed and shaped by law. More clearly mentioned by Satjipto Rahardjo, *Bhineka Tunggal Ika* need to be a guide in arranging Indonesian plural society in legal politics based on the value of local wisdom. Diversity has not become a disciplined legislation.

According to the author of the law should be a tool to maintain the values of local culture in the life of the state in the concept of *Bhineka Tunggal Ika*. In the politics of Law No. 5 of 1979 on Village Government, it can be a good example of bad governance politics. The desire to rearrange uniformly the villages in Indonesia has to be paid very expensive, in the form of destruction of the original order in many places still work well. Working well means being able to be a fun home for the local community. Law No. 5 of 1979 is an example of par exellence of a criminogenic law.

Satjipto Rahardjo, argued that indigenous villages in Bali who felt life would be threatened by the issuance of Law No. 5 of 1979 promptly passed regional regulation No. 6 of 1986 on traditional villages protecting local life and local structures that are still working well.

Legal politics of indigenous villages in Bali flows to maintain indigenous villages or also called Desa Pakraman after the removal of traditional villages with the name of Desa Pakraman. The form of Balinese resistance was represented again by the Provincial Legislative Council of Bali in 1999-2004 period with the right of initiative of the Council (DPRD Bali Province) as stated in the

Decree of the Chairman of Bali Province DPRD Number: 26 / KPTS / DPRD / 2000, on Pansus Ranperda *Desa Pakraman* Further the establishment of perda desa pakraman No. 3 of 2001, and the change of Regional Regulation of *Desa Pakraman* No. 3 of 2003. Product of Regional Regulation of *Desa Pakraman* as power relation of DPRD Bali dominated by PDI Perjuangan. When the change from the traditional village to the *Desa Pakraman* of the Provincial Legislative Council of Bali Province is imbued with the spirit of reform and under Law No. 22 of 1999 as a flashback of the centralized spirit to the spirit of decentralization of government. In the context of the birth of perda *Desa Pakraman* in traditional village of Kuta as a case, the formation of Alit Assembly of *Desa Pakraman* contains the defect of procedure in the proper formation from below sent by *bendesa* (desa Adat/Pakraman), but in political reality contrary to the spirit of *Desa Pakraman*, Because it is still a system of appointment in the appointment of the *Majelis Alit Desa Pakraman*, that it is a mirror of the sentimistic spirit of the New Order. Thus state policy, can not be sterilized from politics, because state policy is a response to a political system that exists around the Environment. George C. Edward III and Ira Sharkansky, defines state policy as what the government declares and does or does not do. According to David Easton revealed that public policy is the allocation of values forcibly against the whole society. This means that Easton's definition affirms that the government can legitimately do something to its people, and the government's choice to do something or not to do something is manifested in the form of allocating values to society.

Since the enactment of Provincial Regulation No. Bali. 3 of 2001, concerning *Desa Pakraman* as amended by the Provincial Regulation of Bali Province in 2003 on Pakraman *Desa Pakraman* by formal judicial terminology of *Pecalang* or security in traditional village and Assembly of *Majelis Alit Desa Pakraman*, and Implementing Agency of customary Institute (Regional Regulation of Traditional Village No. 06 Year 1986, section 12, Paragraph (2).

In relation to Regional Regulation of Desa Pakraman no. 3 In 2003, in the context of traditional village of Kuta, there is a controversial issue with respect to article 3 verse (6) For villagers

or *Krama Banjar Pekraman* which is not a Hindu religion only has *pawongan* and *palemahan* bonds within the village or *Banjar Pakraman* whose rights and obligations are regulated In the *awig-awig desa* or *banjar pakraman* respectively. In conjunction with the Regional Regulation of *Pakraman*, although the traditional village of Kuta is not clearly regulated in accordance with the mandate of Article 3, Paragraph (6) non-Hindu residents are not regulated in *awig-awig* or *pararem*, non-Hindu residents still only receive official service (administration). Obligation in *palemahan* (region) is to follow security and order, and must participate comunity share help every month. Likewise, the customary affairs shall be governed by *bendesa adat*, and the official affairs shall be governed by the head of the village chief. In the context of Article 3, Paragraph (6), it is necessary to regulate non-Hindu and Hindu in Traditional Villages in relation to *Tri Hitakarana* (*Parhyangan*, *Palemahan*, and *Pawongan*) relating to the rights and obligations and the interests of life in their environment. The need to be organized by the inhabitants of Hindu and non-Hindu immigrants so as not to be ngrebede or defiant. The interpretation and deconstruction of customary *bendesa*, *kaling*, DPRD, *Majelis Desa Pakraman*, community leaders and bureaucracy reflect that language factor is the main cause why law enforcement is impossible to do well (including the language of laws or local regulations) that is uncertain, Very open (open ended), manipulative and multifaceted.

Based on Law of the Republic of Indonesia Number 6 Year 2014, on Village, Article 6. Paragraph (1) Village consists of Village and Desa Adat; Paragraph (2) The mention of a village or traditional village as referred to in paragraph (1) shall be in accordance with the applicable mention in the local area. In Law No. 6 of 2014 on Villages, Article 96 reads: Provincial and District / Municipal Governments are organizing customary law community units and being designated traditional villages. The emergence of this Village Law, with the spirit of applying the constitutional mandate of customary law community in accordance with the provisions of article 18B paragraph (2) to be regulated in the composition of government in accordance with the provisions of section 18 paragraph (7). The new law reinforces that Desa and *Desa Adat*

basically perform almost the same tasks. While the difference is only in the implementation of the right of origin, especially concerning the social preservation of the village of traditional village, the arrangement and management of customary territories, custom peace meetings, the maintenance of tranquility and order for indigenous and tribal peoples, and governance arrangements based on the original arrangement. Whereas in this Act, the village head is elected democratically and directly by the local community, except for traditional villages can use local mechanisms.

B. Legal Political Construction in Bali in The Context of Traditional Villages of Kuta in the Reformation Era Associated With The Head of Traditional Village Selection in Kuta

The history, origins and legal thoughts of law in Bali involves the role of the Provincial Legislative Council of Bali and the Governor of Bali is very important in the history of traditional village life in Bali. As a basis and reason why traditional villages in Bali are preserved. It considers that the traditional village of Bali Province that has grown and developed throughout history for centuries, has made a very valuable contribution to the survival of traditional Balinese people. Traditional villages in Bali are a unit of customary law community whose role is very large in the field of religion, state ideology, socio-cultural, economic and defense of security so it needs to be preserved. It is also explained that in preserving traditional villages in Bali based on the teachings of Hinduism, their positions, functions and roles need to be regulated in the Provincial Regulation of Bali. The intended implementation is the Regional Regulation No. 06 of 1986 on traditional villages.

In this case law and society are like two sides of the coin, yam societas ibi ius (where there is society there is law). The core law is a tool or means to organize and maintain order in order to achieve a just society in carrying out social welfare in the form of rules that are coercive and give sanctions for those who violate it, either to regulate society or government apparatus as ruler.

In a legal construction contest as a policy of the Provincial Government of Bali to preserve traditional villages in Bali and the accompanying cultural assets associated with the head of

traditional village of Kuta selection, in legal products. This will reveal the historical aspect, the thought of the emergence of a policy to hold a selection of customary head of traditional village of Kuta which adopts and refers to the rules of traditional villages, the contemporary legal political environment so that there is a paradigm shift in the selection of head of traditional village of Kuta.

First Construction, Year 1986, that the belief of the DPRD and the Governor of Bali to save the customary village from the hegemony of the state (central government) since the traditional village of Bali has grown and developed throughout history for centuries, has made a very valuable contribution to the survival of society and the struggle for independence and development in Bali Province. That to preserve traditional village as a unity of traditional law community that originated in Hinduism in Bali area. It is also important to note that Traditional Villages in the Province of Bali are a unit of Traditional Peoples whose major roles are in the fields of religion, State ideology, socio-culture, economy and defense of security. This idea is outlined in Regional Regulation No. 6/1986 on the status, function and role of Traditional Village in the Province of Bali. The construction of the law as outlined in Section 1 paragraph (e) Traditional Village as *Dresta Desa* (village's rules) is a unit of traditional law community in the Province of Bali which has a unity of traditions and manners of social life of Hindu community from generation to generation in *Khayangan Tiga* Which has a certain territory and own property and is entitled to take care of the household itself. It is mentioned also in section 7 paragraph (1) of each traditional village to have written *awig-awig* (traditional rules); Paragraph (2) *Awig-awig* of Traditional Village shall not be contradictory to Pancasila, the 1945 Constitution and the applicable Laws and Regulations. Article 10 paragraph (1) Traditional Village is led by *Prajuru Desa Adat*; Paragraph (2) *Prajuru Desa* adat is selected and determined by each traditional villagers. In section 10 paragraph (2) it can be asserted that *Bendesa Adat* (*Prajuru Desa Adat* in the New Order era of *Krama* has the right to choose *Bendesa Adat* has not yet accommodate the product of Law issued by the State concerning Local Government.Pure uses the implementation and

enforcement of *awig-awig* traditional village of Kuta in the selection of *Prajuru Desa Adat* or *Bendesa Adat Kuta*. The understanding of traditional villagers of Kuta is formalistic towards the *awig-awig* and the rules of traditional village is the mouthpiece that should be applied in the selection of *bendesa adat*, less construct factors outside the traditional rules of Kuta. *Awig-awig* is the only one considered valid in the *Prajuru Desa* election.

Second Construction, the revocation of Regional Regulation Number 6 Year 1986, and replaced by Regional Regulation Number 3 Year 2001, concerning *Desa Pakraman*. That *Desa Pakraman* as a unity of Traditional Law community that is imbued by Hinduism and cultural values that live in Bali is very big role in religious and socio-cultural field so that need to diayomi, preserved and empowered. Section 1 letter (18) Pengayoman is providing protection to *Desa Pakraman*; Article 1 letter (19) Empowerment is a series of active efforts so that the condition and existence of the *Desa Pakraman* can be sustainable and more robust so as to play a positive role in development. While conservation is an effort to maintain and preserve the values of traditional Balinese culture, especially the values of ethics, morals and civilization which is the core customs and traditions of the Balinese community so that its existence is maintained and continues.

Regional Regulation concerning *Desa Pakraman*, section 7 paragraph (1) *Desa Pakraman* is led by *Prajuru Desa Pakraman*; Paragraph (2) of *Prajuru Desa Pakraman* selected or stipulated by villagers according to the rules set forth in the respective of village rules; Paragraph (3) the structure and composition of the councils of *desa pakraman* arranged in rules of *desa pakraman*. The management and use of village revenues is arranged in *awig- awig*. Section 11 paragraph (1) every *Desa Pakraman* implies its *awig-awig*; Paragraph 2, the rules of *desa pakraman* should not conflict with religion, Pancasila, 1945 Constitution, and human rights.

With the power relations, politics (Partai Demokrasi Perjuangan Indonesia) in the DPRD Bali as the winner of the 2004-2009 election, the name of Traditional village as the village of "*Dresta*" / Balinese tradition was changed to *Desa Pakraman*. Although the name of the traditional village was changed to *Desa*

Pakraman, but the principles of the origin, history and thinking about the village in Bali are maintained. Traditional villages in Bali (Indigenous Villages) are not administrative villages, have been tested in the history and politics of whoever governs, adat villages are allowed to develop in accordance with customary rights and their own autonomy and autonomy, country). The State protects, recognizes and respects, the unity of indigenous and tribal peoples and their traditional rights as long as they are alive (Section 18B Paragraph (2)).

State policies recognize and respect the continued development of the DPRD of Bali and the Executive to maintain the traditional village or *Desa Pakraman* remain steady and sustainable in the constantly changing political and legal dynamics of law.

C. The Impact and Meaning of Political Law of The State on The Value of Local Wisdom in The selection of Head of Traditional Village of Kuta

Legal politics in traditional villages in Bali is generally the opposition of local communities to legal products that should be responded by public policy makers in Bali. Laws that criminalize local communities (traditional villages) and state hegemony against indigenous villages in Bali with the issuance of Law No. 5 of 1979 on villages which states as follows:

In accordance with the nature of the Unitary State of the Republic of Indonesia, the position of the village government government as far as possible uniformed, taking into account the diversity of village circumstances and the provisions of the prevailing customs to strengthen village governance in order to be able to mobilize the community in its participation in development and administration of village administration is increasingly widespread and effective.

The above concept serves as a complement to the quality of the centralist regime, in this case not only placing the village as the spearhead, footwear (as the lowest unit organ) but also determined to uniform the village or community in the community The same scheme. Due to the uniformity of villages in Indonesia, traditional villages in Bali have the value of local wisdom (uniqueness) which is

not owned by other villages in Indonesia with native autonomy not a state grant. The value of local wisdom is that traditional villages in Bali have certain areas (traditional villages), their own property (*pelaba pura* and property rights), have *awig-awig* and *perarem* to arrange their citizens, have village leaders (*bendesa adat*) / *prajuru desa* and village security / *Pacalang*.

The meaning of legal protection of traditional villages in Bali, ie after the implementation of Law No. 5, 1979 on the village, progressively and Bali's Governor Head of the First Level Region of Bali and parliament protectively and progressively protecting traditional villages in the form of public policy was born Regional Regulation number 6 1986 on the status, function and role of traditional villages as a unit of customary law community in the province of Bali. Section 1 paragraph (e) The traditional village as the *dresta desa* is the unity of indigenous and tribal peoples in the Provinces of Bali which have a unity of tradition and manners of the Hindu community interiors in the *Kahyangan Tiga* (*Kahyangan Desa*) His own assets and entitled to take care of his own staircase. Having areas such as Banjar, Traditional Village weakening, Village winglands, customary law is Balinese customary law sourced and based on the teachings of Hinduism and traditions that live in society; Customary and *prajuru desa* (Section 1 paragraph (f, g, h, i, j, k).

As for the command of the Regional Regulation of Traditional Village No. 06 of 1986, section 6 paragraph (1) Traditional village as a unit of Indigenous Law community has a function:

a. Assisting the government in the smoothness and implementation of development in all fields, especially in the field of religion, culture and society.

b. Implementing customary law and customs in the their traditional villages.

c. Giving legal position according to customary law on matters relating to the interests of social relationships of privat law.

d. Educate and Developing Balinese traditional values in order to enrich, preserve and develop the national culture in general and Balinese culture in particular, based on *paras-*

paros salunnglung sabayantaka / discussion for consensus.

e. Guarding, preserving and utilizing the richness of traditional villages for the welfare of traditional villagers

The function referred to in paragraph (1) is described in the *awig-awig* of traditional village. Section 7 on the *awig-awig* of traditional village, namely paragraph (1) Each traditional village has a *awig-awig* of traditional village; (2) *awig-awig* of traditional village shall not be contradictory to Pancasila, the 1945 Constitution and prevailing laws and regulations.

Specifically on the subject of traditional village (Article 10 paragraph (1): traditional village is led by *Prajuru Desa Adat*, (2) *Prajuru Desa Adat* is chosen and determined by each traditional villagers, (2) Structure and composition of *prajuru adat* rules of traditional village. In the selection of head of traditional village of kuta in 2008-2013 based on rules of traditional village of Kuta *indik Prajuru* / Village Customary Board ie Pawos / Section 14 paragraph (1) Traditional Village of Kuta led by *Bendesa Adat*; Paragraph (2), *Banjar Suka-duka* is led by *Kelian Suka Duka*. Section 14 paragraph (3) *Kelian Desa / Bendesa Adat* and *Kelian Suka-Duka* came from:

1. Traditional Villagers / Society of *Banjar Adat*.
2. *Bendesa adat* selection is held every five years.
3. Received approval and awarding from God Almighty at *Pura Kahyangan Desa Adat Kuta.*

The structure of the traditional village management of Kuta, in accordance with the traditional village rules, Section 15 paragraph (1) *Bendesa Adat* Kuta is accompanied by (1) *Pangliman* / Deputy of *Bendesa Adat*, (2) Withdrawal / secretary; (3) *Petengen* / treasurer and (4) *Kesinoman* / public relations / custom village courier.

In the selection of *Bendesa Adat* Kuta formed the selection committee and committee inauguration of *Bendesa Adat* Kuta. The selection system of *Bendesa Adat* is as follows:

1. Directly, it means *Bendesa Adat* Kuta is chosen directly by *krama ngarep* traditional village of Kuta, without being represented.

2. General, that means all *krama ngarep* traditional village of Kuta has the right to choose and be chosen.
3. Free, that means all *krama ngarep* traditional village of Kuta in using the right to vote is guaranteed freedom without any element of coercion.
4. Secret, that means *krama ngarep* traditional village of Kuta in using its right to vote will be guaranteed confidentiality (Tatib Organizing Election and Inauguration of *Prajuru Desa Adat* Kuta Period Bakti 2008-2013).

The requirements of the candidate for *Bendesa Adat* Kuta are as below:

1. Each *Banjar Adat* of traditional village of Kuta is entitled to propose a prospective *Bendesa Ada*t Kuta with the following criteria.
   a. *Krame ngarep* in traditional village of Kuta.
   b. Physically and mentally are healthy.
   c. Minimum age of 40 years.
   d. Minimum high school education or equivalent or former customary bendesa or former as kelian.
   e. Not being party manager on many levels.
   f. Not being a *banjar* board and LPM management.
   g. Not in the process of criminal and civil law.

Based on the interviews result with the chairman committee of selection of *Bendesa Adat* Kuta, that is:

"In addition to the basic norms used are awig-awig, then guidelines for the Implementation of Elections and Inauguration of Customary Villages of Kuta Masa Bakti 2008-2013, there are special rules that must be obeyed by a candidate bendesa adat, that is, the lowest age of 40 years, Should not sit in party management structures at all levels. In this process, the committee will collect custom candidate bendesa in each banjar, and each banjar proposes krama in accordance with the requirements determined by the committee. How to crawl in banjar krama who propose to the banjar, then banjar that filter and send to the committee. The emergence of customary bendesa candidates from this banjar by the committee, affirmed that the candidate bendesa adat of this banjar, not candidate bendesa adat from banjar or candidate from the party, but candidates from the traditional

village of Kuta who have passed in stage I. (Interview with I Made Mastra , SH, chairman committee of selection of Bendesa Adat Kuta Year 2008-20013, 21 September 2008)."

Based on the opinion above, a candidate for *bendesa adat* is very strict in terms of age, not sitting in one party at all levels of the board to ensure the neutrality of a *bendesa adat*. What has been said by the chairman committee of selection of *Bendesa Adat* Kuta, I Made Mastra, S.H. Mentioned above, has indirectly accommodated the thought of Provincial Village Regulation No. 3 of 2001, the explanation of Section 3, Paragraph (1), states that in this case, including how village leaders can anticipate and minimize the entry of political and economic interests in the taking Decision, which could eventually trigger the emergence of cases of human rights violations in the name of customary.

The right to vote and to be elected can be explained as follows: in the right to vote *bendesa adat* is *krama ngarep* / traditional villagers of Kuta, widow / widower and also active member of Police as voting right, but for citizen from Police member and widow has no right to Selected.

IV. Conclusion

The implementation of legal politics in the New Order era experienced tidal processes related to legal products implemented in traditional villages in Bali. State hegemony is very strong in the New Order era in law products applied in traditional villages in Bali. The legal product of Law No. 5 of 1979 concerning Villages only regulates the village offices (vilage chief). However, the legislative responses of the DPRD Bali and the New Order ethics executive were also an integral part of the rescue and legal protection of traditional villages in Bali. This is evidenced by the birth of Regional Regulation No. 06 of 1986 on *Desa Adat*. When the Reform Era there is a new policy and a new paradigm in rescuing traditional village called *Desa Pakraman* with the issuance of Regional Regulation Number 3 Year 2001, about *Desa Pakraman*. The occurrence of rescue of cultural assets such as *Pecalang*, and in socio-cultural activities and religious organizations of religious tolerance, and in

the election of a candidate *bendesa adat* not allowed to engage in practical political content, because essentially customary bendesa is carrying out religious, cultural, customary duties And *awig-awig* and *perarem* as legal basis, in addition to legislation.

The construction of legal politics in Bali in the context of traditional villages of Kuta in the reform era reflects a paradigm shift in the model of the election of Kuta *bendesa adat* candidates. This can be seen from the change that is when the New Order electoral system *bendesa adat* of Kuta only pay attention to referrals or legal basis on *awig-awig* and *pararem* traditional villages of Kuta. The Era of Reform of the election of *bendesa adat* also refers to Regional Regulation of Bali Province Number: 3 Year 2001 about Desa *Pakraman*. The *Bendesa Adat* Selection Committee also included a requirement that a *bendesa adat* not be a party official at all levels.

The impact and meaning of state law politics on the value of local wisdom in the selection of *bendesa adat* Kuta reflects the norms and values of local wisdom Bali functioning and meaningful social, given the existing value in *awig-awig* and *pararem* traditional villages of Kuta determine the course of *bendesa adat* election of Kuta. Bali's local legal policy (traditional village protection) and the State recognizes and respects the unity of indigenous and tribal peoples with their traditional rights. Then these rights continue to be maintained by the Hindu Balinese community, because Hindus are cultured in accordance with the philosophy of *Tri Hita Karana*, and its place in the traditional or *Desa Pakraman* as the bastion of Balinese culture.

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ENVIRONMENTALLY FRIENDLY PINDANG WASTE MANAGEMENT PROCESSING EFFORTS IN KUSUMBA VILLAGE, DAWAN SUB-DISTRICT, KLUNGKUNG, BALI

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Abstract

Pindang processing centers in the village of Kusamba leave by-product waste in the form of liquids such as blood and from the washing process and boiling fish. This waste is discharged into the sewer line to a drainage pool, which often creates pollution and odor in the sea water. Various techniques of waste handling and processing have been done, however each type of waste requires special handling. Generally speaking, waste can be classified as either physical, chemical, or biological. Although there is the sanction if sewage treatment is not carried out, oftentimes waste treatment is not implemented as it requires additional financing. The processing is physically performed on each sewer installation with an iron wire sieve, so that solid material as well as large by-products can be separated. Further processing includes chemical deposition as well as the addition of liquid chemicals such as chlorine. The next stage is tank water flowing into the final phase of biological treatment with aeration additions. Thus, the waste water has been filtered to the level that it can be distributed for watering plants or discharged into public waters.

Keywords: sewage treatment pindang

1. INTRODUCTION

Pindang is one form of processed fish that is widely consumed by the public and one of its raw material is a tuna that belongs to family scromboidae. Sea fishery production is increasing every year, where for Bali according to data of Bali Fishery and Maritime Office

2014, marine fishery production increased by 15.97% compared to the previous year with 9,191.30 tons of tuna fish catch. Most of the tuna fish catch is processed by the process of shoots 7,365.10 tons. Pengindangan is one way of preservation and fish processing which is a combination of salting and boiling. This enclosure will produce special products that are directly traded and consumed by the community, (Pandit *et al*, 2016).

The process of making pindang is first of the fish washed with clean water. After washing the fish are arranged in bamboo baskets containing 8-10 tuna fish and a basket containing boiled fish with boiling water which has been added 10% salt for 30 minutes at 1000C, then cooling and slicing (Nilawati *et al*, 2014). From the results of this shoveling, not only produce pindang as the expected end product, but also waste as a waste product.

Waste is discharged from a production process both industrial and domestic (household), whose presence at a certain time and place is not desired by the environment because it has no economic value. Waste as a waste product is grouped into two kinds based on the form of solid waste and liquid waste. Solid waste can be shrimp or fish head, shell or shrimp shell, fish bone, and others. Liquid waste can be sourced from blood, washing water, equipment cleaning water, boiled water remaining, melt ice from the production room and so forth. This liquid waste contains organic ingredients and has the potential to cause negative effects on the environment (Sjafei, 2002). Pindang boiled water is one of the waste that is potentially polluting the environment, especially odor resulting from the decay of protein and fat (Ibrahim, 2005).

The village of Kusamba is the largest fish-breeding center in Bali Province, consisting of 70 fish catching blocks with the process of shaking from 11.00 wita to 17.00 wita depending on the number of catches of tuna or fish stock available in cold storage. Fish Tongkol are caught by means of purse seine fishing gear and tonda fishing line. The village of Kusamba conducts the process of shoveling with very simple facilities and infrastructure. The process of shading in

the village of Kusamba by using bamboo basket identical to the process of salt water conservation where the fish are arranged in a container baskets sprinkled with salt, then put in a boiler container made of drums or panic steenless that already contains water so that the tuna is submerged Then given a weight and boiling until the process is maturely marked with fish eyes have erupted (Pandit et al, 2016). Through this boiling process, fish farmers in Kusamba village are able to produce fish pindang as much as 20 tons per day (anonymous, 2012).

The purpose of this research is to know and evaluate the effort of handling waste processing of pindang at Pindang processing centers Kusamba Village. The results of this study are expected to provide benefits not only for fishermen or fish farmers in Kusamba Village, and Local Government to take policy and community around Kusamba village in general.

2. METHODOLOGY

The methodology of this research is through several stages:

1. Survey phase
   This activity begins with a survey of the local location to take care of the permit and ensure the location of the activity and make observations about the disposal of waste processing pindang done.

2. Stage of observation and data collection
   At this stage, the activity undertaken is to observe the efforts made on the process of handling waste processing of pindang.

3. Evaluate the quality of waste
   The waste produced after disposal to the environment is taken 1,000 ml for laboratory analysis such as pH, BOD-iodometry / titration, COD-titrimetry and permanganate values. The collected data is then analyzed by using the standard guidance of fishery wastewater quality Regulation of the Minister of Environment No. 5 of 2014

4. Data reporting phase

The data that have been collected, tabulated and analyzed, to be drawn conclusions.

3. RESULTS AND DISCUSSION

Efforts to Handling Waste processing of pindang in the fish farming center of Kusamba Village

Wastewater treatment aims to eliminate pollutant parameters present in the waste water to the extent allowed to be discharged into water bodies in accordance with the terms of the permitted quality standard or to meet certain qualities for reuse. Wastewater treatment processes include physical, chemical and biological processing (Setiyono and Satmoko, 2010). Waste from fish processing can be solid, liquid or gas. Solid waste such as cuts of fish meat, scales, fins, gills or digestive tract. Waste liquid such as blood, mucus, laundry water and the rest of boiling water fish. The resulting liquid waste contains a high organic material with a load of 20 kg BOD / ton (Ibrahim, 2005). While fish waste in the form of gas is the odor caused by the ammonia, hydrogen sulfide or ketone. This waste is channeled into the sewer to the storage basin.

There are several different techniques of fishing waste handling between one and the other. Fishing center in Kusamba village is a traditional center of shelter using simple facilities and infrastructure. The residual waste management techniques in Kusamba village are done physically, chemically, and biologically.

1. Physically

Physical waste handling and processing is performed to separate solid waste, liquid and gas. Physical waste handling and processing are capable of separating solid waste from other wastes. Solid waste will be handled or processed further so as not to be a contaminant material, while liquid and gas wastes will be handled or processed using chemical and biological

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techniques. Solid waste in the form of cuts of fish meat, scales, gills or digestive tract. Physically, the handling of waste that is discharged into the sewer is done using a filter (filter) made of iron wire. The shape of the iron wire sieve in pairs between channels is adjusted to the conduit conditions so that solid waste can be filtered for disposal or planting. The filter used can be iron or filter shaped and routinely monitored and filtered solids are taken.

2. Chemically

Chemical handling and processing of waste is done by using a chemical compound of clorin (cl2). This handling is done through a storage basin, so that the wastewater from the physical channel is channeled to the storage basin for some time to settle. At this time the solids granules will settle in the bottom of the reservoir and the clearest part of the wastewater is at the top. Chemical compounds were added as needed. The upper wastewater will flow to the next reservoir. In solid waste as separate deposits, it is drained regularly so as not to pollute the environment.

3. Biologically

The purpose of biological waste treatment is to reduce the dissolved components, especially organic compounds to the safe boundary to the environment by utilizing microbes and / or plants (Ibrahim, 2005). Biological waste treatment is carried out in the next reservoir by aerator, so there is an aeration process and it is expected that some microbes can grow and develop. Or it could be added various types of microbes that are used depending on the type of waste (Syamsir, 2016).

Future; 1a. Physically., 1b. Result physically., 1c. Chemically.,
1d. Biologically

Kusamba village fish farming center performs a physical processing process by installing iron wire mesh on each sewer channel, so that solid materials, as well as large materials can be separated. Furthermore, chemically treated by precipitation and addition of chemical fluid that is clorin. The next stage is channeled into the final reservoir of biological treatment with the addition of aeration. Thus it will be wastewater that is ready to be distributed to water the plants or disposed of into the public waters.

Characteristics of Waste at Pindang Processing Center in Kusamba Village

After the aeration, several samples of wastewater in the storage basin were taken for analysis in the laboratory. Observation of quality of waste is done qualitatively and quantitatively to assess the quality of processing waste in village Kusamba. The results of qualitative analysis meet the criteria quite well. The wastewater that is ready to be discharged into the waters in the clear colorless Kusamba village is almost water-like in general, odorless, but slightly smelly, and no

sediment appears. Changes in water color, odor, and sediment can be an indicator of waste decay. The odor arising from the aquatic wastes is caused by the decomposition of organic materials that produce volatile amine, diamine and ammonia compounds. The liquid waste of the fishery industry has high nutrient, oil, and fat contents which leads to high COD values, mainly from blood in the intestine and intestinal weeding process and during cooking. The result of solid waste that passes from the filter can be a sediment in the bottom of the water. Solid waste can be organic and inorganic waste. If not handled properly, solid waste will settle at the bottom of the water. (Wardani, 2014).

The result of quantity analysis is pH test using pH meter. The presence of waste in water can cause changes in pH that occur due to changes in the concentration of hydrogen ions in water. The water neutral criterion for life is having a neutral pH between 6.5 - 7.5. Water with bad waste will have an acidic pH (pH <7) and an alkaline pH (pH> 8). Usually the liquid waste produced by the fish processing industry has a pH close to 7 (neutral), caused by the decomposition of materials containing proteins and the number of ammonia compounds. The liquid waste content of the fishery industry depends on the degree of contamination and also the quality of water used for the processing (Heriyanto, 2006). The pH measurement is related to the biological processing because the small pH will be difficult, in addition to disrupting the life of the water if discharged into the open water. The temperature of the waste water is generally not much different from the air temperature but higher than the drinking water temperature. Temperature can affect life in water. (Wardani, 2014).

The remaining water of fish stew in the process of shoveling that is dumped into waste, will certainly have many organic compounds. The organic substances in its decomposition require oxygen and the aid of microorganisms. One determination of organic matter is by measuring BOD (*Biologycal Oxygen Demand*) from the waste. BOD is the amount of oxygen required by bacteria to decompose aerobic organic materials in solution, under certain time

and temperature conditions, usually five days at 20 °C (Wardani, 2014). Conventionally, liquid waste treatment has successfully decreased BOD and COD. Biological treatment of aerobic aerobic wastewater can be carried out with the following systems: active sludge system, aeration pond, and growth media system (trickling filter and rotating disk contactor), Shipin *et al.* (1999).

To know PH, BOD, and COD as parameter of wastewater quality at fish farming center of Kusamba Village, chemical analysis is needed in laboratory. The results of this wastewater test will then be compared with the Wastewater Quality Standard (BMAL) of Fisheries Minister of Environment Regulation No. 5 of 2014.

Table 1. Result of Wastewater Analysis Center of fish stocking in Kusamba village

Parameter	Units	Analysis Result	BMAL
BOD	ppm	53.80	75
COD	ppm	148	150
PH		6-7	6-9

From the results of waste water analysis in the table above found that by using the parameters BOD, COD, and PH, which is then compared with BMAL, waste water generated from the process of processing pindang fish in the village Kusamba already meet the requirements and in accordance with the Minister of Environment Regulation No 5 Year 2014. So it can be concluded that the waste handling efforts in processing centers in the village Kusamba proved to successfully meet the requirements BMAL and environmentally friendly.

4. CONCLUDE

Based on the results of observation and analysis of the quality of waste water in Pindang Processing Center in Kusamba Village Klungkung Bali District can be summarized as follows;

1. The effort of handling waste of pindang fish processing by

discharging to special channel by physical screening in the form of iron wire, then distributed to reservoir for chemical wastewater treatment with addition of clorin fluid and third stage in the form of a storage tub for aeration Biologically, so it is expected that waste water can be discharged into waterways and watering plants that are environmentally friendly.

2. The results of the analysis of the quality of waste water discharged into the waters, still below the standards of environmental water quality standards, so still meet the requirements of environmentally friendly.

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DEATH PENALTY IN THE PERSPECTIVE OF POSITIVE LW AND HUMAN RIGHTS IN INDONESIA[1]

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Abstract

The constitutional mandate, as stipulated in Article 1 (3) of the Constitution of the Republic of Indonesia Year 1945, defines Indonesia as 'a country of law'. The provision mandated that Indonesia has five rules of law, among others: the rule of law, regulations that are clearly defined and participatory, independent judicial power, access to justice, and the respect, protection and fulfillment of human rights. Referring to the World Justice Project, one of the important issues in the global debate is that of the rule of law. In terms of human rights, it must be a separate document. The setting of the death penalty has been regulated in the legal position in Indonesia. The setting on human rights is one of the principles of state law in Indonesia having been also affirmed in the Law of the Republic of Indonesia Number 39 Year 1999. If associated with the death penalty, certainly it is contrary to the guarantee of the right to life of every person. However, in the perspective of the legal position of Indonesia, the death penalty still applies for certain grave cases such as: premeditated murder, production, transit, import and possession of narcotics, criminal acts during air flights, acts of terrorism, attacks against the government, until acts of corruption under certain circumstances. In terms of legal reasoning, sanctioning the death penalty is a last resort (ultimum remedium). This differs from other types of legal sanctions such as civil law sanctions, administrative law sanctions and so forth.

Keywords: Death Penalty, Positive Law, Human Rights

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I. INTRODUCTION

Background Issues

"There is Human Rights there is basic Human Obligations, fill the former obligations and then demand rights".[3]

Legal protection in the Human Rights dimension actually deals with all aspects of life from small to large from social, economic, political, legal and environmental and cultural. Reviewing the state of Law and Human Rights abbreviated as human rights is actually examining the totality of life to the extent that our lives provide a natural place for humanity. Because human rights cover all sorts of aspects of life, it is really involved in the discussion of the state of our society, but do not forget that human rights talk also speaks of Human Rights and Duties because there is Human Rights in Human Rights. Therefore, it should be universal, complete and comprehensive because the human rights movement will be enforced if there is a law protection that enforces violations of human rights, so that the perpetrators and victims of crimes that are threatened with the death penalty must both be protected when examined from the dimensions of Human Rights Human. Assessing the protection of Law and Human Rights in Indonesia cannot be separated from the context of providing services, guidance, providing legal certainty to the Perpetrators and Victims.

Simon Nahak writes that:

"Against perpetrators / perpetrators of general or special crimes are expressed through 3 (three) dimensions revealing Crime: First, Performers: any person / legal entity who commits a series of crimes in the form of an act of doing or not doing something which by law is threatened with Criminal behavior, *mensrea*, physical deed (*actusreus*), deliberate (*dolus*) and negligence (*culpa*), are unlawful or are contrary to the living laws of society, Either by action by system, action by circumstance, action by necessity. Second, Proof:

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The determination of defendant's accusation based on evidences, whether specified by law or outside the law, the tools that are permitted to be used prove the arguments of a party before the Court, for example: Statement of Witnesses, Expert Description, Letter, Directive, Defendant's Statement, Third, Victim: a person who suffers physical, mental, and / or economic loss and even the death toll caused by a crime.[4]

Problem Formulation

Based on the background of the problem, then formulated the legal issues as follows:

1. How is the qualification of Acts, Mistakes and the Criminal System of Death Penalty in the perspective of positive law in Indonesia?
2. What is the Protection of Criminal Law against Criminal Actors and Victims who are threatened with the death penalty in the aspect of Human Rights in Indonesia?

Research Method

Writing method used in this paper is using the Juridical-Normative method of writing. Peter Mahmud Marzuki writes that the variety of research using the normative approach is: the statutory approach, the case approach, the historical approach, the comparative approach, the concept approach.[5]

While J. Ibrahim is equal to Peter Mahmud Marzuki but added an analytical approach, a philosophical approach.[6] The approach used is the approach of legislation, concept approach, historical approach, analytical approach and philosophical approach.

Valerine J.L. Kriekhoff, a retired Justice of the Supreme

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4 Simon Nahak, Pidana Mati Dalam Perspektif Hukum Positif dan Hak Asasi Manusia di Indonesia, Makalah Sebagai Narasumber Dalam Rangka Pelaksanaan Seminar Internasional di Universitas Warmadewa dilaksanakan Oleh Lembaga Penelitian dan Pengabdian Masyarakat Universitas Warmadewa, Denpasar, Bali, September 2017, hal. 5

5 Peter Mahmud Marzuki, PenelitianHukum, Jakarta: KencanaPrenada Media Group, 2006.

6 Johny Ibrahim, TeoridanMetodelogiPenelitianNormatif, Malang Bayu Media Publshing, 2006.

Court of the Republic of Indonesia wrote that: The Application of Normative Law Research in Criminal Law applies normative legal research; In criminal law studies related to the learning objectives in each strata of law education from the diploma programme, the scope of concept research, the right of selves determination and the study of legal principles, for example the principle of presumption of innocence, history, case studies by tracing the *ratio decidendi* in decisions or analyzing the existence of heteronomy or autonomy[7] in a decision based on the "Legal Discourse Theory" or Theory of Legal Argumentation[8], Comparative law, analytical research, theoretical approaches, such as research on the theory of punishment (or which can be combined with philosophical and comparative research-as in the civil law and common law systems.[9]

II. RESULTS AND ANALYSIS

Qualification of Abuses, Errors and Criminal System against Death Penalty in the perspective of positive law in Indonesia

Simon Nahak, writes that criminal law regulates legal norms containing orders, prohibitions, licenses, justifications, forgiveness, legal sanctions between any person and his State government that is formulated in the Criminal Code or outside Law on:

1. Acts (systematic, spontaneous and necessarily) are prohibited and threatened with criminal sanctions for being convicted of a crime (deliberate act) and offense (acts of intentional deeds). Actions are system i.e.; Acts committed intentionally or unintentionally in a structured manner, oganized by perpetrators both individually, legal entities (government and private) as well as groups of examples of

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7   G.J. Wiarda, DrieTypen van Rechtsvinding, Zwolle: TjeenkWillink, 1980.

8   JurgenHubermas, Between Facts and Norms, Great Britain, Polity Press, 1996.

9   Valerine J.L. Kriekhoff, PenelitianHukumNormatifDalamHukumPidana: Metodedan-Aplikasinya, dalambuku Demi KeadilanAntologiHukumPidanadanSistemPeradilan-Pidana 6 DasawarsaHarkristutiHarkrisnowo, Jakarta :PustakaKemang, 2016, hal. 527-529

premeditated murder, Corruption, Narcotics, Terrorism etc. Spontaneous acts, i.e. acts committed either intentionally or unintentionally spontaneously by the perpetrators of crimes, acts committed because in a state of necessity. The act of necessity that is, the act of necessity to something by the offender.

2. Criminal liability; Criminal liability both individuals, groups and legal entities.
3. Formulation of criminal sanctions and punishment Criminal and punishment in the form of sanction and punishment system through the criminal justice system for the process of imposing criminal sanctions by the Judiciary.[10]

The draft of the Criminal Code (abbreviated RKUHP) until 2016 uses the term Criminal Acts rather than Criminal Acts. Article 12 paragraph (1) determines "Crime is an act of doing or not doing something, which by law is punishable by a criminal".

The description of the provisions stipulates that the definition of the subject of criminal acts includes two matters, namely who commits a criminal act (perpetrator of criminal acts), and who can be accounted for. This depends on the manner or system of accountability made by the legislator. Based on the description, there are several criminal acts committed by system and various death penalty namely in Article 340 of the Criminal Code (Penal Code) determines:

> "Whoever deliberately and deliberately disposes of another person's life, is punished for murder by a moord, by death or life imprisonment or a temporary prison for twenty years".

In addition to the provisions in the Criminal Code, the arrangement outside the Criminal Code related to the death penalty is also regulated in the Law of the Republic of Indonesia Number

10 Simon Nahak, *Bahan AjarMateriKuliahHukumPidana*, untukkalangansendiri (Mahasiswa S1), FakultasHukum, UniversitasWarmadewa, Denpasar, 2014, hal. 7.

35 Year 2009 on Narcotics, Law no. 31 of 1999 Yuncto Law no. 20 of 2001 on the Eradication of Corruption and Article 6 of Law no. 15 of 2003 on Stipulation of Government Regulation in Lieu of Law no. 1 of 2002 on the Eradication of the Criminal Act of Terrorism into Law of Jo Rule In lieu of Law No. RI. 1 of 2002 on Combating Terrorism Crime. In the formulation of the act / crime, special criminal act does not even get a remission in the form of visible reduction of punishment in violation of human rights.

Furthermore, criminal / criminal responsibility is a criminal responsibility by a criminal both with negligence (*culpa*) and intentionally (*dolus*). Responsible for a criminal offense means that the person concerned can be criminally charged as the action he has committed is wrong as it is proved unlawfully to have violated the applicable regulations. A penalty may be lawfully imposed, if for such action there has been a regulation in a law, and the law applies to the action which it has done.

Based on the description then it is known that the legal act is a series of actions that cause the legal consequences. The legal system adopted in Indonesia is the written law system (civil law system) not the common law system so that the regulation of criminal sanction formulation must be written and regulated as in the provisions of Article 340 of the Criminal Code Formulation of criminal sanctions (*strafsoort*). While viewed from the formulation of duration of criminal sanction (*strafmaat*) adopt indefinite sentence system or maximum penal system. It turns out this form of culprit criminal imposition is rigid, less flexible and relatively unlikely to give the judge a chance to impose a criminal that is considered relatively more just.

Therefore, the reform of formulative policies on the formulation of criminal sanctions (*strafsoort*) of the Criminal Code should be changed into the formulation of alternative or mixed sanctions.

The provisions of Article 340 of the Criminal Code and almost all other Articles If examined from the Theory of Legal Certainty then the system formulation is still blurred because in the dimension of sanctions Criminal (strafsoort) is not found the

threat of minimum punishment but maximum. Meanwhile, when observed from the Theory of Justice is not fair as well when against a person who is proven to commit a criminal act deliberately and with a planned first remove the soul of another person as heavy as a man who embezzled money or documents that are only nominal below Rp. 10.000.000, - (ten million rupiah) but the duration of the criminal sanction (strafmaat) is only 3 (three) months same as the perpetrator of premeditated murder because there is no minimum punishment but only maximum penalty.

The provisions governing a person may be subject to criminal sanctions shall be based on 3 (dimensions) exposing the crime namely; The perpetrator, the victim and the proof as stipulated in Article 184 of KUHAP determines the evidence is: "Statement of Witness, Expert Statement, Letter, Guidance, Defendant's Description", or proof in the form of Email (letter / email, Article 1 paragraph (1) Republic of Indonesia Number 11 Year 2008 on Information and Electronic Transactions determines:

> "one or a set of electronic data, including but not limited to writing, sound, drawing, maps, design, electronic photo data interchange (EDI), electronic mail, telegram , Telex, telecopy or the like, letters, numbers, access codes, perforated symbols or perforations that have meaning or can be understood by people who are able to understand it".

Based on the legal basis of the evidence then each is subject to the death penalty as stipulated in Article 10 Book The Criminal Code (Penal Code) determines:

> "Punishments are: Principal Sentence: Death penalty, imprisonment, sentence brackets The penalties, the additional penalties: the imposition of certain rights, the appropriation of certain goods, the announcement of the judge's decision".

The author looks at various sources about the reasons for the pros and cons of capital punishment in Indonesia, among others: Pro-favored reasons: Deterrent to the perpetrator so that the other

perpetrators do not commit the same crime, Gives a sense of justice for the victim because the perpetrator commits extraordinary crime (extra ordinary crime), Control prison is still weak because in prisons there are luxury beds, TV, AC, Who is sentenced to life, does not cause vigilante for the family, friends of the victim, Reason for counter / refusal; There is no perfect judgment in the world, Death Penalty Is Not Solution, Not everyone is afraid of the death penalty, It gives a deterrent effect but its execution is closed, the maximum verdict is dropped, Ineffective reduce crime, Man lives more worthy than corpses, Criminals can repent, anger can Passed, The problem of prison control is still weak, aggravate the image of the State Image, Contrary to the Constitution.[11]

There are several theories used to analyze the following: Theory of Justice as the spirit of any new drafting plan including the renewal of criminal law to overcome the Crime of Murder, Narcotics Crime, the Crime of Terrorism, the Non-Crime of Corruption In relation to "Justice". St. Augustine said "Without Justice, the state is nothing but a gang of organized robbers".[12]

John Rawls states the following: Justice is closely related to the distribution of rights and obligations. In other words, social decisions that have consequences for all citizens should be made on a rights-based basis rather than on a basis of benefit (good based Weight).[13]

In addition to the theory of justice is also used Certainty has the meaning of "provisions, provisions", whereas if the word certainty combined with the word law into legal certainty, has a legal meaning of a state that is able to guarantee the rights and obligations of every citizen.[14]

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11 Simon Nahak, Pro dan Kontra Hukuman Mati dar iberbagai sumber

12 Karen Leback, *Teori-Teori Keadilan Six Theories of Justice Suplemen: Konsep Keadilan dalam Kristen, oleh Hans Kelsen*, Penerjemah Yudi Santoso, (Bandung: Penerbit Nusa Media, 2010), hlm. Depan dalam cover Buku.

13 John Rawls, 1995, *A Theory of Justice(TeoriKeadilan)*, Jakarta: PustakaPelajar, hal. 6

14 Anton M, Moelionodkk, 2008, Kamus Besar Bahasa Indonesia, Balai Pustaka, Jakarta, hal.1028.

Van Kan In theory Legal certainty states that the law is in charge of ensuring the legal certainty in human relationships.[15] Van Kan further states: Legal certainty is a legal instrument of a country that is able to guarantee the rights and obligations of every citizen. The legal certainty is divided into two types: 1) certainty due to law, that is, the law ensures certainty between one party to another; it means consistency of law application to all people indiscriminately, and 2) certainty in or from law, Means that legal certainty is achieved if the law is in the maximum number of laws, there are no contradictory provisions (laws based on logical and definite systems), made in the reality of law (*rechtswerkelijkheid*) and in it there is no term that can be interpreted differently (closed).[16]

Furthermore as a knife analysis in this paper is using The theory of punishment system in the form of Combined Theory i.e.; There is an opinion other than the two theories above, that the punishment also intends to correct the person who has committed a crime, called the Theory of fixing (*verbeteringstheorie*), but there is also the opinion that the basis of the sentence is retaliation but the other (Preventing, fearing, maintaining the order of life together, improving people who have done, should not be ignored, this theory is called Combined theory.[17]

The authors agree with the justice, certainty and theory of the criminal punishment system because the essence of criminal law is *ultimumremedium*, Aims to protect the public that is to protect public order and the criminal must be adjusted with the legal consciousness of members of society, generally a criminal must satisfy the community, then the criminal law should be arranged in such a way as a fair criminal law, legal beriantian with the idea of retaliation is not Ak may be neglected negatively or positively.

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15 E. Utrecht, *Op.Cit*. hal.93.

16 E. Fernando M. Manullang, *Op.Cit*, hal 92.

17 Soesilo R.,1996, *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal*, Bogor: Politeia, hlm. 35-36

Protection of Criminal Law against Criminal Actors and Victims who are threatened with Death Penalty in Human Rights aspect in Indonesia

The Legal Protection and Human Rights Movement is a movement to change the pattern of oppressive structures, at least paved the way to an oppressive structural change to a more just structure. This is the real issue of Law and Human Rights. In order to change the structure, the idea of structural approach in law and human rights enforcement must be done. Philosophically, the imposition of capital punishment on the perpetrators has been a debate throughout the history of life. The debate over the idea of abolition of capital punishment was developed by abolitionist view which viewed capital punishment as a cruel and inhuman form of punishment and derived from a retributive theory that legitimizes retaliation against perpetrators of crime.

The jurisdiction of the provisions of Article 28A and 28I of the 1945 Constitution of the State of the Republic of Indonesia determines "every person shall have the right to live and have the right to survive and to live". With reference to the basic constitution, Article 80 Paragraph (1) Sub-Paragraph a, Article 80 Paragraph (2) Sub-Paragraph a, Article 80 Paragraph (3) Sub-Paragraph a, Article 81 Paragraph (3) Sub-Article a, Article 80 Paragraph A, Article 82 paragraph (1) sub-paragraph a, Article 82 paragraph (2) letter a of RI Law no. 22 of 1997 on Narcotics, there has been a judicial review by the Constitutional Court to provide legal protection to the Perpetrator with the Victim.

The description is observed from Human Rights as regulated in Article 28 I paragraph (1) of the 1945 Constitution of the State of the Republic of Indonesia determines:

> "The right to life the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person recognized by law, and the right not to be prosecuted on the basis of retroactive law is the right of human incitement, Which cannot be reduced under any circumstances".

The provision as compared to Article 6 of the International Covenant on Civil and Political Rights (ICCPR) determines the "right to life" and Article 7 of the ICCPR determines "The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment" or punishment.[18]

Considerations Considering letters b and c of the Law of the Republic of Indonesia Number 39 Year 1999 regarding Human Rights determine:

> b. *That human rights are a fundamental right which is inherently human nature, universal and limbem, therefore must be protected, respected, defended, and should not be ignored, denied or taken by anyone;*
> c. *That in addition to human rights, human beings also have basic obligations between people against one another and the community as a whole in the life of the nation and state.*

Barada Nawawi writes that one of the most basic aspects of humanity is the right to life and the right to live it. Therefore, every person has the right to defend or defend himself against any threat or attack directed at his soul's salvation. Since the right to life is a human right, the deprivation of life by another person in the form of murder or by the state in the form of criminal detention in its rights constitutes a violation of human rights if done arbitrarily, without a valid basis under applicable law.[19]

This opinion affirms that any action taken by either individual or country must be arranged in advance so that there will be no arbitrary or legal action. To ensure legal protection of the community Article 1 Paragraph (1) of the Criminal Code provides that *"no act may be punished, but by the force of the Criminal provisions in the existing law first on the act"*.

Empirically, the reality of the society has been a criminal act of premeditated murder, drug dealer, terrorism and corruption

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18 Todung Mulya Lubis, Alexander Lay, 2009, *Kontroversi Hukuman Mati Perbedaan Pendapat Hakim Konstitusi*, Jakarta: Penerbit Buku Kompas, hal. 33

19 Barda Nawawi Arief, 1996, *Bunga Rampai Kebijakan Hukum Pidana*, Citra Aditya Bakti, Bandung, hal. 76-77.

which is also proven to violate human rights, so based on the applicable legality principle, the perpetrator must be liable to death for the protection of the victim who has been deprived of his life unlawfully Arbitrarily so as not to take vigilantism.

The legal argument of legal protection against perpetrators and victims with the concept of legal protection theory according to Philipus M. Hadjon writes that:

> "... the protection of the law for the people is distinguished by two kinds of Preventive legal protection and repressive legal protection. On Preventive legal protection, the people are given the opportunity to file an objection (*inspraak*) or opinion before a government decision gets a definitive form. Thus preventive legal protection aims to prevent the occurrence of disputes. Whereas the repressive legal protection should aim to resolve the dispute. Preventive legal protection is very meaningful for government action based on freedom of action because with the prevention of preventive law the government is encouraged to be careful in making discretionary decisions. Thus, the handling of legal protection for the people by the general courts in Indonesia includes the category of repressive legal protection, as well as the administrative court, the only administrative jurisdiction function is the justice function judicial function".[20]

Sudargo Gautama and Rukmana Amanwinata wrote that "basically a State based on law must provide equality of equality to every individual, because the State of law is born as a result of the individual's struggle to escape him from the interconnectedness and acts of arbitrariness".[21] In a State of law other than equality there is also a restriction. These authority constraints also vary, depending on circumstances, but the means by which they are restricted are laws. Theory protection of the law in this article is used the protection of Repressive law in order not to take the vigilant

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20 Philipus M. Hadjon, 2007, Edisi Khusus Perlindungan Hukum Bagi Rakyat Indonesia Sebuah Studi tentang prinsip-prinsipnyaPenangannya oleh Pengadilan Dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi, Surabaya: PenerbitPeradaban, hal. 2-3.

21 Sudargo Gautama, 1983, *Pengertian Tentang Negara Hukum*, PT. Alimni, Bandung, hal. 3.

itself so that the perpetrators of crimes that are threatened with capital punishment are processed through General local regulation process until executed by death.[22]

III. CONCLUSIONS AND SUGGESTIONS

Conclusion

Whereas the qualifications of legal action which are threatened with capital punishment are in the form of premeditated murder, Narcotics crime, Corruption Crime and Terrorism Criminal Act, in the form of systematic deed, act by circumstance and deed by requirement while Criminal Error/responsibility is Criminal liability threatened with death penalty is The criminal responsibility for any person

> / individual is not a legal entity. The punishment system based on the death penalty as stipulated in Article 10 of the Penal Code (KUHP) determines, "punishment is principal sentence death penalty…".

Protection of Criminal Law against Perpetrators and Victims of Crimes that are threatened with the Death Penalty in the aspect of Human Rights in Indonesia that the Republic of Indonesia still apply death penalty to perpetrators of crimes that are not with the death penalty as regulated in Article 340 of the Criminal Code, Narcotics Act, Corruption Acts of Corruption Act, the Law on the Eradication of Criminal Acts of Terrorism, so that the legal protection of the perpetrators is the protection of Repressive law that the perpetrators are processed through the Court while the Victims are protected by the Constitution of the Republic of Indonesia Year 1945, the Book Criminal Law, Narcotics Law, Corruption Eradication Act, Terrorism Act and Human Rights Act.

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22 Rukmana Amanwinata 1996, Pengaturan dan Batas Implementasi Kemerdekaan Ber-serikat dan Berkumpul Dalam Pasal 28 UUD 1945, Disertai, Fakultas Pasca Sarjana Universitas Padjajaran Bandung, hal. 109.

Suggestions

Whereas on the regulation of the qualification of criminal act, criminal responsibility and formulation of criminal punishment system in the Penal Code should be up-front with the threat of punishment in the formulation of minimum punishment in order to have justice and legal certainty to the community.

Protection of Criminal Law against Criminal Actors and Victims who are threatened with the Death Penalty in the aspect of Human Rights in Indonesia that the Republic of Indonesia is still applying the death penalty to perpetrators of crimes that are threatened with the death penalty should still be maintained to give deterrent effect to the perpetrators of crime with The threat of capital punishment for the family, the victim's friends and the community not to commit vigilante actions to judge the perpetrators, and or not to go to court on the streets.

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HANDLING OF SLUM SETTLEMENTS IN DENPASAR

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Abstract

Migration of people from other areas to a city has an impact on people's lives in the city. Various impacts such as the continued increase in population density, urgency for space, and the emergence of slums, unemployment, crime, prostitution, drug abuse, more street vendors, traffic jams and so forth that disturb comfort and add to the complexity of urban problems. Space limitations become a problem with the rising need for more settlement areas. As is the case in Denpasar, with an area of 127 km2 and an average population density of 6,892 people per km2, slums are spread over four districts covering 167 hectares (DTRP Denpasar, 2015). Therefore, it is important to know the government's strategy for handling the slums of the City of Denpasar. Based on observations, interviews and documents, it seems that the government's strategy is to accommodate the aspirations of the settlements, to facilitate the community being active in dealing with slum areas, and to develop cooperation between actors and financing so as to strengthen the institutional role of the regions in the handling of slums. In sum, the strategy is implemented by cooperation between the government and the private and public sectors.

Keywords: handling strategies, slum settlements

Preliminary

One of the impacts of population migration to a city is the urban slums. Population density and land constraints are seen as triggers for slum settlement. Yet the problem of slum settlement is not a simple matter. The problem of slum settlements is a complex problem where the causal factors are interrelated and affect each other. Causes of slum settlements include population growth, lack of urban spatial control, lack of adequate urban infrastructure

provision, community trends approaching economic centers (such as factories and markets), income disparities between villages and towns (Kurniasih, 2007).

In general, slum dwellers are migrant community groups with limited economic conditions. Economic limitations make them come to the city that is considered to provide opportunities to meet the needs of life. These conditions are followed by their need for affordable housing in terms of distance and cost, while urban land is limited to accommodate any newcomer. The cost of living in a city that is relatively high compared to the origin region forces them to settle with limited conditions. This led to the emergence of slums in certain areas of the city.

Like the city of Denpasar, as a metropolis with an area of 127 km2, has an average population density of 6,892 inhabitants / km2 (DTRP Denpasar, 2015). Based on the Decree of Mayor of Denpasar on July 23, 2012 188.45 / 509 / HK / 2012 on the Determination of the Location of Housing and Settlements in Denpasar, there are 35 slum areas in Denpasar spread over four districts. Sub-districts of North Denpasar, East Denpasar, and West Denpasar respectively - there are 9 slum dots. There are 8 slum districts that are predicted to grow. Because even if slum settlements are not desirable it must be admitted that their presence in the development of the region and city is inevitable. So it takes the cooperation and comprehensive efforts of various parties to minimize the emergence of slums in an effort to realize the clean city of slums. Various efforts have been made by the Denpasar city government to handle slum settlement problems, ranging from controlling migrant populations, community empowerment, including slum rehabilitation, but have not shown optimal results. This condition becomes interesting observed, to see the existing constraints and solutions made in the effort to handle slums in the city of Denpasar.

Slum Settlements and Causes
Based on Law No. 1 of 2011 on Housing and Settlement Area it is explained that the Slums Settlements are uninhabitable settlements due to building irregularities, high building density and the quality of buildings and facilities that do not meet the requirements, while

the Housing is a housing underground Degradation of function quality as shelter. This understanding is reinforced in Regulation of Minister of Home Affairs PUPR No.02 / PRT / M / 2016 on Improving Quality of Slum and Slum Housing. The definition of slum housing and slums are used as the basis for formulating the criteria and indicators or characteristics of slum housing and slums from the physical aspect, namely:

1) Is a unit of housing and settlement entities that experienced quality degradation;
2) The building condition is ineligible, irregular and has high density;
3) Condition of facilities and infrastructure is not eligible. Especially for the field of keciptakaryaan, the limitations of facilities and infrastructure seen from the regularity of buildings, environmental roads, environmental drainage, water supply/drinking, waste management, waste water management, fire safety and public open space.

These physical characteristics further form the basis of the criteria and indicators of the slum symptoms in the process of identifying slum housing locations and slums. In addition to physical characteristics, non-physical characteristics also need to be identified to complement the causes of slums from non-physical aspects such as community behavior, certainty of settlement, business certainty, (KOTAKU Program, Dirjen Cipta Karya, 2016).

In addition to the slums that occupy legal lands (called "Slum Area"), slums often also occur on lands with no clear rights, either in the ownership status or in the function of urban space. Such land is generally not for shelter and even without the permission of the owner, such as the river bank area, thus bringing the consequences to the unsuitable condition of the resident society, because there is no basic facilities and basic facilities for the residential environment. Such areas according to various literatures are included in the squatter area criteria. Squatter is a residential area built on land without the ownership rights of the land, and the squatter community is a society that inhabits (resides) on land not entitled to settlement; Often grows concentrated in forbidden locations for

inhabited (riverbanks, seafront, under bridges, etc.) and develops quickly as occupancy for being anticipated too late; And occupy land without legal right (state land, landfill, or even land owned by other people / institutions not yet or not utilized) (Hariyanto, 2008).

Factors causing the emergence of slum areas (slums and squatter) can be divided into two, namely factors that are direct and indirect factors. The immediate factors are:

1) Physical factors (housing conditions and environmental sanitation),
2) Housing environment factors causing slum to include housing conditions, land tenure status, housing density, basic building coefficient (KDB), and others,
3) Environmental sanitation factors that cause problems include clean water conditions, washing latrines, waste management, household wastewater disposal, drainage and roads.

While indirect factors are factors that are not directly related to slum, but have an impact on other factors proven to cause slum. Factors assessed as having an indirect impact on slums are:

1) Economic factors such as employment and income levels of society.
2) Social factors such as population size in a region, population composition in terms of age and occupation, education, health.
3) Socio-cultural factors such as unhealthy living habits (littering, consuming unhygienic food), cultural customs (many children have a lot of livelihood, though not eating the important gathering).

Handling of Slum Areas

Accretion of the population of Denpasar city every year continues to increase. This has an impact on the need for housing, facilities and infrastructure is increasing. The needs of residential spaces in the city of Denpasar increasingly limited, related to the availability of land and the capacity of areas that have exceeded the limits of utilization of existing space.

Residents in Denpasar City in 2016 has reached 880,600 people

with an area of 127 km2, with an average population density of 6,892 inhabitants / km2. Details of area and population density per sub-district are as follows:

Area and Population Density of Denpasar City in 2016

Sub-district	Area (km2)	Population density (people/ km2)
East Denpasar	22.31	6.777
Denpasar Selatan	49.99	5.594
Denpasar Barat	24.06	10.605
North Denpasar	31.42	6.194

Source: processed from BPS data Denpasar, 2016.

These factors are responsible for the emergence and spread of urban slums. So it needs comprehensive handling from all parties.

Population density is the number of population per square kilometer which is the ratio of population and area. Population density is caused by the existence of the city of Denpasar as an urbanization destination from various regions in Bali and outside Bali causing many urban to come invade Denpasar, causing residential/slum housing in various area.

Slum settlement in the city of Denpasar is in 35 points spread in four sub-districts of Denpasar city, which is East Denpasar District 9 titk, District of North Denpasar 9 point, District of West Denpasar 9 point and in District of South Denpasar have 8 slum point. The slums can be widespread if not handled properly. The problem of slum settlement has become the attention of the Denpasar city government, especially with the issuance of Law no. 17/2007 on City Without Slums and Law no. 1/2011 on Housing and Settlement Area. Both laws mandate City Without Resettlement by way of Prevention and Improvement of the Quality of Settlement Area. The government seeks to prevent the spread of slums by various means referring to the causes of the emergence of slums in the city of Denpasar.

Policies and strategies for handling slum dwellings should be based on efforts to address the factors causing slums, both directly and indirectly. In essence, the settlement of slum environmental

problems can not be done by a unit or a service, but it is necessary to integrate the activities of each service that will impact on the improvement of slum environment. Even cooperation with private parties and the community is also needed. Because even though the handling of slums becomes the authority of local governments (Law No. 1/2011), it has not been matched by the capacity of local governments in terms of human resource capacity and financing. So that the handling of slums has not given optimal results.

Referring to Law no. 1 of 2011 on Housing and Settlement Area, the coverage of slum handling in KOTAKU (Kota Tanpa Kumuh) – slumless city Program based on existing quality of settlement condition can be divided into three handling patterns, they are:

1) Slum prevention.

Slum prevention measures include the management and maintenance of housing and settlement quality, and by preventing the growth and development of new housing and slums.

2) Quality improvement.

Improved quality of slum housing and slums are carried out through restoration, rejuvenation and resettlement.

3) Management.

Housing and slum management are intended:

a. To maintain and maintain the quality of housing and housing sustainably;

b. Management is carried out by the community independently;

c. Community management is facilitated by local government both for funding support for maintenance and capacity building for community management;

d. Management by local government with various funding sources.

To formulate a slum resettlement program in Denpasar should look at the causes of the emergence of slums themselves, among others: 1) Increase in migrant population, 2) Limited land settlement, 3) land ownership, 4) housing condition and environmental

sanitation and 5) Socio-cultural society. Based on these causal factors, the government seeks to address slum settlement issues by developing work programs involving various government agencies, private sector and communities including slum dwellers. The involvement of various parties is intended for the handling of slum settlements in accordance with the government's capacity, the availability of adequate manpower, the budgetary needs, and the participation of the community. The handling of slums is focused on improving the quality of settlements, prevention efforts and the management of residential environments.

Efforts to improve quality are done by accommodating the aspirations of settlement development, facilitating the community to be active in handling slum settlements in their areas, building inter-agency cooperation and assisting funding and strengthening the role of local development in slum settlement. Management of settlement and environmental sanitation development as one of quality improvement efforts focused on environmental road arrangement, drainage and settlement settlement arrangement. It aims to create a healthy, clean and beautiful habitable environment. Also funding for home surgery as part of efforts to reduce slum dwellings. This can be done in legal settlements or settlements that have legitimate land titles. Including facilitating the community in housing construction, handling waste and household waste. For government-owned land or forbidden sites for shelters such as riverside, waste shelters and so on, the government firmly provides a ban and sanction for the people who live there.

While the prevention of slum-causing factors is done by monitoring the migrant population living in a region. Supervision is carried out by the government through the civil service and civil registration and is assisted by the traditional organization of banjar adat. Denpasar city government policy stipulated in the Decree of the Mayor of Denpasar Number 593 / 2000 on the Control of the Immigrants Population in Denpasar City, in Article 1 states the intended immigrant population is any person who comes from outside the city of Denpasar. In implementing this policy, Denpasar city government collaborated with Desa Adat. One of the requirements to have KIPP and KIPEM such as local ID cards is

to receive recognition from the village offices and from traditional villages. This is important because in Bali there are different functions from the village office and traditional village. The village office concerned with population data in certain places, whereas adat villages concerning indigenous villagers' responsibilities to adat villages in the scope of religious and cultural activities.

Immigrant population who continue to arrive to the city of Denpasar should be monitored because the arrival of residents to settle in the city of Denpasar with varying levels of the economy, a threat to the density of the inhabitants of Denpasar. The increasing number of migrant population and community life activities with limited land resources is closely related to the level of housing needs that impact on the emergence of slums in the city of Denpasar. The level of economy, education and socio-cultural behavior of residents such as the habit of littering, no discipline with the existing rules also exacerbate the condition of the settlement. Therefore, the community is involved in monitoring the migrant population. Even local residents as rented landholders are also involved to monitor the number of occupants who rent their land or houses. Because many of the cases found landowners do not know the number of tenants, there are cheating tenants who invite friends or family to stay crammed in a rented house. The government also socializes a clean and healthy living culture, disciplined to obey the existing rules through schools, youth groups, traditional institutions and by organizing other activities involving local communities.

However, there are obstacles faced by the government in implementing the KOTAKU (city without slums) program, which is limited in terms of human resources (HR), because human resources directly involved only limited to the relevant agencies or from the government. Whereas it should be the private sector and society actively involved not only MOU and ceremonial. Limited funding is also a constraint when the government wants to build housing for the people, so holding the private sector becomes an alternative choice for the government. Another obstacle faced today is that residential land occupied by residents is not their property (rented), so it becomes an obstacle when the government wants to provide home surgery assistance.

But in general it can be stated that the handling of slums in the city of Denpasar runs according to the planned program, this can be seen from the condition of slum neighborhoods in Denpasar, gradually have undergone changes both from cleanliness, health and beauty. This achievement can not be separated from the awareness of the settlement residents of the clean and healthy housing environment, the participation of local communities and private parties to realize the city of Denpasar as KOTAKU and the role of government with all the organization of regional apparatus in handling slum settlement in Denpasar city.

Conclusion

The handling of slum dwellings is to reduce and prevent the growth of slums, focused on improving the quality of settlements, prevention efforts and environmental management settlements. These efforts are conducted jointly between the central government, local government, communities and other stakeholders, through an innovative and targeted program or activity. Improvement of settlement quality is done through environmental arrangement, arranging drainage, road, waste disposal. Prevention is done by monitoring the immigrant population, socializing the pattern of clean and healthy life to the community. Environmental management is carried out by rearranging and building habitable settlements as well as taking care of existing public facilities. Participation of all parties to be a solution in facing the obstacles that arise in an effort to realize the city of Denpasar which KOTAKU (City Without Slums).

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HEALTH INSURANCE AND CITIZEN RIGHTS:
Reviewing the State Role in Fulfilling the Right of Access to Health

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Abstract

Indonesia is one country that gained world recognition as a country that respects the Human Rights (HAM), Indonesia is also a party to ratify the two international covenants (International Covenant on Civil and Political Rights [ICCPR] and International Covenant on Economic, Social, and Cultural Rights [ICESCR]) which is derived from the Universal Declaration of Human Rights (UDHR) as the main instrument of human rights. In the national context, the right to obtain access to health is one of the rights possessed by citizens, and the state is obliged to fulfill these rights. UDHR, ICESCR, the Constitution of the Republic of Indonesia, the Human Rights Act, a number of national rules in the field of health, and the social security system through the National Health Insurance program (JKN) into the basic responsibility of the state to fulfill the right to access to healthcare for its citizens. But in fact, based on the news, there are many events and cases related to the problem of poor service at both the Hospital and the Regional Center becomes a problem for the fulfillment of human rights by state. Issues to be discussed in this paper is the factor that causes difficulty in obtaining access to health in Indonesia? and How the state's role in tackling problems of access to health in Indonesia?. This paper is a conceptual article and in the discussion using the theory of human rights. Economic and geographical problems are two factors causing the population is difficult to get access to healthcare, issues health costs such as certain drugs that are not covered by JKN and other costs (transport, meals, etc.) for the poor is an economic factor that must be addressed by state, whereas unequal distribution of health facilities in a given area makes

it difficult for people to access it, but because of the distance traveled very far even have to cross the island into a separate problem for poor people who are sick, it is a geographical factor that should be handled by state. The state's role in tackling the problems of access to health is the increase allocation of health aid to the poor, coordination of central and local governments to equitable development of health facilities in every region of Indonesia, so that every community can easily access and enjoy the health facilities provided by the state.

Keywords: citizen rights, the role of the state, the right of access to health.

I. INTRODUCTION

Access to health services is a basic right owned by everyone, so as a citizen of that right must be fulfilled by the state. Health is an expensive thing for the sick and is considered cheap when it is healthy, so sometimes someone ignores his / her rights to make a healthy living. Although there is a state obligation to respect, protect and fulfill the right of access to health care for its citizens, the awareness to strive for a healthy life and to maintain its health is absolutely an option for every individual as a citizen.

Article 25 of the Universal Declaration of Human Rights 1948 (UDHR) provides that:

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Based on these arrangements, it can be seen that the state only guarantees health care for himself and his family, and indirectly

every individual must maintain his health as much as possible in order to avoid the illness that can be suffered due to his negligence to maintain health in running his daily life. In addition to the provisions of the Universal Declaration of Human Rights, the right to access to health services is also provided in Article 12 of the International Covenant on Economic, Social and Cultural Rights, as follows:

(1) The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

(2) The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: a] The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child; b] The improvement of all aspects of environmental and industrial hygiene; c] The prevention, treatment and control of epidemic, endemic, occupational and other diseases; d] The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

In addition to the above two major international arrangements (the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights) are specifically set out in Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, as follows:

(1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

(2) Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Furthermore, Article 24 of the Convention on the Rights of the Child provides that:

(1) States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

(2) States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: a] To diminish infant and child mortality; b] To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; c] To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution; d] To ensure appropriate pre-natal and post-natal health care for mothers; e] To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents; f] To develop preventive health care, guidance for parents and family planning education and services.

(3) States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

(4) States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

The four instruments (the Universal Declaration of Human Rights, the ICESCR, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on

the Rights of the Child) are adopted and ratified[1] into national law as a basis and effort to respect, protect and fulfill the human rights of citizens In the field of health, Particularly in Article 28H paragraph (1) and Article 34 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which is further stipulated in the Law of the Republic of Indonesia Number 36 Year 2009 on Health, Article 9 of the Law of the Republic of Indonesia Number 39 Year 1999 on Human Rights and Article 12 of the Law of the Republic of Indonesia Number 11 Year 2005 on Ratification of the Covenant on Economic, Social and Cultural Rights.

Health development is an effort to fulfill one of the basic rights of the people, namely the right to obtain health services. Health development should be viewed as an investment to improve the quality of human resources and support economic development, and have an important role in poverty reduction efforts. Health development is faced with various important issues such as health status disparity; Double burden of disease; Quality, equity and affordability of health services; Community protection in medicine and food; As well as clean and healthy living behavior. Some other important issues that need to be addressed immediately are increased access of the poor to health services, handling of malnutrition, prevention of communicable disease outbreaks, health services in disaster areas, and the fulfillment and deployment of health workers[2].

The government proclaimed health program through the National Health Insurance (JKN) run by the Social Security Administering Agency (BPJS)[3] encountered many obstacles, this is due to rejection of some hospitals to patients who use BPJS. As reported that Reva Wulandari (11 years) was rejected 8 hospitals in Tangerang District [4], M. Rizki Akbar, who is 2.9 years old, also died after being rejected by six large hospitals, whereas this child is a patient of BPJS card holder [5], In other news also reported that there are victims who rejected the hospital, a private hospital that refused to exist in the Sawangan region as well. It is unclear why the patient refused BPJS, but when the victim was paid with cash

directly received[6], There is also a case of alleged rejection of BPJS postpartum patient (Sunday November 15, 2015) by a maternity hospital in Tanah Sareal Sub-district, Bogor [7], and doctors who refused BPJS patients because the company BPJS assessed Riba (contrary to Islamic religious norms)[8]. Based on these reports and considering the state's obligation to respect, protect, and fulfill the citizens' rights in health, the issues to be discussed in this paper are the factor that causes difficulty in obtaining access to health in Indonesia? and How the state's role in tackling problems of access to health in Indonesia?

AI.DISCUSSION

A. Factors Causing the Difficulty of Getting Access to Health in Indonesia

Many factors are causing Indonesian society especially poor people to have difficulty in getting access to health, these factors when pursed then can become two main factors, namely:

1. Economic Factors

Since January 1, 2014, the Government stipulates the National Health Insurance that is implemented by BPJS Kesehatan as stipulated in Article 5 of the Law of the Republic of Indonesia Number 40 Year 2004 on National Social Security System (SJSN). The law on SJSN formulates the Health Insurance Program with the basic principle in Article 19 paragraph (1) that is based on the principle of social insurance and equity principle. The principle of social insurance namely; Mutual cooperation, between capable citizens with disadvantaged citizens and healthy citizens with sick people. Membership is mandatory so that all citizens can be protected. Nonprofit principle, meaning funds collected from contributions will be used for mutual benefits and citizens. Finally, the principles of openness, prudence, accountability, efficiency, and effectiveness in terms of managing JKN funds[9]. Based on the principle of insurance, in fact the state has tried to fulfill the right to health of citizens, although in its implementation many

experiencing obstacles, including rejection by some hospitals.

Whereas, the principle of equity is the similarity in obtaining services in accordance with medical needs unrelated to the amount of contributions already paid. This principle is manifested by the payment of contributions of a certain percentage of wages for those who have income and the government pays contributions for those who can not afford[10]. This equity principle is also an issue for BPJS card holders, this is due to the uneven amount of contribution but the acquisition of services in accordance with the medical needs that are not related to the amount of contributions already paid, so that cardholders BPJS who pay dues with low class can not be denied will be underestimated by the hospital.

Health insurance is the right of all the people of Indonesia, JKN program aims to provide easy access to health services for all citizens so that no longer the community, especially the lower society, who was rejected when they seek treatment at health care facilities. But in its implementation, the program whose purpose is very noble is not running as expected. Various problems that appear in the field as follows:[11]

- The issue of tariffs and medicines:
  While still a participant of previous health insurance (health insurance/Askes, jamsostek, Jamkesmas or KJS) certain diseases treatment for patients can be facilitated. But after the enactment of BPJS Kesehatan, treatment is not fully facilitated. As a result, the patient has to pay at a personal cost or the cost of the drug is charged to the patient.

- Membership issues:
  There are still many poor people, such as homeless, beggars, neglected children not included in the membership of PBI which amounted to 86.4 million people. Since the 86.4 million are old participant data registered in the public health insurance/Jamkesmas.

- Health care quality issues:
  Health services organized such as public health centers/

Puskesmas and hospitals still have problems. Lack of a number of health facilities such as rooms for patients. Because there are still many non-government health service facilities that have not cooperated with BPJS. The lack of health personnel available in health facilities is also a problem. Due to health personnel in Indonesia still not spread evenly. Limitations of health personnel will affect the health of patients because it is not handled quickly.

- Referral issues:

The referral system is chaotic, consequently many participants do not know the referral system so they do not get the service properly. Patients should receive referral from a first-level facility (clinic or puskesmas) prior to the next level of health facility (Hospital). This is where the problem occurs, many participants come to a   second-level facility without getting a reference from a first-rate facility.

Provision of health services related to several components, such as medical personnel, health facilities, and patients[12], so all three are related. The first and second points above are strongly influenced by economic factors, where low-income people will find it difficult to get access to health, not to mention other costs incurred in addition to medical expenses (such as transportation costs for the patient's family, Days, and other costs incurred and not covered by the government).

The current community difficulty is costly health financing. Not only because the doctor but to reach the health facilities and infrastructure should also be with a little effort[13]. At that point, it is also directly caused by derivative products from related government regulations governing health insurance so as to harm the participants:[14]

- There is a Government Regulation of the Republic of Indonesia Number 101 of 2013 on the PBI that only accommodates 86.4 million poor people as PBI (Beneficiary), whereas BPS data in 2011 that the poor are 96.7 million. As a result, there are still millions of vulnerable people without health insurance.

- The INA-CBGs system is a package system that can limit health care tariffs to participants. The limitation of the cost is inseparable because the regulation on the JKN program established by the Regulation of the Minister of Health of the Republic of Indonesia Number 69 Year 2013. Consequently, it is not only patients who feel disadvantaged by this policy but all health service facility networks that work with BPJS are also harmed by the cheap payment system. It also makes many non-government health facilities discourage to cooperate with BPJS Kesehatan.

The steps taken are improving access to health, especially for the poor through free health care; Improvement of prevention and control of infectious diseases; Improving the quality, affordability and even distribution of basic health services; Improving the quality and quantity of health personnel; Quality assurance, safety and efficacy of medicine and food; As well as increased health promotion and community empowerment. As a follow-up, health development is directed to improve the equity and affordability of health services; Improve the quality of health services; Improve clean and healthy life behavior; Improve disease prevention and eradication efforts; and improve the community's nutritional status[15]. It should also be borne in mind that the right to choose a physician, nurse and his / her means of health and the right to receive, deny or terminate treatment or care of himself, of course after receiving complete information about the state of health or illness[16] is a number of rights owned by citizens who must be respected and protected by the state. Based on the exposure, economic factors become one of the main factors causing the difficulty of the community gaining access to health in Indonesia.

2. Geographical Factors

Geographical factors become one of the main factors (besides economic factors) cause the difficulty of society get access to health in Indonesia. Indonesia's vast geographical location with uneven population spreads makes the existing health facilities uneven, so for certain groups of people it is difficult to get access to health

facilities because the distance traveled is far.

The main problems of health development at this time are still high disparity of health status among socio-economic, inter-regional, and between urban and rural areas. In general, the health status of people with high socioeconomic level, in western Indonesia, and in urban areas, tend to be better. In contrast, the health status of the population with low socio-economic, in eastern Indonesia and in rural areas is still lagging behind. Another important problem faced is the double burden of disease, ie not yet overcoming communicable diseases suffered by the community, but at the same time an increase in non-communicable diseases. On the other hand, the quality, equity, and affordability of health services are still low. Quality of service is a constraint because medical personnel are very limited and equipment is inadequate. In terms of numbers, the ratio of health personnel to the total population to be served is still low. The affordability of services is closely related to the number and distribution of health facilities. In 2002, for every 100,000 residents only 3.5 Puskesmas were available. That is, some residents, especially those living in remote areas, do not utilize the Puskesmas because of limited transportation facilities and geographical constraints[17].

A total of 14 villages in Seruyan District, Central Kalimantan Province are still difficult to access health services. According to Seruyan Bahrun Abbas Head of Health at Kuala Pembuang "Noted there are 14 villages that are still difficult to access and get health services, and most of these villages are in District Seruyan Hulu and District Suling Tambun". Although there are already integrated health centers, but until now in the 14 Puskesmas aide/Pustu has not had health workers such as midwives or nurses. The absence of health workers is certainly a constraint, and this is also one of the causes of the community can not access health services. In addition to the lack of health personnel, health services in the region are also difficult to access by villagers because of geographical factors. There are many areas with terrain that are difficult to reach, especially when it rains, according to which there are many connecting roads

that can not be passed, consequently many people in the upstream areas that can not reach the location of health centers such as puskesmas, and vice versa, It is difficult to reach people's homes to provide health services[18], The same thing also happened in Intan Jaya, Papua, Jacob Sani (Intan Jaya District Health Office staff) said the availability of medicines, supporting facilities, equipment and medical personnel, in Intan Jaya is good enough. Health services in towns and territories that can be reached, is running maximum. But some of the 76 villages in eight districts have not been touched because of the difficulty of transportation, according to Jacob. "The actual service has gone well. It's just that access from the district capital, Sugapa to some villages is difficult. Access to some of these areas can only be reached by charter plane, and there is no flight subsidy"[19] And many other similar areas in Indonesia, especially in remote areas or outlying areas, so that economic factors and geographical factors are the two dominant factors that cause the difficulty of the people get access to health in Indonesia.

B. *The Role of the State in Addressing the Problem of Access to Health in Indonesia*

1. Increase Allocation of Health Assistance to the Poor

The state's obligation to respect, protect, and fulfill in respect of the right to health shall be undertaken as follows:[20]

(1). Obligation to Respect:
- Obligation to respect equal access to available health services and not to prevent individuals or groups from accessing them to available services.

- The obligation not to engage in actions that interfere with health, such as activities that cause environmental pollution.

1. Obligation to Protect:
- Obligation to take steps in the field of legislation and other measures to ensure that citizens have access (equivalent) to

health services if provided by a third party.

- The obligation to take steps in the field of legislation and other measures to protect human beings from violations in the field of health by third parties.

2. Obligation to Fulfill:
- The obligation to adopt a national health policy and to provide a sufficient share of available health funds.

- Obligation to provide necessary health services or create conditions under which citizens have adequate and adequate access to health services, including health care services and adequate drinking water and adequate sanitation.

Product Law of the Republic of Indonesia Number 39 Year 2009 on Health and the Law of the Republic of Indonesia Number 40 Year 2011 regarding National Social Security System (SJSN) Is the state's efforts in the field of legislation in ensuring the fulfillment of the right to the health of the entire population. Law of the Republic of Indonesia Number 39 Year 2009 on Health, guarantees the right of every individual in the field of health as embodied in the statement of Article 4 'Everyone has the right to health'. In the end, each individual is guaranteed his right in obtaining equal access and appropriate and affordable services in the health sector. Furthermore, each individual is also guaranteed in obtaining a healthy environment in order to achieve optimal health status[21].

The law also includes government responsibilities. In this section, the government is ultimately responsible for the availability of services, the availability of access to both information and facilities, the availability of equal resources, and the pursuit of feasibility and affordability in the health sector. Furthermore, it is stated that the government is responsible for the implementation of health insurance through national social security system for every citizen. In addition, this law provides a minimum health funding

limit of 5% of APBN and 10% of APBD and this fund is prioritized for public benefit at least 2/3 of the budget. In the case of the protection of the right to health, the law will also provide criminal penalties for the offending parties in the health sector[22].

Each obligation will bear responsibility, while the government's responsibility as regulated in the Law of the Republic of Indonesia Number 36 Year 2009 is as follows:

1) the responsibility in planning, organizing, organizing, fostering, and supervising the organization of equitable and affordable health efforts by the community.

2) responsibility for the availability of environment, order, health facilities both physical and social for the community.

3) responsibility for the availability of resources in the field of fair and equitable health for all communities.

4) responsibility for the availability of access to information, education, and health care facilities.

5) the responsibility of empowering and encouraging the active role of the community in all forms of health efforts.

6) is responsible for the availability of all forms of quality, safe, efficient and affordable health efforts.

7) responsibility for the implementation of public health insurance through the national social security system for individual health efforts.

2. Central and Regional Government Coordination on Equity of Health Facility Development in Each Region in Indonesia

The existence of international recognition of the right to health does not mean that people have the right to be healthy. Neither the government nor the individual himself can guarantee a particular health condition[23]. Thus, the effort to run a healthy life to avoid

the disease is the obligation of the individual himself. Regardless of the government's efforts to fulfill the right to health of citizens, and regardless of the health costs borne by the government, it would be better if we did not use the facility (in good health).

To overcome the lack of health facilities so that the community is difficult to get access to health, the central government must coordinate to make strategic policy especially health equity distribution policy throughout Indonesia without exception. Equity of health facilities will make it easier for the public to access them if needed, so that the state is considered to be present in fulfilling the right of access to the health of the citizens.

The government's role, duties and responsibilities are more focused on guidance, regulation and supervision for the creation of equal distribution of health services and the achievement of harmonious and balanced conditions between health efforts undertaken by the government and the community, including the private sector[24]. Coordination between central and local government aims to maximize the intended role.

The Law of the Republic of Indonesia Number 36 Year 2009 and the Law of the Republic of Indonesia Number 44 Year 2009 regulate various types of health services, among others; Health services promotive, preventive, curative, rehabilitative and traditional which are all grouped with other terms namely "Health Services Plenary". Further Article 30 of Law of the Republic of Indonesia Number 36 Year 2009 sets forth other terms grouped into Health Service Facilities, namely: Individual Health Services, Public Health Services, and First, Second and Third Health Services. However, there are other terms that can be used to understand the meaning of health services is Health Efforts. Health efforts in the Law of the Republic of Indonesia Number 36 Year 2009 are defined as "any activities and/or series of activities carried out in an integrated, integrated and continuous manner to maintain and improve public health status in the form of disease prevention, health promotion, disease treatment, and Recovery of health by the government and/ or the community". While the notion that can be derived from the

term "health service" in its various forms (promotive and others) is that health services are activities or series of activities, so "health services" is essentially all activities/series of activities undertaken in terms of Health-related items included therein are "medical services" covering health facilities and infrastructure. The series of service activities may include the following matters:[25]

a. Health promotion
b. Health education
c. Provision of facilities (facilities and infrastructure)
d. Prevention of disease
e. Treatment of the disease
f. Return of disease
g. Care
h. Supervisioni. Protection, and others

Thus, what is meant by health services is any effort either self-organized or together (within an organization) to improve and maintain health, prevent disease, treat disease and restore health directed against individuals, groups or communities. Besides, the service is essentially a form of activity whose implementation is mostly organized by the government in the form of goods or services in order to meet the needs of the community in accordance with applicable regulations. As a form of activities undertaken by the government, then the health services included in the public service. Public service itself is any form of service activities undertaken by public service providers as an effort to meet the needs of recipients and the implementation of the provisions of legislation (Decree of the Minister of State Apparatus Empowerment of the Republic of Indonesia No. 63/KEP/M.PAN/7/2003).

Regardless of the above definition, the Health Service according to the Law of the Republic of Indonesia Number 36 Year 2009 as in the explanation is that in providing health services, both individuals and communities are highly guaranteed in the law, in

some articles it is clearly stressed that to Ensuring public health, the government strives to provide health services to the community in an effort to achieve a healthy Indonesia. Health services provided by the government either in the form of provision of health service facilities, provision of drugs, and health services itself is in an effort to ensure public health[26]. Thus, in ensuring the fulfillment of health services for all the people of Indonesia becomes the responsibility of the government.

BI. CONCLUSION

Economic and geographical factors are the two dominant factors that cause the difficulty of access to health in Indonesia, so that the role of the state in addressing the problem of access to health in Indonesia can be in the form of increasing the allocation of health assistance for the poor and central government coordination And the region towards the equitable distribution of health facilities in each region in Indonesia, the two roles referred to become significant when maximized and the community also supports in maintaining the healthy lifestyle everyday.

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[3]   JKN is the latest healthcare program which is an extension of the National Health Insurance system using an insurance system. That is, all citizens of Indonesia will be obliged to set aside a small part of his money for health insurance in the future. All poor people or PBI (Recipients of Contribution Aid) are borne health by the government. Sehingga tidak ada alasan lagi bagi rakyat miskin untuk memeriksakan penyakitnya ke fasilitas kesehatan. Sementara

BPJS adalah singkatan dari Badan Penyelenggara Jaminan Sosial. BPJS ini adalah perusahaan asuransi yang kita kenal sebelumnya sebagai PT Askes. Begitupun juga BPJS Ketenagakerjaan merupakan transformasi dari Jamsostek (Jaminan Sosial Tenaga Kerja). Dengan demikian, JKN merupakan nama programnya, sedangkan BPJS merupakan badan penyelenggaranya yang kinerjanya nanti diawasi oleh DJSN (Dewan Jaminan Sosial Nasional). Hak ini sesuai Undang-Undang Republik Indonesia Nomor 40 Tahun 2004 tentang Sistem Jaminan Sosial Nasional (SJSN), dengan adanya JKN, maka seluruh masyarakat Indonesia akan dijamin kesehatannya, dan juga kepesertaanya bersifat wajib tidak terkecuali juga masyarakat tidak mampu karena metode pembiayaan kesehatan individu yang ditanggung pemerintah. BPJS Kesehatan, (2014) Peserta BPJS Kesehatan. [Online]. Available: http://bpjs-kesehatan.go.id/bpjs/index.php/pages/detail/2014/11

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BEYOND THE PROTEST: DEMONSTRATIONS AS SOCIAL MOVEMENTS WITH POTENTIAL TO ACCELERATE DEVELOPMENT OF INDONESIA

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Abstract

On the dates of 14 October 2016 and 4 November 2016, more than a hundred thousand Muslims rallied on the main roads of Jakarta, the capital city of Indonesia. They asked the government and police to arrest and jail the governor of Jakarta, Basuki Tjahaja Purnama, immediately after he made a slip in a speech at Kepulauan Seribu in September 2016. The protestors claimed that the governor's speech insulted the Quran. At the peak of these actions, on 2 December 2016, a vast number of Muslims praised and prayed Jumat together and aired their grievances. Aside from the sheer size of the protests, numbers like which have never been recorded in Indonesia, this paper will argue that it was the unity of the protestors which transformed these actions from a typical demonstration to a social movement. Scholars and experts agree that this unity between Muslims, visible in this social movement, can be used as social capital to help accelerate the development of a sharia system in Indonesia, especially in the economic and political spheres. On the other hand, some people objected and claimed that the movement was politically influenced by the Jakarta gubernatorial election. Moreover, they also claimed that the movement was motivated by a desire to destabilize the current Indonesian government. Therefore, they see these movements as a threat. This paper will emphasize and shares the advantages of this movement, ranging from the improvement of law rules enforcement, social integration, and economic potential to eliminate the negative presumption.

Introduction

In 2011, OECD - Organization for Economic Co-operation and Development published a document about Perspectives on

Global Development 2012[1] which focusing in social cohesion in a shifting world in last decade. They highlight "shifting Wealth" phenomenon which the centre of economic gravity of the world has progressively shifted from West to East and North to South, resulting in a new geography of growth. They also examine social cohesion in fast-growing developing countries and provide policy makers with recommendation for ways to strengthen it. Indonesia, as a developing country in shout east Asia, is not avoidable also influenced by this wave. A good cooperation between policy makers and its society in all sectors is a key factor to maintain long-term economic growth.

Social cohesion have three major elements; Social inclusion, social capital, and social mobility. The main key of these elements are, of course, the people of a nation itself. Indonesia as the fourth biggest population in the world, more than 257 million (world-bank 2015), have recognized their own potential which consists of more than 87% Indonesian Muslims (approximately 207 Millions). In a strategic perspective of Policy Decision Makers, they would consider policies that accommodate Indonesian Muslim aspiration, including their demand on the Sequences of Demonstration.

I examined this paper with the assumption that the policy makers can look at the Sequences of Demonstration (more known as Action to Defend Islam) as a part of civic participation which have potential resources to develop economic growth. I stand my opinion by what their demand and consistency in strengthening the justice in law enforcement. As the result, not only the potential economic and the justice in law enforcement, but also have an impact on the election of Jakarta Governor.

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1 Perspectives on Global Development 2012: Social Cohesion in a Shifting World, OECD Publishing.

Shifting wealth, social cohesion and development:
A simple framework
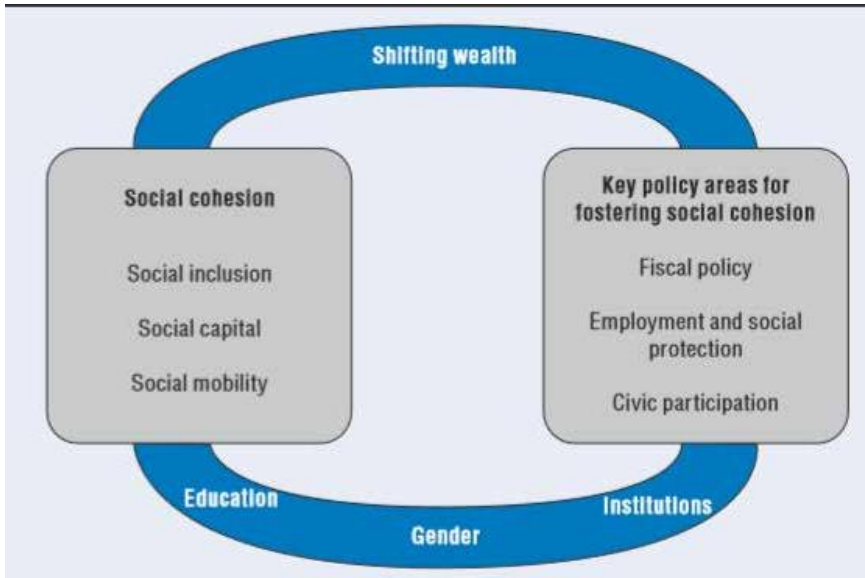
The graph gives information about the two main factors in shifting wealth: the social cohesion and the policy for fostering social cohesion. In this paper, I only focus on civic participation and how its relation with social cohesion in general, furthermore how policy maker responses to them.

Civic Participation in Action to Defend Islam

The new coalition government has pledged to move away from big government to one of 'big society'. The big society proposals assume that government alone cannot solve complex social problems. Instead, by making the public services more accountable to citizens, by decentralizing power and by expanding the opportunities for civic participation, it is hoped that an active citizenry will play a quantitatively and qualitatively greater role in tackling problems that affect communities[2]. These concept became a reason why

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2   Professor Matthew Hilton, Dr James McKay, Dr Nicholas Crowson, and Dr Jean-Fran-cois Mouhot, *Civic participation and social responsibility.* (unknown years).

charities and voluntarism growth in the citizen. Another concept is while public have dissenting voice and want their voiced heard by the policymaker. The sequences of Action to Defend Islam basically as a form of the dissenting voice which they just want their aspiration to be accommodated by government.

Unfortunately, this dissenting voice asserts by many people and transform to the biggest demonstration have ever held in Indonesia after the Independent Day, 1945. Their demand is strengthening justice of law enforcement by imprison Jakarta Governor, Basuki Tjahja Purnama (known as BTP), because he was accused of insulting Islam and Ulama (/muslim scholar).

To determine Action to Defend Islam as a form of social movement, we can look from social movement perspectives. Tilly (2004) defines social movement as a series of contentious performances, displays and campaigns by which ordinary people make collective claim on others. Jonathan Christiansen who cited from Freeman & Johnson (1999), said that social movement is not a political party or interest group, which are stable political entities that have regular access to political power and elites; nor is it a mass fad or trend, which are unorganized, fletting and without goals. Instead they are somewhere in between. De la Porta & Diani (2006) give several characteristics of social movements: involved in conflictual relations with clearly identified opponents, linked by dense informal network, and share distinct collective identity. Furthermore, social movement as organized yet informal social entities that are engaged in extra-institutional conflict that is oriented toward a goal.

Below are the comparisons between Civic Participation and social movement:

Civic Participation	Component	Social movement
Charity, voluntary, etc.	Form of Action	Protest/demonstration, etc.
Active	Participant	Active
Both	National Programs	No
Gov. and Citizen.	Initiator	Citizen
Support	Goal to Government	Oppose or support
Constructive	Effect	Destructive or constructive

From the comparison, I want to highlight the similarity between them, which are from the form of action, participant activity, and the effect. I put the form of action and the effect because the research object that I study here also shows a charity and voluntary action, and its effect, if it maintain in a good way, will foster the social cohesion, national development, and national security.

Overview of Action to Defend Islam

The story of SPA 212 began since BTP's visit in Kepulauan Seribu, 27 September 2016. He came with his subordinate from local government of Jakarta and House of Representative to dissiminate fish cultivation program for local fisherman in the Island. In his speech, he mentioned that Surah Al Maidah, Verse 51 of the Qur'an and said to the audience that they have been fooled by these surah. Moreover, he thought that his opponents had used a Quranic verse to trick people into voting against him. Transcript of his speech as follows:

> *"In your inner hearts, Ladies/Gent cannot vote for me, because lied to by Surah al-Maidah, Verse 51, and its similar. So, if you cannot vote for me because you are afraid of being condemned to hell you do not need to feel uneasy as you are being fooled. It is alright"*[3]

The speech spread out on Youtube and attracts thousands of people to watch[4]. The video became controversial and criticized

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3   Translated by writer. The original trancript in bahasa as follows:
"...kan bias saja dalam hati kecil bapak ibu, gak bias pilih saya, ya — dibohong inpake surat Al Maidah surat 51 macam – macam gitu lho. Itu hak bapak ibu. Ya. Jadi kalo bapak ibu, perasaan, gak bisa pilih nih, karena saya takut masuk neraka, dibodohin gitu ya, gak papa."

4   The original video was published on official youtube account of Province Goverment of Jakarta (*https://www.youtube.com/user/PemprovDKI*). Buni Yani is the first man who edit the video, make transcription of the speech, and spread it again. Due to what Buni Yani did, he named as a suspect for allegedly uploading edited footage video and caused nationwide uproar, particularly trhough mass demonstration (*http://www. thejakartapost.com/news/2016/11/23/buni-yani-uploader-of-ahoks-blashpemy-video-named-suspect.html*). The last news, 25 April 2016, "Buni Yani cases document will be sent to Prececutor because violating article 28 of the Electronic Information and Transaction (ITE) law that carried a maximum sentence of six years in prison".

by many people, individually, and in group, respectively. They claimed it was a blasphemy to Holy Qur'an, Muhammad Peace Be Upon Him and Muslims scholar. Regard to what BTP did, arose public demand to imprison him.

By hearing the public aspirations, 11 October 2016, the Council of Indonesian Ulama (MUI)[5] finally delivered their opinion and religious attitude which said that Governor Jakarta statement determined as blasphemy to Holy Qur'an and or blasphemy to ulama[6] which have a legal consequences.

A few days after MUI decision, in 14 October 2016[7], hundred thousands of people held rally on street. They walk on foot after Jumat Prayer in Istiqlal Mosque Jakarta to Governor Jakarta Office. This action followed by many groups and non government organisation, Such as Front Pembela Islam (FPI), Himpunan Mahasiswa Islam (HMI), Hizbut Tahrir Indonesia (HTI), Forum Umat Islam (FUI), KAMMI, Pejuang Subuh, and many others. Unfortunately, the same action also held in Bandung, West Jawa and Surabaya, East Jawa. They have the same demand to be jailed the BTP. A couple days after the action, there is no sign Indonesian Police will process BTPs blasphemy case, moreover to caught him to the prison. Referring to the situation that shows Indonesia Police in unserious manner, 24 October 2016, including as a sign of establishment of GMPF-MUI, declared will held the second Action to Defend Islam (ABI 2) on 4 November 2016.

Different with the previous action which each participant wants to show their existence only, by GNPF-MUI declaration, all groups participants under one command. The GNPF-MUI structure organization represented by two of the most influential

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5   MUI is a non goverment organitation that embraces ulama, zu'ama, and Islamic schol-ars in Indonesia to guide, foster, and nurture Muslims throughout Indonesia. The In-donesian Ulema Council was established on 7 Rajab 1395 Hijriah, coinciding with July 26, 1975 in Jakarta, Indonesia. - See more at: *http://mui.or.id/en/category/profile-organization/sejarah-mui/#sthash.IFV1ofcf.dpuf*

6   Ulama = Muslim Scholar.

7   The action of 14 October 2016 is more known as "Aksi Bela Islam 1 (ABI 1)/ Action to Defend Islam 1".

person on ABI 1, Rieziq Syihab, from FPI and Bachtiar Nasir from Miumi ("*Majelis Intelektual dan Ulama Muda Indonesia*"/the Council of Indonesian Young Ulama and intellectual).

In ABI 2 agenda started after Jum'at Pray at Istiqlal Mosque, continued by long march to Presidential Palace, and ended at 6 p.m. Since the beginning of action until 6 p.m, demonstration was held peacefully. It can be found in many newspapers, online news, and participants note experiences. However, around 7 p.m, some participants try to provoke police officer by throwing empty bottle and bamboo. Not long after the provocation acts, police tried to settled down provocators by shooting tear gas and water cannon. Violent clashes unavoidable. As the result, At least 160 protestors and 79 police officers were injured during the clashes[8] and one eldery man died.

Still in 4 November 2016 action, Bachtiar Nasir and team as representative of demonstrator, came to the Presidential Palace, and accepted by Jusuf Kalla, Vice President of Republic of Indonesia and other ministries. They gave a promise, blasphemer cases will be in process in two weeks[9]. No exceed two weeks, at 16 November 2017, Indonesian Police named BTP as suspect with charge by violating article 156 (a) of the Criminal Code on blasphemy which carries a maximum sentences of five years in prison. Despite the fact of BTP as a suspect, he did not jailed. In demonstrants side, of course it is an improvement, but not as what what they want. After that, in 25 November 2016, GNPF-MUI responds it by declared ABI III which will be held on 2 December 2016[10].

ABI III, 2 December 2016 was held in Monas (National Monumen of Jakarta) and followed by more than one million[11] participant came

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8   http://edition.cnn.com/2016/11/03/asia/jakartaislamistgovernorprotest/

9   http://www.tribunnews.com/nasional/2016/11/04/jusuf-kalla-kapolri-janji-selesai-kan-kasus-ahok-dalam-dua-minggu

10   http://news.liputan6.com/read/2942281/gnpf-mui-aksi-5-mei-jadi-penutup-aksi-be-la-islam

11   About number of people who's participated in to that actions is debatable. Reza Les-

from all over Indonesia. Furthermore, some participants that come from Ciamis, West Jawa (around 285 km from Jakarta) walking by foot because, no bus would drive them to Jakarta. More importantly, there were no clash and no violation. Everithing running safely and peacefully.

Four Stage of Social Movement

Jonathan Christiansen, 2009, define the four stages of social movement: Emergence, Coalescence, Bureaucratization, and Decline. Here I try to define Action to Defend Islam base on these stages:
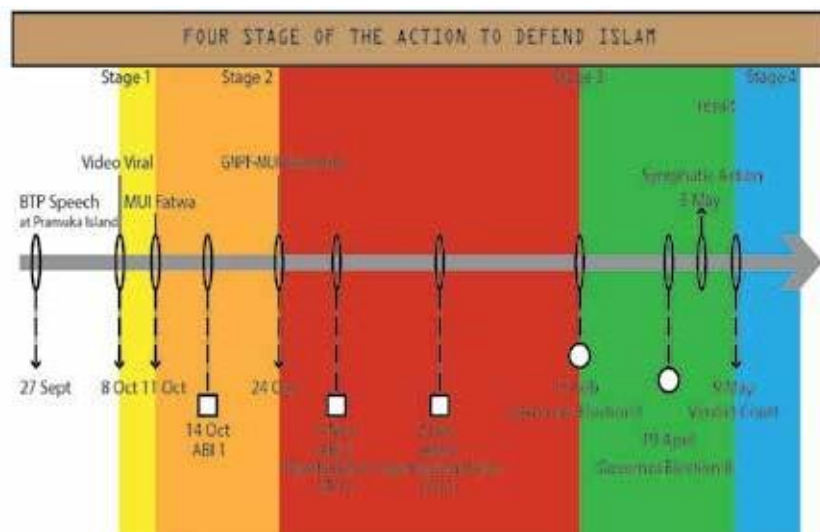
Stage 1: Emergence
Period 6 October 2017 – 11 October 2016.

This Period began by Jakarta Governors video viral in social media and became controversy.

mana who's reported by news.detik.com calculated, the participant just only 218 up to 311 thounsand of people. Muhammad Firmansyah Kasim, Indonesian Doctoral Student in Oxford University, calculated 505 thousand – 757 thousand of people are participated. CNN Indonesia claim more than these number. From CNN Indonesia calculation there are 823 thousand up to more that 1 Million participant. In an other hand, the head of GNPF-MUI, claimed more that seven million are participate in that movement.

As Blumer said, the first stage of the social movement life cycle is known as the emergence, or the "social ferment" stage (Jonathan cited from De la Porta & Diani, 2006). Within this stage, social movements are very preliminary and there is little to no organization.

People who felt objection with the BTP's speech emerge without one command. They protest by their own ways, such as make a report to the police officer or make an objection in social media. As the peak of this action is when MUI released their decisions.

Stage 2: Coalescence
Period 12 October 2016 – 24 October 2016
This period began after MUI released their decision until the declaration of GNPF-MUI. After MUI decisions released, sense of discontent became stronger than before. An Objection not just come from individual voices, but also came from Islamic Community, such as HTI and FPI. Rex D. Hopper, 1950 (Christiansen, 2009), identify by saying that discontent is no longer uncoordinated and individual; it tend to become focalized and collection.
As the peak of this session is on 14 October 2016 while hundred thousands of people were gathering to protest.

Stage 3: Bureaucratization
Period 25 October 2016 – 9 May 2017
This stage began since the Declaration of GNPF-MUI until 9 Mei 2017, when BTP has proven guilty insulting Islam and got 2 years sentence in prison.
At this stage, there are several important events:
- Action to Defend Islam 2 (Peaceful Action 411), 4 November 2016;
- Action to Defend Islam 3, (Super Peaceful Action 212), 2 December 2016; and
- Misconception of Action to Defend Islam.

At this stage also show their effects (result):

- BTP lost in Jakarta Governors election, 9 Mei 2017;
- Sharia potential economics rose smoothly by the establishment of Koperasi Syariah 212, 7 January 2017;
- Symphatic Action, 5 May 2017

Blummer (1969) defined this stage as "formalization" which characterized by higher levels of organization and coalition based strategies. The Action to Defend Islam 3 and the sequents event after which held in pecefully cleanly, and show that the action is no longer an ordinary

Stage 4: Decline
Period 10 May 2016 – ∞

This stage began since the GNPF-MUI and participants demand granted by verdict court decision and imprisoned the BTP as Blasphemer until so on.

Miller (1999), there are four ways in which social movement can decline, as follows: repression, co-optation, success, and failure. At glence, we can defined that the action is success, because we cleary can see what the protestors demand and the result. The BTP got two years imprisoned and he also defead in Jakarta governor election.

Misconception about Action to Defend Islam

The world responds to the Actions to Defend Islam are not always positive in all manner. Media framing and regime responds were taking a big role in building that condition. For example by saying that the action was intolerant, extremism, and terorrism. One analysis[12] came from International Relation doctoral student from Istanbul University, Herry Cahyadi, who cited *Media framing of the Moslems world* by Halim Rane, Jacqui Ewart, John Martinkus (2014), said that the majority of west media are framing against Islamic World with violent narratives, fanaticism, extremism, and hostile western civilization. It always embedded almost in news

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12 http://www.republika.co.id/berita/kolom/resonansi/16/12/02/ohk9yp319-ak- si-umat-dan-catatan-dalam-sejarah

and negates the multicultural, ethnic, and religious experiences of Muslims in other countries. Therefore, that is not a strange if the action received a bad framing.

Negative tendencies also showed by the government in their respond to the actions to defend Islam. For example, Tito Karnavian, National Police Chief of Indonesia, said that he saw desertion potential in Action to Defend Islam. Unfortunately this perception is not proven until today, while BTP get prove in guilty as a blasphemer.

The other misconceptions also said that the participants are anti Pancasila (Indonesia's five philosophical precepts)[13], anti Bhineka Tunggal Ika (unity in diversity), and anti-Chinese ethnic. This issues totally forced ABI which also came from mainstream media, National Police Indonesia, and political party. This misconception led to the emergence of resistance in grass root to Action to defends Islam. The worst scheme from this misconception is appearing two block side which contradicting each other.

MISCONCEPTION LIST

No.	Issue	Source of Issue	Proven		Explanation
			Yes	No	
1.	Terrorism and extremism	Sidney Jones		V	Action to Defend Islam is walking peacefully. Violence riot which occurred on ABI II, in night of 4 November 2016, were came provocateurs. This statement came from Tito Karnavian, Chief of Indonesian Police.
2	Makar/ desertion	Chief of Indonesian Police		V	Tito said that there is any group who intend to do so, but he sure said that they are not a part of GNPF-MUI organization committee[1].
3	Anti Bhinneka and Anti-China	Pro BTP		V	Participants are not Muslims only, but also Christian and Tionghoa Ethnic.

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13 To learn more about Pancasila, it's history and development, you may see tesis of Al Habib Muhammad Rizieq bin Husein Syihab, *Pengaruh Pancasila terhadap penerapan syariah Islam di Indonesia* (Pancasila's Infulences to the implementation if syariat Islam in Indonesia), http://www.penaaksi.com/2017/01/tesis-habib-rizieq-pancasila.html

4	Anti-Pancasila	Pro BTP		V	There is no strong evidence proven that Action to Defend Islam, face to face against Pancasila.
5	Participant got Rp 500.000,- by someone	News and BTP		V	- There is no further evidence concerning the donator. - Participants came all over Indonesia, their ticket travel fee more than Rp 500.000,-
6	Politic Interest	BTP, News,	V	V	Political interest is not the main goal, because the main goal is to imprison the blasphemer. This demonstration has an impact on the governor election and some participants came from political party, is yes. But consistency to the main goal can be seen from sequence of demonstration in every BTP case trial.

In consideration of the contradiction that could lead to a potential conflict in the society, it is important to clarify the misconception. One of the solutions is by pointing out the positive aspect from the impact of the social movement.

The Impact of Social Movements

Social movement impact theory (otherwise known as outcome theory) is a subcategory of social movement theory, and focuses on assessing the impacts that social movements have on society, as well as what factors might have led to those effects[14]. There are four types of theory, which are individual changes, institutional change, cultural, and political. By emphasize these theories, I do not mind to determine the Actions to Defend Islam is a success story, as like Ganson (1975) said "Many times there are positive impacts, but they are not what were anticipated by anyone". Therefore, by this paper, I want to point out the positive effects of Action to Defend Islam by its potential on strengthening of justice in law enforcement, building potential economic, and uniting Muslims.

In my point of view, especially in the impact of Action to Defend

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14   https://en.wikipedia.org/wiki/Social_movement_impact_theory#cite_note47

Islam, the four types of social movement impact can be defined as a part of the Uniting Muslims, because they discussing about two types of process: internal (where people participating in group) and external (where participants move together to reached collective goals.

To Strengthening Justice in Law Enforcement

Democratization refers to the process of transitioning from an authoritarian regime to a democracy, also known as a "democratic transition" (Lars Petter Berg, 2013 cited from Feng and Zak, 1999). Indonesia experienced democratic transition in 1998 after the end of authoritarian regime. It can be seen from regulations which grant freedom of opinion[15]. Therefore we can conclude that the Sequence of Action to Defends Islam is legal. Moreover, their demand is something that very related to the justice in law of enforcement.

Social justice literature distinguishes between two classes of justice judgements: distributive and procedural justice. Distributive justice is similar to relative deprivation; it refers to the fairness of outcomes. Procedural justice refers to the fairness of decision making procedures and the relational aspects of the social process (being treated with respect, dignity, etc.; Tyler and Smith, 1998). Then, procedural justice might be a more powerful predictor of social movement participation than distributive justice (Stekelenburg and Klandermans, 2010 cited from Tyler & Smith, 1998). In the blasphemy case of BTP, procedural injustice became the main factor of demonstration.

Inequality in justice can be seen by how law applied to BTP. First, Police responses to the society demands which always look delayed the inquiry process. Second, BTP status as a suspect did not make him imprisoned (to make the process run smoothly) even after prosecutor named him as defendant. Third, BTP's status as

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15   See The 1945 Constitution of the Republic of Indonesia, verse 28 E, number 3, "Every person shall have the right to the freedom to associate, to assemble and to express opinions". As it's derivative, can be found in law regulation 9/1999 about Freedom of Expression in Public Space.

Jakarta's Governor is not revoke, even after he named as defendant[16]. From all of these responses, it is suspected that there is something wrong about the process, in accordance with the precedent cases.

Jurisprudence: Related to Insulting Religion Cases in Indonesia.

No	Court Region	Suspected/cases	Reporter/ the insulted religion	Regulations	Verdicts (months in jailed)
1	Medan	HB Jassin/ shorttale "langit makin mendung (1968)	Medan High Prosecutor's/ Islam	156 (a) Criminal Code	12 and 2 years' probation
2	Central Jakarta District Court	Arswendo Atmowiloto (1990)	Massa/ Islam	156 &156a Criminal code	60
3	Situbondo District Court	Muhammad Saleh (1996)	KH Zaini Abdul Aziz/ Islam	156a criminal code	60
4	Batam District Court	Mas'ud Simanungkalit, Islam Hanif (2003)	MUI Batam/ Islam	156a criminal code	24
5	Kalabahi District Court	Ir. Charisal Matsen Agustinus Manu, MSi / book Cover "AlorDalam Angka" (2004)	MUI/ Islam	156a criminal code	24
6	Bale Endah District Court	Mangapin Sibuea/ Pondok Nabi Pondok Nabi dan Rasul Dunia, (2004)	Forum Komunikasi Kristen Indonesia (FKKI)/ Protestan	156a criminal code	24
7	Palu District Court	Rus'an, Article of "Islam Agama yang Gagal" (2005)	Forum Komunikasi Umat Islam Palu (Palu Islam Ummat Communication Forum)/ Islam	156a criminal code	No further information

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16 The Law 23/2014 about Local Governments, verse 83 (1) stated that "The regional head and / or deputy head of the region shall be temporarily suspended without the proposal of the Regional People's Legislative Assembly as charged with committing a criminal offense punishable by imprisonment of at least 5 (five) years, corruption, terrorism, treason, criminal act against state security, and / Or other acts that may divide the Unitary State of the Republic of Indonesia".

8	Probolingga District Court	Ardi Husain/6 Committee of YKNCA (2005)	M U I Probolingga/ Islam	156a criminal code	6
9	Polewali Mandar District Court	Sumardin Tappayya/ "Shalat Bersiul" (2005)	Chief of Village/ Islam	156a criminal code, verse 2 (1) UU Darurat No. 12 /Drt/ 1951	6/ 1 year probation
10	Malang District Court	Yusman Roy/ Shalat Dual Language (2005)	Massa/ Islam.	156 a and 157 (1) criminal code	Not proven in 156a Criminal Code, but yes in verse 157 24 Moths sentences
11	Jakarta	Teguh Santosa /Cartoon of prophet at "Rakyat Merdeka Online" (2006)	Massa/Islam	156a criminal code	Incorrect verse indictment
12	Bekasi District Court	Imam Trikarsohadi and H.Abdul Wahab, Cartoon of prophet in PETA magazine (2006)	- /Islam	156a criminal code	No further information
13	Surabaya District Court	Leader of Gloria Magazine, Surabaya (2006)	-/Islam	156a criminal code	No further information
14	Jakarta District Court	Lia Aminuddin Known as Lia Eden/ Salamullah (2006)	Amin Djamaludin / Islam	156a, 157 (1), and 335 criminal code	24
15	Central Jakarta District Court	Abdul Rachman / Salamullah (2006)	Amin Djamaludin / Islam	156a criminal code	36
16	Central Jakarta District Court	Ahmad Musadeq- Alqiyadah Al Islamiyah (2007)	-/Islam	156a criminal code	48
17	Malang District Court	Djoko Widodo, SH and Nur Imam Daniel alias Daniel part of 41 people from LPMI (2007)	-/Islam	156a criminal code	42
18	Semarang District Court	Raji/ Sholat Koplo (2008)	-/ Islam	156a criminal code	No further information

19	Padang District Court	Dedi Priadi (44) and Gerry Luhtfi Yudistira (20), sect of Al-Qiyadah Al-Islamiyah. (2007)	S o c i e t y or g a n i z a t i o n/ Islam	156a criminal code	36
20	Central Jakarta District Court	Lia Aminudin/ Salamullah (2009)	Chief of "Gerakan Umat Islam Indonesia" - Habib Abdurahman Assegaf/ Islam	156a criminal code	30
21	Central Jakarta District Court	Wahyu Andito Putro Wibisono / Salamullah (2009)	Chief of Gerakan Umat Islam Indonesia- Habib Abdurrahman Assegaf / Islam	156a criminal code	24
22	Kupang District Court	Nimrot Lasbaun And friends/ Sion Kota Allah (2009)	-/Kristen	156a criminal code	6
23	Klaten District Court	FX Marjana (2009)	FKUI Klaten/ Islam	156a criminal code	No further information
24	Ambon District Court	Wilhelmina Holle/ the riot of Masohi-Maluku (2009)	-/Islam	156a criminal code	12
25	Medan District Court	Pastor Moses Alegesen/ Transleting bulletin (2009)	PHDI/Hindu	156a criminal code	Not proven
26	South Jakarta District Court	Agus Imam Solihin/Satrio Piningit (2009)	-/Islam	156a criminal code	30
27	Surabaya District Court	Ahmad Naf'an (Gus Aan) / Ilmu Kalam Santriloka (2009)	-/Islam	156a criminal code	No further information
28	Ciamis District Court	Ondon Juhana (2011)	Sri Asriyati And Wawang (victims) / Islam	156a criminal code and 378 criminal code	(fraud) 48
29	T a s i k m a l a y a District Court	Oben Sarbeni (2011)	MUI/Islam	156a criminal code	48

30	Temanggung District Court	Antonius Richmond Bawengan/	Residents and theirs administrators /Islam and Kristen	156a criminal code	60
31	Sumber-Cirebon District Court	Ahmad Tantowi / Surga Eden (2011)	Korban/Islam	156a criminal code and 289 criminal code	60
32	Klaten District Court	Andreas Guntur WisnuSarsono, AmanatKeagungan Ilahi/ AKI (2012)	Forum Komunikasi Aktivis Mesjid (Masjid Activist Communication Forum)/Islam	156a criminal code	48
33	Bandung District Court	Pendeta Hadassah J Werner/ Bethel Tabernakel Church (2012)	Indrawati Tirtosoediro-Ex Jemaat / Kristen	156a criminal code	Not proven
34	Garut District Court	SensenKomara/ NII (2012)	-/Islam	156a criminal code and Makar	12 and psychiatric hospital
35	Padang District Court	Alexander Aan/ Account Atheis (2012)	-/Islam	156a criminal code	30
36	Sampang District Court	Tajul Muluk/ Syiah (2012)	-/Islam	156a criminal code	24 in District Court, 48 Appeal Court
37	Sukabumi District Court	Sumarna/ Tijaniyah Mutlet Cimahi (2012)	-/Islam	156a and, 340 criminal code	Still on process

Source: Uli Parulian Sihombing, Ketidakadilan dalam Beriman (2012) cited from ILRC 2012

Based on ILRC (2012) report, 26 of 37 cases were proved and got sentences in varied years, from six months (min) up to 5 years (max). Seven cases did not have further information, and only four cases did not proven. Thus, we can conclude that 86% of cases were proven as an insulted to religion with average of sentences are two years and three months. So, if in 9 May 2017, North Jakarta District Court gave a verdict to BTP with two years sentences without probation, it was normal. It was same as what GNPF-MUI and demonstrators demand, a justice bases on law and regulation.

COMPARISON BLASHPHEMY CASES FROM OVER THE WORLD

No	Subject	Sentence (years)	Country	Date
1.	Playing Pokemon GO in Chruch	3.5	Russian	2017
2.	Leaflets mocking Jesus Christ, Islam and the Pope (psp)	6 Months Jailed, 2 years suspended, 100' unpaid work, and £250 costs	England	2010
3.	These British Pastors Were Just Arrested For 'Challenging Moslems'	$370+ $37+ $4000 6 Months Jailed	England	2016
4.	Featured a picture of Buddha wearing DJ headphones.	2.5	Myanmar	2015
5	Jailed for insulting Lord Rama	No further info	India	2016
6	Saudi Blogger Punished for "Insulting Islam"	10	Arab Saudi	2013
7	Bahraini Blogger Sentenced to Jail Over "Insulting Religion" on Twitter	3 months	Bahrain	2016
8	Malaysian rapper is remanded over video allegedly insulting Islam	2	Malaysia	2016
9	Bangladesh jails two Hindu teachers for insulting Islam	6 Months	Bangladesh	2017
10	Foreigner has been arrested for 'insulting religion' in Buddhist Myanmar	No further info	Myanmar	2016
11	Singapore jails teenager YouTube blogger for 'insulting Christians and Moslems' with videos	6 weeks	Singapore	2016
12	Man who disrespected religion during argument in Dubai, imprisoned for three months	3 months	Dubai	2017

Source: Compile from Online News media

It can be concluded that in many countries all over the world also applies law and regulation regarding to religion-related blasphemy.

Potential Economics

It is important to say that the potential economics were not suddenly appeared after Action to Defend Islam 3. The efforts to enhance the potential economics have been started more than a hundred years ago, while Indonesia still on colonized by the Dutch. To survive from the colonization and prevent the Dutch domination in economics, Muslim middle class made an economic movement by creating "Serikat Dagang Islam (Islamist Trade Union)". Wasisto (2016) said, there were three causes why it's happen: firsts, colonialism which marginilized local people of Indonesia whom muslim people as the majority, second, a need to established a country which suitable with the aspiration of Indonesian muslim people, third, the spirit of *amar ma'ruf nahi mungkar* againt colonialism.

In Nasir interview, he explained that despite the justice of law of enforcement, the factor of inequality in economic also takes its place. Yusril Ihza Mahendra[17] said that 0,2% of Indonesian citizens dominated 74% land of Indonesia by conglomerate, corporations, real estate, mining, palm plantations, forest management rights. In different time and place, Ahmad Heryawan Governor of West Jawa in a discussion at the High Congress V Confederation of Indonesian Muslims Labor Union, Saturday, 30 April 2016, he cited data from World Bank (2014) which said that 1% of Indonesian people dominated 55,5% national treasures. These inequalities became the main effort to enforce the rise of sharia economic power, because from the side of quantity, demand for this power is large and it is a form of human capital.

Recognizing human capitals is one of the basic factors of economics' growth, first introduced by neo-classical economics in 1960s beside three other factors, land, labor, and physical capital (i.e. assets that generate income). They are T.W. Schultz and Garry Backer who are said that a society's endowment of educated,

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17 Yusril Ihza Mahendra is an expert in constitutional law, politician. He was a State Secretary of Indonesia (2004-2007) and Ministry of Justice (2001-2004). He deliver this statement in a talk show "Indonesia Lawyers Club TVOne", 12 January 2016.

trained, and healthy workers determined how productively the orthodox factors could be utilized (Woolcock, 1998). Upper level of human capital is social capital, while human capital encompassing the norms and networks facilitating collective action for mutual benefit. David Hume argued that appropriate moral behavior, or what he called the "moral sense" or "sympathy", would emerge of its own accord to support new forms of economic activity. The potential benefits of social capital can be seen by looking at social bond (OECD insights: Human capital, (2012)). I see the establishment of "KoperasiSyariah212 (Sharia Cooperative 212)" is an example for these transformation.

KoperasiSyariah212[18] established since 7 January 2017 and initiated by ex-participant of Action to Defend Islam. By using number 212, it shows the date of Action to Defend Islam 3, on 2nd December 2016. Until 25 April 2017, 23.681 person has joined as member of KoperasiSyariah212, which not only Indonesians, but also from Hong Kong, Japan, and Qatar. To be a member of KoperasiSyariah212, have to deposit amount of money, which divided to basic fee and mandatory saving. Furthermore, this money is used to organize its current products, such as minimarket and apartment[19].

The Uniting Muslims

As I said before, the uniting that I use is the Four Social Movement Impact Theories, the transformation of individual, institutional, cultural, and political choices.

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18 A **cooperative** (also known as **co-operative**, **co-op**, or **coop**) is an autonomous associ-ation of people united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled business. [1] Cooperatives include non-profit community organizations and businesses that are owned and managed by the people who use their services (a consumer cooperative); by the people who work there (a worker cooperative); by the people who live there (a housing cooperative). (Wikipedia) By using "shariah", it show that this Cooperative ruled base on shariah law, especially avoid "riba" system which really prohibited in Islam.

19 Source: General Secretary of KoperasiSyariah212.

Individual Changes

Individual changes always related to the individual psychologies and its construction and reconstruction of collective action. Stekelenburg and Kladermans, 2007 highlight four fundamental social psychological processes as they are employed in the context of social movement participation: social identity, social cognition, emotions, and motivation.

Most of people who participate in these sequences are Muslims. They have the same viewed about what BTP did that he has insulted Qur'an and Islam. In Bachtiar Nasir perspective, these sequences act as a form of dakwah (Religious Form of Action) which move in critically and peacefully and done in a well-mannered way and constitutional (not breach rule and regulations).

Religion perspective plays its own roles in motivating Muslims to participate in the demonstrations. They hope that they will grand reward by their God through help Allah the Almighty God as recited in Qur'an Chapter 47 verse 7,

> *"O you believe! If you help (in the cause of) Allah, He will help you, and make your foothold firm".*

By this motive, it is rational enough to walk on foot for 300 km and to charter an Airplane form west Sumatera and Kalimantan as well. This motive also automatically eliminate all the hoax and the accusation from BTP that claimed the participants are being funded by someone.

Institutional changes

Moore (1999), theorized that there are four institutional characteristics which make it vulnerable to change: 1) Rapid growth in terms of money or members, 2) Diffuseness or decentralization of organization, 3) Strength of links between clients and professionals, and 4) Bonding to the state. The sequence of Actions to Defends Islam are organized by GNPF-MUI. Bachtiar Nasir as the chief said

that GNPF-MUI is an ad hoc body which established[20] after MUI realesed their fatwa. If we count back since ABI 1, ABI 2, and ABI 3, number of participants are growing dramatically in just short time period[21]. The form of participation can also be proven by the donations in which recorded less than 7 days amount of donation up to 4 Billion rupiah.

Bachtiar Nasir, Habib Rieziq Syihab, and others steering committee not just a leader of demonstration. They also act as Ulama's, Da'i, and teacher of ummah Muslims (participants). This ties makes they have closed relationship. In contrary with their ties to the government who represented by National Police of Indonesia perspectives, the Sequence recognized as a threaten to the current government.

Cultural and Political

In fact, it cannot be denied that the sequence of Actions to Defends Islam held on the atmosphere of the election of Jakarta's Governor 2017. As a Muslim way of life, they have Qur'an as their primary guide which ruled them in their daily activities, including in political choice. As stated at Qur'an Chapter 5 verse 51,

> *"O you believe!, Take not the Jews and the Christians as Auliya' (friends, protectors, helpers, etc.), they are but Auliya' to one another. And If any amongst you takes them as Auliya', then surely he is one of them. Verily, Allah guides not those people who are the zalimun (polytheists and wrong-doers and unjust)".*

So, it is not a cultural or a political which came from human, but directly command of God. That is why, while BTP said "...lied by that verse..." he got publics outcry.

Unfortunately, its impact also reach political zone, where BTP

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20 GNPF-MUI declare this name when along with the declaration to held ABI 2 dated 24 October 2016. Before the declaration, the organization commite of GNPF-MUI united in different names.

21 GNPF-MUI claimed number of participants who joining in ABI 1 are around 600.000 person, in ABI 2 are around 2 millions of person, and ABI 3 are around 7 Millions of people..

contested as candidate governor of Jakarta. In 19 April 2017, BTP defeated by their rivals, 42,05% - 57,95% of voters. The result was unpredictable, because a few days before the election, in fact, there are money politics and basic need parcels which delivered to the small societies[22]. However, it was proven failed in reaching BTP voters.

The unity of participants who join in the Action to Defend Islam can also be seen in the "maturity" in the demonstration which held peacefully, no garbage, no damage to the environment, and full of praying. More importantly, all negative stigmas did not occurred. Below is the comparison of the Sequent of Action of Defend Islam with the May 1998 riot.

The Comparison of May Riot 1998 and Action to Defend Islam

No	May Riot 1998	Indicators	Action to Defend Islam
1	Jakarta	Focus Location	Jakarta
2	All elements	Participant	All elements
3	No claim institution	Initiator	GNPF-MUI (as an institution)
4	Fall Soeharto	Demand	Justify in Law enforcement
5	"R e f o r m a s i", "turunkan Soeharto	Tagline	"Bela Qur'an", "Bela Islam", "penjarakan Ahok"
6	Death, sexual arresment, physical damages, and building demages,	Damages	No Demages
7	Yes,	Reached the goal	Yes,
8	Yes	Global Attention	Yes
Source: *Temuan Tim Gabungan Pencari Fakta (TGPF) Peristiwa Kerusuhan Mei 1998*			

The comparison table gives an information that the Action to Defend Islam is very different with May Riot 1998. Therefore, there is no reason for policy maker to consider that the Action of Defend Islam as a threat.

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22 http://en.republika.co.id/berita/en/jakarta-region-others/17/05/04/operov414-mon-ey-politics-dominates-the-reports-on-the-second-round-of-jakarta-election

Conclusion

While other demonstrations show its fear effect, the sequence of Action of Defend Islam appeared with a peaceful face. It shows that a demonstration is not always identical with violent which bring anxiety and fears, but it can show a peaceful message to the others. As a part of a social movement, the demonstration is an effective way to deliver an objection or a support message to the policy maker, when the other ways have closed.

Policy maker need to see shifting wealth phenomenon as a challenge for Indonesian development in the future by defining national assets wisely, especially Indonesian citizen as human capital resources. As a social movement Action to Defend Islam succeed to gain attention and support from all over Indonesia. It shows that they want to actively contribute to defend their faith. To responds them by contradicting their faith and national ideology is a big mistake.

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(Footnotes)

1 The eleven people who allegedly will commit treason whose arrested by the police as follows: Kivlan Zein, Adityawarman Thaha, Ratna sarumpaet, Firza husein, Eko, Avin Indra, Rachmawati Soekarno Putri, Ahmad dhani, Sri Bintang Pamungkas, Rizal Kobar, Jamran.

FACTORS INFLUENCING ACTUAL CONSUMER BEHAVIOR IN ONLINE BOOKING IN THE HOTEL INDUSTRY

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Abstract

The purpose of this study was to analyze online purchase behavior in the hotel industry using an integrative framework. To determine which construct has the strongest impact, it examined purchase intention, perceived risk and trust on actual purchase. The study also investigated antecedents of these three constructs. To collect data, an online survey was designed to target respondents who have made hotel reservations online. The conceptual model was tested using Structural Equation Modeling (SEM). Findings show that perceived risk has the strongest impact on actual purchase, followed by trust, and then online purchase intention. This weak response in regard to purchase intention is quite interesting as it differs from the results of previous research. The study also found that perceived risk is directly correlated with online purchase intention in terms of the relationship between website quality and electronic word-of-mouth (eWOM). There are, however, limitations to this study given its descriptive nature. While there was no manipulation or control of the data, the survey was an experimental design. So, conclusions on the relationship between the constructs require further and repeated study. Nevertheless, the implication is that hotels need to reduce perceived risk in order to increase online reservations. This can be accomplished by improving website quality and encouraging positive reviews posted online.

Keywords: perceived risk, actual purchase, online purchase intention, trust,

Introduction

The use of Internet in tourism business has developed rapidly in the last decade. Internet rapid adoption in hospitality industry in addition to Internet advantages as a marketing and distribution medium is also motivated by increased acceptance of Internet especially by travelers to plan their vacation. Internet has become a very important medium for consumers and suppliers to access and provide information, communicate and conduct transactions (Law *et al*. 2010). While Internet popularity is rising in tourism business, there is a contradictory issue related to online buying behavior. As the use of Internet is increasing in planning and purchasing travel products, at the same time a large number of visitors decided to cancel the purchase at the final stage of online transaction which is the payment completion stage. The increase in travel product online sales was not followed by an increase of online transaction completion ratio, this ratio is commonly called abandonment rate which is defined as the ratio of uncompleted online transactions to the total completed transactions online. The abandonment rates over the past four years were at 60%, means that six out of ten visitors who were in the transaction completion stage did not eventually make the purchase.

Finding by Thongpapanl and Ashraf (2011) confirmed this phenomenon, it was found that online purchase intention did not significantly encourage actual purchase, it was argued that online purchase intention alone is not enough to trigger actual purchase, there could be other factors that drive actual purchase more strongly. Some research found that perceived risk specifically related to online transaction security is the major barrier for consumers in conducting online purchase (D'Alessandro *et al*. 2012; Liu and Forsythe 2010; Xu *et al*. 2010). Perceived risk can be reduced through transaction security features provided in a web (Kim and Lennon 2013; Kim *et al*. 2013) and eWOM (Chan and Ngai 2011). Chang and Chen (2008), Ling *et al*. (2011). Decreased perceived risk emerges trust toward online vendors (Chang and Chen 2008; Ling et al. 2011), the higher consumer trust, the higher the chances of

consumers making actual purchase (Hsieh and Liao 2011; Shareef et al. 2013).

Based on this empirical study, this research seek to fill the issue by testing if decrease in perceived risk could raise online purchase intention to eventually influence actual purchase significantly. This research also examined the impact of perceived risk on actual purchase directly and mediated by trust, aimed as well to determine which from the three factors has the strongest influence on actual purchase.

Literature Review

Perceived Risk and Trust

Some research found that perceived risk is a factor that decreases consumer intention to conduct transaction online. Perceived risk consisting financial, transaction and channel performance risk has significant negative impact on consumer intention to conduct transaction through internet banking (Zhao et al. 2010). Cheng et al. (2012) found that consumer perception on transaction and product performance risk significantly and negatively influences consumer intention to make online purchase. Perceived product performance, financial, social, and time risks have significant negative effect on online purchase intention (Chang and Chen 2008). Online purchase intention significantly influenced by perceived transaction, financial, and psychological risk (Broekhuizen and Huizingh 2009), perceived channels, social and transaction risk (Martin et al. 2011).

H1: Perceived risk negatively and significantly influences online purchase intention.

Examining the factors that hinder actual purchase, perceived risk was found to be a significant factor, the lack of physical interaction between buyers and sellers makes transaction at risk (Lowry *et al*. 2008), concerns over personal confidential data will be abused (Mahrous 2011), consumers' concern on transaction security and confidentiality of personal data lowers actual purchase

(D' Alessandro *et al*. 2012; Liu and Forsythe 2010; Xu *et al*. 2010). Related to this, it was found that transaction security features in website were able to reduce perceived risk (Kim and Lennon 2013; Kim *et al*. 2013). Chang and Chen (2008); Ling *et al*. (2011); Salo and Karjaluoto (2007) found that decrease in perceived risk creates trust or trust level changes following variations in perceived risk. Decreased perceived risk increases trust which in turn encourages actual purchase (D'Alessandro *et al*. 2012).

> H2: Perceived risk negatively and significantly influences actual purchase.
>
> H3: Perceived risk negatively and significantly influences trust.
>
> H4: Trust positively and significantly influences actual purchase.

Online Purchase Intention

Intention is predictor of behavior as stated in TPB. Several studies confirmed positive influence of online purchase intention toward actual purchase. Online purchase intention formed by eWOM, positively and significantly influences actual online purchase (Mei et al. 2011). Using Technology Acceptance Model, Lim (2013) found positive and significant influence of online purchase intention toward actual online purchase. Formed by intrinsic, extrinsic factor and social influence, online purchase intention is a significant predictor of actual online purchase (Guo and Barnes, 2011). Actual online purchase positively and significantly influenced by online purchase intention formed by attitudes and trust (Hsieh and Liao 2011), attitude, subjective norm and perceived risk (Lin 2008). These empirical findings underlie the following hypothesis.

> H5: Online purchase intention positively and significantly influences actual purchase.

Conceptual framework of this study depicted in Figure 1.

Figure 1
Conceptual Framework
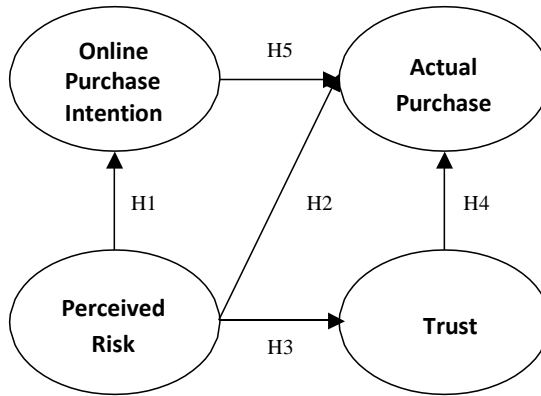
Methods

Data Collection

This study conducted a survey to collect data. Data was collected using a self-administered questionnaire. This research model was tested in hospitality industry in Bali, using a sample of tourist population who booked a hotel room in Bali online. The survey was conducted online and offline. The sample was restricted only for those involved in online booking activity within one month period. There were 700 questionnaires distributed, which as many as 339 questionnaires were returned. However, 53 questionnaires could not be used due to incompleteness, leaving 286 usable questionnaires, it represents 41% response rate.

Construct Measurement

To ensure the validity and reliability of the scale, the measurement items were taken from previous literature. The selection of measurement items was based on quantity, quality and relevance. Quantity reflects the frequency of the measurement items being used in previous relevant literature, the current study chose items with high usage frequency. Quality reflects the ability of the measurement item to define its construct, this study chose measurement items with high loading factor in previous relevant literature. Rating scale from 1 (strongly disagree) to 10 (strongly agree) is used to measure the construct. Measurement items and

the source are shown in Table 1.

Data Analysis

The research structural model was tested using Structural Equation Modeling, imposing the structure of the hypothesized causal model on a series of observed data to determine the goodness of fit between the hypothesized model with sample data (Hair 2010). This technique combines multiple regression and factor analysis, to examine simultaneously either the relationship between the measured variables and the latent constructs or the relationship between latent constructs. SEM also used to test hypothesized mediation effects in this study.

Table 1. Measurement Items

Construct	Measurement Item	Source
Perceived risk	Worrisome transaction	Akturan & Tezcan (2012), Nepomuceno *et al.* (2012)
	Unsecured payment system	Akturan & Tezcan (2012), Zhao *et al.* (2010)
	Unsafe financial data	Akturan & Tezcan (2012), Celik (2011)
	Misused personal data	Akturan & Tezcan (2012), Zhao *et al.* (2010)
	Financially risky transaction	
Trust	Online vendor trustworthiness	Hsiao *et al.* (2010), Kim *et al.* (2011)
	Online vendor ability to protect privacy	Pan & Zinkhan (2006), Weisberg *et al.* (2011)
	Online vendor reliability	Bianci & Andrews (2012), Lee *et al.* (2013)
	Online transaction security	Shareef *et al.* (2013), Weisberg *et al.* (2011)
Online Purchase Intention	Willingness to buy	Kim & Lennon (2013), Lowry *et al.* (2012)
	Willingness to buy in the near future	Hsu *et al.* (2013), Kim & Lennon (2013)
	Willingness to depend	Lowry *et al.* (2012)
Actual Purchase	Making online booking frequently	D'Alessandro *et al.* (2012), Lim (2013)
	Have made many online bookings	D'Alessandro *et al.* (2012), Lim (2013)
	Book the service online	Hsieh & Liao (2011), Shareef *et al.* (2013)

Source: previous studies

Results

Construct Validity

To test dimensionality and measurement reliability, construct and confirmatory factor analysis were performed to test construct validity. Results of the analysis are included in Appendix, factor loading of the research constructs spanned from 0.83 to 0.96, a good rule of thumb is that the factor loading ideally 0.7 or higher (Hair et al. 2010). High loading value indicates that the measures converge on a common point, the latent construct. AVE values are above 0.84 indicate adequate convergence. CR values are above 0.9 indicate internal consistency, meaning that all measures consistently represent the same latent construct. Result indicated there were outlier data, which needed to be removed. As many as 20 samples date was removed from the analysis. Assessment of normality found multivariate critical ratio at -1.432 which falls between the cut off range of -2.58 to + 2:58, confirming data is normally distributed.

Goodness of Fit

Goodness of fit indexes show good fit of model, represents similarity of the estimated covariance matrix (theory) to reality (the observed covariance matrix). Model goodness of fit indexes are above the required cut-off value as shown in Table 2.

Table 2. Goodness of Fit

Goodness-of-fit Measure	Acceptance level (Hair *et al.*, 2010)	Result
Chi-Square	p>0.05	0.676
GFI	GFI $\geq$ 0.90	0.904
RMSEA	RMSEA < 0.05	0.000
TLI	TLI $\geq$ 0.90	1.022
CFI	TLI $\geq$ 0.90	1.000
AGFI	AGFI $\geq$ 0.80 (Sharma 1995)	0.887
PGFI	PGFI : 0.50 – 0.90	0.768

Hypothesis testing

H1 (p <0.001, β = -0.48) is supported confirming the presence of negative and significant influence of perceived risk on online purchase intention. H5 (P <0.05, β = 0.18) is supported that online

purchase intention has positive and significant impact on actual purchase. H2 (p <0.001, β = -0.29) is supported that perceived risk significantly and negatively influences actual purchase. H3 (p <0.001, β = -0.67) is supported confirming significant negative influence of perceived risk on trust. H4 (P <0.001, β = 0.36) is supported that there is positive and significant influence of trust on actual purchase.

Table 3 shows direct, indirect, and total effect of each construct. Answering the research question, perceived risk has the strongest effect on actual purchase, followed by trust and online purchase intention. Overall the model predicts the level of actual purchase and trust quite well with R^2 = 0.48 and 0.45, also reasonable in predicting perceived risk, R^2 = 0.25 and online purchase intention R^2 = 0.29.

Mediation

The influence of perceived risk on actual purchase is mediated by online purchase intention and trust. These two constructs mediation is partial in nature, when both constructs added to the model and tested simultaneously, the influence of perceived risk on actual purchase remained significant with reduced path estimate.

Table 3
Direct, Indirect and Total Effects

Hypothesis	Relationship	Direct effect	Indirect effect	Total effect
H1	PR → PI	-.481	-	-.481
H5	PI → PA	.176	-	-.176
H2	PR → PA	-.290	-.327	-.617
H3	PR → Trust	-.673	-	-673
H4	Trust → PA	.360	-	.360

Discussion

In general, the results of structural model analysis support the theory of online buying behavior, specifically perceived risk theory. The results showed that decrease in perceived risk later increase

online purchase intention and trust, which in turn encourages actual purchase. Perceived risk affects online purchase intention strongly, it is understandable as Internet communication is virtual in nature with no face to face interaction (Cheng *et al.*, 2012), prevents consumer to directly value product quality (Martin *et al.*, 2011), in this case, hotel products and their quality. This nature of online medium increases individual's concern that the products or service acquired online will not meet their expectation with regard to quality or price (Chang & Chen, 2008), in other words, there is concern that the transaction won't worth financially. The lack of information increases uncertainty and perceived risk, therefore consumer search for information to reduce perceived risk to a manageable level (Thongpapanl & Ashraf, 2011). As this study finding, high perceived risk inhibits online purchase intention establishment, and perceived risk has strong relevance and power in predicting online purchase intention.

Actual purchase is formed by online purchase intention, perceived risk and trust, in which perceived risk has the strongest influence. This is in line with Cunningham *et al*. (2005) finding that perceived financial risk is a dominant factor inhibiting purchase decision. Consumers are concerned about potential financial loss as a consequence of conducting transaction online, since online transaction requires consumers to reveal credit card information which is confidential, there is a potential that the information leaked to unauthorized parties for then being misused to conduct financial cyber crime. The relationship of perceived risk to actual purchase is partially mediated by online purchase intention, when perceived risk decreases to an acceptable level, purchase intention then increases, which led to actual purchase. However, the influence of online purchase intention on actual purchase is not substantively strong. This finding contrasts with previous research by Lim, 2013; Mei *et al*., 2011; Guo & Barnes, 2011; Hsieh & Liao, 2011; Fogel & Schneider, 2009, that consistently found strong and robust influence of online purchase intention on actual purchase. A possible explanation is consumers' concern in transaction security

is still considerably high due to this research sample is not only respondents who made online reservation in famous hotel brands, yet nearly half of the sample made online reservation in non-star and lower-star hotels. In general, technology resource is still low in this hotel category, accordingly their online transaction security would be fairly low. This condition causes perceived risk to be high so that purchase decision is strongly influenced by this factor, rather than purchase intention alone.

The influence of perceived risk on actual purchase is explained by trust. The higher the perceived risk in performing transaction online, the lower the consumer's trust in hotel, which in turn prevent consumers to perform online transaction. Conversely, when risk perceptions in consumers' mind is able to be reduced through information or positive stimuli from hotel website and eWOM, then consumers start establishing confidence on hotel trustworthiness, the higher consumer confidence on hotel, the higher the chance of consumer to make a room reservation online. Since e-commerce goals which are purchase intention and actual purchase online strongly influenced by perceived risk, it is important for hotels to put efforts in reducing perceived risk to increase online reservation. Attempts that can be taken include improving website quality by ensuring information richness, ease of navigation, attractive design, presence of transaction security seal, privacy protection, favorable booking policy and price consistency. In addition to improving website quality, hotel can also reduce perceived risk through encouraging positive eWOM. This could be done by providing quality product and service, to later invite hotel guests with positive experience to write review online. Online purchase intention can also be improved by increasing online visibility, through SEO mechanism, expanding online distribution through cooperation with numbers of online travel agents, and utilizing social media as a communication medium, this whole effort aims to raise awareness that leads to increased online purchase intention.

Conclusion

This study analyzed online purchasing behavior with extended model to include actual purchase construct, where majority of research in this field analyzed online purchase behavior merely until online purchase intention. The findings briefly summarized as follows, first, actual purchase strongly influenced by perceived risk, followed by trust and online purchase intention. Trust and online purchase intention partially mediates the relationship between perceived risk and actual purchase. When perceived risk declines to an acceptable level, trust and online purchase intention increase significantly, which in turn encourage actual purchase.

Second, the weak influence of online purchase intention on actual purchase becomes an interesting finding. It is not consistent with previous research findings which found strong and consistent relationship. The hotels that our sample booked might be one of possible explanations, where the hotels widely ranges from famous five star hotels which notoriously trusted in terms of transaction security, to non-star hotels which receive low level of consumers' trust. It indicates that intention alone is not sufficient to encourage actual purchase. Consumers have distinctively different behavior when purchasing online, since information available in online environment would not be as much as it is in offline environment, also with uncertain transaction security. It raises uncertainty and perceived risk, therefore perceived risk becomes a factor with high predictive power on actual purchase, moreover exceeds the role and predictive power of online purchase intention.

This study has some limitations and there are abundant op-portunities for further research. First, the research results cannot be generalized and applied equally well to other industries due to the unique characteristics of an industry could alter set of factors that influence purchase behavior. Second, with this study descrip-tive nature, there was no manipulation or control of the antecedents of online purchase behavior as it would be in experimental design, so conclusions on the relationship between constructs in this study require further and continuous study. Finally, perceived risk in this study was measured using financial and psychological types of risk,

future research may include other types of risk to further evaluate type of risk that predominantly affects online purchase behavior.

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THE ROLE OF LOCAL WISDOM ON ENTREPRENEURIAL ORIENTATION OF BALINESE SOCIETY

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Abstract

The value of local culture is very important as it is useful in facing future challenges with the demands of an increasingly competitive era. The upholding of values deemed as helpful is referred to as local genius in Balinese cultural traditions. Three values that have proved to be Balinese local wisdom are embodied in the concepts of jengah (broadening knowledge, skills, experiences and insights), the divine inner light or strength of taksu and menyama braya (fellowship). Social-based values are contained within menyama braya whilst jengah and taksu contain values related to performance. This study aimed to test how these local geniuses influence an entrepreneurial orientation. Respondents were managers of small and medium enterprises or cooperatives. A simple regression analysis technique was applied. Results showed that the stronger the local genius; the higher the entrepreneurial orientation. Thus, local geniuses positively and significantly affect an entrepreneurial orientation.

Keywords: *local genius, entrepreneurial orientation*

I. INTRODUCTION

The entrepreneurship orientation becomes a very interesting issue for researchers both in developing and developed countries. Dimensions of entrepreneurship orientation have been studied in several countries in the world that consist of the ability to innovate, the ability to take risks, and proactive (Miller, 1983, Patrik, 2002). There is a tendency that entrepreneurs in developed countries are

more successful than in developing countries. Is the difference due to cultural differences? Based on the research results, the influence of cultural values on entrepreneurial orientation in 40 developed countries shows that the social-based local culture value sare more influential to entrepreneurship orientation rather than performance-based culture values (Staphan and Uhlaner, 2010). According to Stephan and Uhlainer (2010), the research of entrepreneurial orientation is more done in the developed countries then it is necessary to study how the influence of cultural values on entrepreneurship orientation in developing countries. Bali, part of Indonesia that belongs to developing country, is also rich with cultural values.

The paradigm that occurs in the Balinese society with the rapid changes of the era, the culture in the form of values that become the heritage of the ancestors tend to have been considered worthless and as if already faded. Geriya, et al. (2010) finds Bali has 66 cultural elements in physical form and values that support creativity, such as *jengah*, *taksu*, and *menyamabraya*. Sitiari et al., (2016) explores the values contained in the concept of *jengah*, *taksu*, and *menyamabraya*, then formulates into a valid and reliable cultural construct. However, the study has not specifically examined how the influence of the values contained in the concept of *jengah*, *taksu*, and *menyamabraya*to the orientation of entrepreneurship of Balinese society. Previous research has been studied in 40 developed countries in the world that links culture with entrepreneurship orientation (Stephan and Uhlaner, 2010, Ruixiang, 2012, Arribas, 2013). Research in developing countries such as Indonesia especially in Bali is still limited. While research that connects Balinese culture with entrepreneurship orientation has also been studied by Riana (2011) and Kory (2014), but the research has not been examined specifically the influence of cultural values based on performance that is *jengah* and *taksu*, while the culture is based on social namely culture of *menyamabraya* towards entrepreneurship orientation. The purpose of this study is to explain the influence of Balinese local cultural values on entrepreneurial orientation.

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II. LITERATURE REVIEW
Max Weber Theory

Max Weber was the first researcher who identified that religion plays an important role in social change. Almost no aspect of community life is not affected by religion. Max Weber's famous work is *The Protestant Ethic and the Spirit of Capitalism* (Santoso, 2012: 25). However much debated how the influence of religion on economic attitudes. According to Weber there is a clear causal relationship between religion and economy. Weber's theory does not agree with Karl Mark explaining that religion as 'mass opium' (Nath, 2006). Religion does not support the productivity of the use of factors of production. Although Weber's theories are often debated but Weber's theory is supported by research that shows that religion affects economic activity.

The relationship between culture and entrepreneurship can be explained by linking the theory of Schumpeter with the theory of Max Weber (1948) emphasizing that entrepreneurial organizations should reckon how to profit by taking advantage of opportunities. The expected benefits are long-term benefits through ethical business practices. Religious values are a source of ethics that is run consistently into a culture for a society affecting to entrepreneurial behavior. Schumpeter theory explains that to gain advantage in facing competition is to create new combinations of labor, land and capital through new products and new market share. If it is connected the meaning contained in Weber's theory and the theory of Schumpeter suggests that culture is related to entrepreneurship. The relationship between Weber's and Shumpeter's theory has been studied in Japan which suggests that cultures relate to entrepreneurial orientation (Collins, 1997).

Entrepreneurial Orientation

The entrepreneurial process includes attitude and behavior. Its relationship to attitude is the willingness of a person or company to find new ways and take responsibility for bringing about creative change. This willingness implies an "entrepreneurial orientation".

In terms of behavior, it consists of the group of activities needed to evaluate the opportunity, explain the business concept, assess and get important resources followed by activities and benefit through the creation of the company. The entrepreneurial orientation means all the practices, processes and activities of decision-making adopted by the entrepreneur to act then produces an entrepreneurial-oriented enterprise (Lumpkin et al., 1996). Miller (1983) defines entrepreneurial-oriented companies as one of companies involved in product market innovation, conducting risky business, and first to come up with innovation and proactive, to beat competitors. Entrepreneurial orientation are those who focus on entrepreneurial behavior that consists of risk taking, innovation, and proactive. So entrepreneurial orientation is seen through the entrepreneurial tendencies that can be seen from the ability to innovate, proactive attitude and risk taking (Ullah et al., 2012).

Kreiser et al., 2010 states entrepreneurial orientation can be seen from the ability of innovation, proactive and dare to take risks. The ability to innovate, take risks, and proactively reflect one's entrepreneurial orientation. Entrepreneurship is an individual or an individual group, acting independently or as part of a corporate system, creating a new organization, or proactively renewing or innovating within an existing organization. People who have characteristics as innovators, risk taking, proactively show entrepreneurial oriented behaviors (Salaran, 2010). The entrepreneurial orientation is the behavior that determines the company's strategy that refers to innovation, risk and proactive (Patrick et al., 2002). Companies involved in innovation mean doing risky and proactive business to beat competitors (Kusumawardhani et al., 2009). Innovation, risk and proactive are the dimensions of entrepreneurial orientation as resources that facilitate a company to produce competitive advantage. To respond to a dynamic and competitive environment, entrepreneurial orientation needs to be consistently applied to meet company goals and achieve superior performance (Li, 2008).

2. Culture

2.5.1 Definition of culture

Socio-cultural theory explains that the importance of culture is beliefs, values, traditions and patterns of behavior shared by one particular group. Certain groups can be a nation, ethnic group, religious community and even student groups. Culture is taught by one generation to further generations through the process of socialization. Social norms are rules and expectations about how group members should behave, it is a cultural buffer element (Taylor, 2012: 12).

Humanities think that culture has a very essential function for human life. Individually, culture forms the basic personality, the pride of self, the prestige and dignity of humanity and inner meaning. Culture collectively has function as a glue of group solidarity, identity giver, and insight in all the life of society as a nation (Geriya, 2000: 1). Culture can show the characteristics of human and the ways in which humans behave in their lives. Culture can be regarded as the pattern of every behavior. Based on the function of culture,culture can be said as values and beliefs, which can affect the economic performance in various ways. Group culture, whether national, regional or ethnic, can be considered as an intangible asset in a society (Casson, 2012: 248). Cultural dimensions provide the basis for the development of individual values which in turn influence the attitudes and behavior of the people.

The theory of Max Weber (1948) is the theory which suggests that the appearance and behavior of entrepreneurs is determined by culture. In Weber's view, culture has a great impact on the attitudes and behavior of individuals and their dispositions to life. Individuals adopt the values of social values, customs and institutional frameworks in which he lives. Culture is the nature of decisions determinant that have to be made in life, including the decision to be or not to be an entrepreneur (Robaro et al., 2012).

The empowerment of local culture for the advancement of a nation is not an unfounded discourse. Anshori (2004) in Ardana

(2007) states that the report of UNDP 2004 entitled '*Cultural Liberty in Today's Diverse World'* emphasizes that culture is a fundamental factor for the progress of a nation. The social, economic, and political achievements of a nation are not separate or independent but are fundamentally imbued with the cultural values that drive them. The cultural values provide the basis for the development of individual values that affect people's attitudes and behavior. Individual cultural values enhance the individual locus of control that affects entrepreneurial tendencies (Brasher and Zait, 2008). Countries in the world, both developed and developing countries, seek to explore local cultural values that are useful to face future challenges with the demands of an increasingly competitive era.

Bali is known throughout the world because it is rich with unique cultures having concepts that contain potential values in the work ethic. The concepts in Balinese culture functioning to support the endurance of Balinese culture entering the XXI century including: the concept of *Tri Hita Karana*; *taksu*, and *jengah*. The concepts are not abstract concepts, but operational concepts that link the idealistic domain with the empirical domain, so that it becomes a reference in real life (Geriya, 2000: 130). Sitiari et al., 2016 explores

Function and meaning	Description
a. **The culture of** *jengah*	
Identity	*Jengah* shows the identity of the inhabitants of Bali inherited from generation to generation, which originated from Hinduism, *Bagavad Gita* and *Veda*.
Form	Intangible but can be reflected by the behavior of competing spirit in a positive way.
Uniqueness	It is an attitude of competing spirit, which is always needed because of the desire to live better than people who are considered as a competitor in a positive way.
Current condition	It is still maintained despite the changes caused by the changing times that tend to be all fragmatic and fast-paced.

Function and meaning	Description
Meaning	The definition of *jengah* is a culture that motivates people to have a willingness to compete, to work hard to strive for life, so be able to produce something useful to win the competition in a positive way. Someone who expresses himself *jengah* is never giving up to improve his life to be better than a competitor by learning, working hard. The expression for people who are *jengah* is that if someone else can succeed why I can not. *Jengah* functions to boost the spirit to achieve a better life. The meaning contained is the spirit of competing, self-motivation, willingness to learn continuously, work hard, strive for life, innovate and think ahead, and want to win in a competitive way in a positive way.

b.   The culture of *taksu*

Identity	It has been trusted by the Balinese people with *sanggahtaksu*.
Form	Intangible.
Uniqueness	*Taksu* of Balinese artist who is able to play its role well because it has the strength from within.
Current condition	*Taksu* is trusted by implementing *yadnya* before doing daily activities.
Meaning	The concept of taksu is the inner power, trust, confidence, charisma, honesty that someone has. The person who has *taksu* is someone who is able to run the profession well. Managers has *taksu* if they are able to do the right job properly. The ability to do the right job correctly is the essence of honesty. *Taksu*'s function is to enhance creativity in various aspects of life. *Taksu* functions to succeed for all kinds of professions such as artists, farmers, merchants, leaders of society and so on. The meaning contained in the concept of *taksu* is strength from within, confidence, belief, charisma, dignity, and honesty.

c.   The culture of *menyamabraya*

Identity	*Menyamabraya* is a Balinese culture taught from generation to generation that can give the identity of Balinese people.
Form	The tradition is intangible containing values, togetherness, and familial relationships.
Uniqueness	The tradition based on mutual need for each other.
Current condition	It is maintained that is supported by the existing institution system in Bali but its implementation is more flexible.
Meaning	*Menyamabraya* is a tradition of Balinese society inherited by the ancestors. The tradition contains the values that give priority to the relationship of brotherhood, solidarity, togetherness that becomes part of Balinese people's daily life. The function is to establish a relationship with the reason that humans can not live without the help of others. All things, which is produced by humans, is the result of cooperation. The concept of *menyamabraya* not only contains kinship relationship but also the meaning of mutual respect as social beings who always need help from other people

The cultural values indicators of *jengah, taksu,* and *menyamabraya* (Sitiari, 2017).

*Jengah*is reflected by the indicators: (1) having a high spirit to compete honestly, (2) having high motivation to achieve, (3) having the spirit to work hard to achieve a better life, (4) having a strong will to learn, (5) having a desire to improve socioeconomic status, (6) working to produce something useful to fulfill desire or ambition, and (7) having a passion for superiority over competitors.

Taksu is reflected by (1) having an internal strength derived from belief in the power of God, (2) having power as a role model for every action taken, (3) using the principle of honesty in determining every decision, (4) confident in carrying out his profession, (5) having the ability to produce something that appeals to others, (6) having confidence of the ability to work.

*Menyamabraya*is reflected by the indicators: (1) prioritizing brotherly relationships with mutual respect, and helping in joy and sorrow, (2) upholding the principles of mutual cooperation, (3) cooperating for the common and individual interests, (4) caring and maintaining solidarity with others, (5) seeking relationships because of feeling the need each other, (6) making decisions based on mutual agreement, (7) increasing tolerance in life.

Hypothesis 1: The cultural values have a positive and significant impact on entrepreneurial orientation.

III. METHODS OF RESEARCH

The subject of the research is the cooperative manager in Bali. Research objects include local cultural values and entrepreneurial orientation. The research variables consist of exogenous variables, namely: the variables of Balinese local culture that consist of *jengah*, *taksu*, and *menyamabraya*. Endogen variables is entrepreneurial orientation. The respondent of the research is cooperative manager in Bali. Data analysis techniques used is simple linear regression.

IV. RESULT OF ANALYSIS

The results of the analysis shows that local cultural values have a positive and significant impact on entrepreneurial orientation. It means that if the cultural values are stronger the entrepreneurial orientation will be higher. The entrepreneurial orientation can be enhanced if the culture of *jengah*reflected by: having a high spirit to compete honestly, having high motivation to achieve, having the spirit to work hard to achieve a better life, having a strong will to learn, having a desire to improve socioeconomic status, working to produce something useful to fulfill desire or ambition, and having a passion for superiority over competitors. The willingness to work hard to achieve a better life must be supported with *taksu*. Taksu is reflected by: having an internal strength derived from belief in the power of God, having power as a role model for every action taken, using the principle of honesty in determining every decision, havingself confident in carrying out his profession, having the ability to produce something that appeals to others, and having confidence of the ability to work that is based on honesty. The manager who has *taksu* is a manager who makes decisions based on the principle of honesty by doing the right jobproperly. The culture of *menyamabraya*is reflected by prioritizing brotherly relationships with mutual respect, and helping in joy and sorrow, upholding the principles of mutual cooperation, cooperating for the common and individual interests, caring and maintaining solidarity with others, seeking relationships because of feeling the need each other, making decisions based on mutual agreement, and increasing tolerance in life.

The influence of cultural values on entrepreneurial orientation is positive and significant supports the hypothesis, that is the cultural values have a positive and significant impact on the entrepreneurial orientation. The results of this study also supports Weber's theory which provides an understanding that entrepreneurial behavior is determined by culture. According to

Weber, religion plays an important role in social change (Guiso et al., 2007). Religion has a significant influence on human behavior and action. Religion forms a part of a culture in a country or region, a nation like in India (Ramayana and Mahabharata), China, Europe, and other ancient religious practices that shapetheir cultural heritage. The culture maintains peace, which allows to develop long-term prosperity. In Vedic Verse, it is stated the following:

Sarve Bhavantu Sukhinah Sarve Santu Nir-Aamayaah Sarve Bhadraanni Pashyantu MaaKashcid-Duhkha-Bhaag-Bhavet in (Pokhariyal, 2015). The statement contains the meaning of all being happy, and all become free from disease, all may achieve what is beneficial, hopefully no one suffers. Religion contains values, norms that are inherited so that it becomes a culture, as a basis in behaving including in entrepreneurial behavior. Almost no aspect of community life is not affected by religion (Santoso, 2012: 25)

The results of this study also support the research (Stephan and Uhlaner, 2010, Li., 2010, Ruixiang 2012, Arribas, 2013) in which in the developed countries, the entrepreneurial orientation is supported by the culture. While in China is famous for the culture of *guanxi* that emphasizes the relationship of brotherhood. The culture of *guanxi* in China has the same meaning as the culture of *menyamabraya* in Bali. But the culture of *guanxi* is implemented tend to be for business purposes, while the culture of *menyamabraya* in Bali is more emphasized for social purposes. The results of this study also supports the research connecting Balinese culture with entrepreneurial orientation, among others: Riana, 2011 and Kory, 2014.

V. CONCLUSION

The local cultural values have a positive and significant impact on entrepreneurial orientation. It means that if the cultural values are stronger the entrepreneurship orientation will be higher. The result of this study indicates that cultural values both in developed countries and in developing countries, theentrepreneurial

orientation is supported by the culture. Especially in Bali, the local culture of Bali that supports entrepreneurial orientation is a culture of *jengah*, *taksu*, and *menyamabraya*. The higher the culture of *jengah* reflected by the willingness to work hard, then the higher the spirit to compete honestly, the motivation for achievement, the spirit to work hard, the willingness to learn, the desire to improve socio-economic status, work to produce something useful to fulfill desire or ambition, the spirit to be superior to the competitors, the ability to innovate, the ability to take risks, and proactive in anticipating opportunities are also increasing.The culture of *jengah* must bealso supported by the values contained in the concept of *taksu* that has an internal strength coming from the belief in the power of God, that has the power as a role model for every action done, that use the principle of honesty in determining every decision, that has self confident in carrying out the profession, that has the ability to produce something that appeals to others, that has confidence in the ability to work based on honesty. Those concepts of *taksu* also support the entrepreneurial orientation. Besides the culture of *jengah*and *taksu*, the values contained in the concept of *menyamabraya* also support the entrepreneurial orientation. The values that reflect the concept of *menyamabraya*are: prioritizing brotherly relationships with mutual respect, and helping in joy and sorrow, upholding the principles of mutual cooperation, cooperating for the common and individual interests, caring and maintaining solidarity with others, seeking relationships because of feeling the need each other, making decisions based on mutual agreement, and increasing tolerance in life. The culture of *jengah*, *taksu*, and *menyamabraya* contain the values that support the entrepreneurial orientation of the cooperative managers in Bali.

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WEAVING LIFE ACROSS BORDER: TRANSNATIONAL NETWORKING AMONG THE CHAM DIASPORA IN CAMBODIA, VIETNAM, AND MALAYSIA[1]

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Abstract

Global economy, transnational movements of people, goods, and ideas, and regional integration have sharply increased the connectivity of people in Southeast Asian countries on a national, regional, and global level. Cham people, who originally came from the Kingdom of Champa in Central Vietnam, have made transnational movements to Cambodia and Malaysia in several stages. After being defeated by Vietnam in 1693, Cham people migrated to countries such as Cambodia, Malaysia, Thailand and Indonesia. Early migration to Cambodia occurred from the late-sixteenth to early-seventeenth centuries. The fall of Pol Pot and internal problems in Cambodia encouraged another movement of Cham people from Cambodia to Malaysia. From 1975 to 1988 around 10,722 Cham refugees entered Malaysia. This paper will address the transnational network of Cham people in Cambodia and Malaysia either with other Cham in the same country or in other countries, including the Cham of Vietnam. Indeed, both Cham diaspora in Malaysia and Cambodia continue to maintain transnational ties to their homelands in Cambodia and Vietnam. They also expand their network with Muslim fellows in the Islamic world. The Cham diaspora establish and use their social and religious networks to achieve their economic goals and to pursue their religious life. This paper hopes to contribute to a better understanding of contemporary life of Cham diaspora, as an ethnic minority in Malaysia and Cambodia.

Keywords: Malaysia, Cambodia, Cham diaspora, transnational migration, network

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1   Draft only, not to be quoted

I. Introduction

Diasporic communities have been emerging along with the rapid transnational movements witnessed by the migrations in Southeast Asia The Cham are an indigenous minority with historical ties to the Champa Kingdom that occupied present-day Vietnam for over 1,000 years before conquest by the Vietnamese, Champa's northern neighbor in 1471. This moment signified the beginning of a cycle of violence that would permeate this disputed territory for centuries. The Cham became minorities in their own homeland and had to negotiate their position as a marginalized ethnic minority within the settler colonial state of Vietnam and later on when it became a French Indochina colony. Many Chams fled Vietnamese persecution to neighboring Cambodia, living rather peacefully there until the Khmer Rouge genocide from 1975-1979; when visibility as a distinct minority became dangerous and resulted in the deaths of up 500,000 Cham Muslims. Thousands of Cham people fled Cambodia due to these atrocities. In neighboring Vietnam, the war waged on until the Fall of Saigon in April of 1975, which led to a mass exodus of people from Vietnam. The Chams were also part of this population who were forced to migrate and could not remain in Vietnam due to fear of persecution and threats of being imprisoned in the Communist 're-education camps.' It is estimated that between 1975 and 1990, over 2 million refugees left Vietnam, Cambodia, and Laos. The Chams who fled destruction of their homelands due to the conflicts in Southeast Asia would end up dispersed in various parts of the globe including Thailand, Malaysia, France, Australia, and the United States.

The movements of the Cham to Malaysia have continued to occur, peaking when Cambodia was ruled by Pol Pot and the Cham people were victimized. By the end of 1975, 1,279 Cham refugees were accepted into Malaysia. The process of bringing in Cham refugees continued well into the late 1980s, resulting in a total of 9,704 (Musa, 2011). When the Chams first arrived in the country, they were settled at a refugee camp at Kemumin in Pengkalan

Chepa, near Kota Bahru, the state capital of the northeastern state of Kelantan. In the refugee camp, the Cham refugees were placed there for at least 1 year and given classes on Islamic education, the Malay language and culture, and the Malaysian way of life. After they have left the refugee camp, many of the refugees lived and worked in Kelantan especially in Kota Bahru and also looked for work and opportunities in other states in Malaysia. Almost 40 years the Cham diaspora live in Malaysia and their number is increasing since Cham migration to Malaysia in fact is still continuing until today. The Cham community in Malaysia can be found in Kelantan (Kota Bharu and Pasir Mas); Terengganu (Kuala Terengganu and Dungun); Pahang (Pekan and Rompin); Johor (Ulu Tiram, Kota Tinggi, and Muar); Melaka (Tanjung Minyak and Bukit Rambai); Negeri Sembilan (Seremban); Selangor (Klang, Banting, Sungai Buluh, Kajang, and Bukit Belacan); Perak (Ipoh, Parit Buntar, and Kuala Kangsar); Pulau Pinang (Nibong Tebal); Kedah (Alor Star); and Perlis (Kangar) (Awang, 2011). Indeed, Cham people have been spread all over Malaysia.

The Cham in Cambodia and Malaysia share the similar experiences of becoming refugee and exile people. Meanwhile, the Cham in Vietnam, some of them had similar experiences to be a refugee, but majority of them remnant in Vietnam, especially the Cham in Central Vietnam. This situation of course influences the construction of Cham identity in Vietnam and also their transnational network. The Cham in Vietnam who remained behind were isolated by successive Vietnamese dynasties from the Islamized Malay world, with which they shared a common religion and culture and, to a lesser degree, language. With the incorporation of Vietnam into the French colonial empire during the nineteenth century, all official assimilation policies stopped and were replaced by a policy of benign neglect. Under the French, the Cham found themselves in two different colonies: Cochin China in the south and Annam in the center. As a result, the communities gradually became quite distinct from each other. This remains the case today,

and has resisted all attempts at achieving ethnic unity (Willoughby, 1999).

According to the official statistics in 1979, the Cham was officially considered as an ethnic group out of 54 in Vietnam. Majority ethnic is Kinh accounting for approximately 87% of the total country's population; the remaining 13% are minority ethnic people (Schliesinger, 1997). The Cham in Vietnam today accounts for approximately 133,000 people. They are concentrated in three areas: the region surrounding the former Cham capital of Phan Rang, Ho Chi Minh City, and the southern provinces of Tay Ninh and Chau Doc. The Cham communities in the Mekong Delta living into 9 communities comprising from 700-3000 people in each one, most of which situated along the Mekong River (sông hau) in Vietnam around Chau Doc market, which is located near Cambodia border (Huynh Van Phuc, *et al*, 2011). The Muslim Cham in Cau Doc hosts the local institute of higher Islamic studies and practices an orthodox form of Islam, similar to Malay practices. Teaching is supplemented by village elders and others who have some Islamic knowledge.

Culturally distinct from their neighbours, the Cham in the Mekong Delta speak their own language 'Cham' as well as Vietnamese, Khmer, Malay and Arabic. They have a unique style of housing and follow a distinct matrilocal post-marital residence pattern. Unlike their Kinh neighbours, the Cham claim diverse origins from Malaysia, Cambodia, Indonesia, Thailand and the Middle East, as well as from the kingdom of Champa, formerly located in present-day Vietnam (Taylor, 2006).

The different ethnic identity and religious orientation among the Cham in Vietnam were influenced by their interaction with outsider. Historically, the Cham people in Vietnam had close connections with people in other countries of Southeast Asia, especially Cambodia and Malaysia. Transnational networks have been established and these seem to follow old patterns of relationships. The Islamic world indeed is an important channel

for transnational networking. This in turn has equally influenced the contemporary construction of Cham identity. Nevertheless, identity is indeed fluid in which Cham community does not have a single identity, but it is contested in accordance with certain context and situation. The former Cham refugee may have different identity to those of the Cham who have been in Malaysia and Cambodia for second generation in which they have converted to become "Malay". Meanwhile, the Cham in Vietnam, some of them still preserve their unique identity which is quite different with the Cham in Cambodia and Malaysia.

This article is concerned with transnational network of Cham people in Cambodia and the Cham in Malaysia and Vietnam, to mention a few. In this paper I argue that Cham diaspora in Malaysia are still maintaining transnational ties to their home land in Cambodia, Vietnam, and trying to expand their networking with Muslim fellows in Islamic world. In Cambodia I found that they use their social and religious network to sustain their century-old mobile ways of life including retailing, fishing, and sewing in close connection with the global Islamic community to make a living and to continue their religious studies. It is important to note that the Cham Muslims stood out with their rich migration connections and networks beyond the official channels.

II. Diaspora and Transnational Networks

Recent unprecedented movements of people across borders have taken place against the backdrop of globalization. Globalization has altered the psychosocial experience of migrants, creating new opportunities for global actors to engage migrants and their descendants, or "diasporas" to achieve sustainable development in their countries of origin and heritage. The twenty-first century migration experience is quite different from that of previous generations: migrants and their descendants have many opportunities to maintain or develop identificational and structural ties to their countries of origin/heritage. Globalization has both

catalysed and been shaped by communication innovations, the rise of global media, decreased costs of transportation, and lowered trade and investment barriers. As a result, it is much easier for today's migrants and their descendants to return – both physically and virtually – to their country of origin/heritage. It is also easier for them to purchase goods and services and send remittances or goods purchased abroad back home. At the same time, the rise in nongovernmental organizations (NGOs) and transnational social movements associated with globalization have created opportunities for individuals with similar heritage, or "diasporans" to connect, exchange ideas and coordinate activity within and across borders through diaspora organizations and media. Gabrielle Sheffer defines a diaspora as:

> *A social-political formation, created as the result of either forced or voluntary migration, whose members regard themselves as of the same ethno-national origin and who permanently reside as minorities in one or several host countries. Members of such entities maintain regular or occasional contacts with what they regard as their homelands and with individuals and groups of the same background residing in other host countries. Thus, globalization has engendered the possibility for diasporans to live a transnational community life, psychologically identifying and socially interacting simultaneously with their countries of origin/heritage and their countries of residence if they are interested and willing to do so. As a result, globalization has broadened the set of actors that potentially have a stake in national development to not only include local residents but also emigrants and their descendants as well – if they can be engaged, enabled and empowered to do so.*

Bruneau (2010) also mentions that diaspora is a patchwork of families, communities, and religious networks integrated in a territory by a nation state, within its borders. These patchworks of families, clans, villages, cities, etc., are contained inside the borders of this nation state where circulation, and exchanges are easier inside than with the outside. The nation state creates an arbitrary limit between the network inside it and those that are outside.

Diaspora, however, cannot benefit from this extraordinary tool of integration. They function, as previously mentioned, as a hinge between different spaces and different geographical scales. Their networks belong to each the host countries as well as to a trans-state diasporic network. Their global network, with its economic, cultural, social, and political functions, can play the stabilizing role that nation state cover less and less.

III. Cham   Ethnic   Networks

Nowadays, the most significant thing from Cham people in Southeast Asia is their networking. The networking-building among them, specialty with their families and relatives, is very important not only with those who living in Malaysia but also those who living in Cambodia and other countries. They have relationship on business, philantrophy/charity/scholarship and religious education. For the beginning, a contact and communication among them has been done by those who stay overseas through collecting any information about Cham people, their brothers, sisters and relatives in Malaysia with assistance from national and international concerning agencies on refugees. If collected information is relatively enough, a trip agenda to Malaysia then is made in order to find and meet their families and relatives. A number of informants explained that Cham people living outside Malaysia have no any handicaps or problems about cost spent for overseas travelling, as governments where they stay always support the elder residents with welfare assistance program.

Yusuf bin Sulaeman states that he works at hotel, where the "saham/share" are shared with Malaysian businessman. The Malaysian share 80% of financial capital and he shared the rest of it. They open hotel which is claimed as halal hotel with halal resto and halal travel. Pak Yusuf knew this man when he studies about Islam in Malaysia.

In support, Samad Han contends that the relation among Cham in Southeast Asia has dominated by trading. They have great

networking with Cham in Cambodia, Malaysia, and Indonesia, especially on Muslim wear, including clothing, headscarf, mukena, etc. Many of Cham outside Vietnam share financial capital with Cham in Vietnam to open halal restaurant, sell Muslim wears and open travel agent.

Moreover, in terms of religious and Islamic education the Cham of Southeast Asia was not completely isolated from other areas of the Islamic world. As mentioned earlier there were contacts between the Cham of Vietnam and Cambodia with their religious brethren in the Malayan-Indonesian world. In addition, some of the Cham travelled to the Middle East in order to be exposed to the Islamic traditions in that region. In so doing, they began to bring back to their home countries Islamic beliefs and practices that eventually shaped the indigenous forms of Islam in their regions (Scupin, 1995). The networking is not only about religious matter, but also in terms of socio-economic. Mohamed Effendy Bin Abdul Hamid (2006) states that the Cham have established transnational networks in pursuing economic, cultural and political purposes all around Southeast Asia.

Economy Networks

Study from Huynh Van Phuc, *et al* (2011) revealed that there was a shifting of Cham economic activities before and after doi moi. Before doi moi or 35 years ago the Cham Muslim women in the Mekong Delta played a minor part in their family's economy. Their main tasks were handicraft fabrication, children care, meal preparation, washing and cleaning, etc. This community in Da Phuoc believe that "According to Koran, man has to be the leader of his family. Man must play a main economic role in the family". However, the situation has changed from the end of 1990s when the Cham economy changed in the context of Vietnam's economic reforming. Before doi moi the Cham economy in the Mekong Delta partly was based on the natural resources from the Mekong River. Some of them planted rice, but the Cham in Da Phuoc did not try

to own lots of pieces of land for growing rice because they thought that fishing was an easier and sustainable way to earn their living than rice cultivation. Catching fish, selling some small goods and weaving could bring them a prosperous life. Men did the fishing, going out to sell goods while women staying at home to do the weaving was the Cham economic way of life". The Cham's weaving products like cotton towels were best-selling at that time because of the trade embargo from the United States and most of Europe after the Vietnam War and closed or self-provided economy in 1980s, the cloth products were lacking in Vietnam market. Most of the Cham women in the community did the weaving as a job. That's why the Da Phuoc community was named "Silk weaving village" (Con To). Beside the fishing and weaving, the Cham also did the small trade. They travelled by boat, carried with some goods like cloth, cigarettes, housewares etc., floated along the Mekong River and its branch network to sell these kinds of goods.

These Cham life's ways has drastically changed since Vietnam carried out the innovation of economy under "Doi Moi" (Reform) policy in 1986. The farmers in the Mekong Delta increased their crops while the fishermen developed their fishing tools more technically. Today, when the farmers grow rice three rounds per year, they make irrigation such as building dykes to retain water for rice field and that prevented offspring producing of the fish. Beside that, they used so many chemical pesticides which killed fish at high-scale level". Nowadays, fish in the Mekong river reduce dramatically than previous time. Kinh People, who live near the Mekong river, are now raising fish in floating-basket-houses. In the area in Mekong river crossing by the Cham community, there are approximately 2000 floating-basket-houses feeding fish by the Kinh people. The Cham cannot invest in this business because it costs too expensive for them to build a floating-basket-house. It means that the fishing job lost its role in earning living for the Cham. Furthermore the weaving product has also got into trouble, because it cannot compete with the industrial products in the market.

Challenging with the economic difficulties, most of the Cham in Da Phuoc community turned to mobile trading. They do not own a store, a company or a factory because they have a small capital so they cannot compete with the other ethnic groups in this way. They choose to travel all over the country, go to each individual house to sell products. They sell ready-made clothes, gas ovens, electric fans and rice cookers, those who has a small budget sell small things like sewing kits, medicated oils, fire lighters. In the past, they traded only in the Mekong Delta region but nowadays, they trade from south to north all over the country. They leave their home for months and come back home only on important and special days like Ramadan and Haji.

A group of Cham people take their opportunities in doing their business in Malaysia. Living near the border, these people do not afford the airline tickets, they choose to across the border to Cambodia then pass through Thailand to reach the Thailand-Malaysia border at the South of Thailand and finally get into Malaysia. In Malaysia, these Cham people bring ready-made clothes to sell at each house in the Malaysian countryside. They choose to go to Malaysia because after Vietnam Unification in 1975 some of their relatives immigrated to Malaysia and now they advise their relatives living in Vietnam to come there to do business. In addition, Cham people like to work in Malaysia instead of Thailand or Cambodia because of the same Islam religion.

There was a group of Cham people who immigrated to Malaysia in 1980s was Malaysianized, but the Cham who traveled to do business after 2000s hold a tourist visa which allows them to stay in Malaysia within 30 days. When their visa expires, they make a cross border to Thailand then go back inside Malaysia. Therefore their visa will be expanded 30 days more. With this tactic, the Cham people who go for business in Malaysia, staying there for a long time not under 6 months until coming back to their village in Vietnam to save money. In the new economic context in Vietnam, the roles of each member in the Cham family have changed. The

husband cannot make the ends meet for his family by himself. So his wife must work to help her husband to feed their family. In business, Cham women seem to be more skillful. Cham women are good/better at selling than them. Cham women know how to convince customers and they are clever at trading goods.

Especially in case of trading in Malaysia, Cham men will face up with many difficulties when they do the trading by knocking on the door at each family in the Malaysian countryside. In the daytime, Malaysian men go to work while the women stay at home. Therefore if a male seller knocks on the doors and says a greeting "Assalam mualaykum", the Malaysian women will not answer to the doors. Only the female sellers are welcomed. That's why Cham men in Malaysia cannot carry out their trading by knocking on the doors as Cham women. They must choose another job like selling ice cream in public, selling their labor force etc. So their income is, in general, lower than that of women. In this case, some Cham men choose to come back to their community in Vietnam to look after their children, leaving their wives doing their own business in Malaysia.

In Cham community in Da Phuoc Sub-district, the number of people going to Malaysia for trading is getting higher and higher because the ones who have experienced in this field induce their relatives and neighbors. It seems a challenge for the Cham women and girls but in the other aspect it is also a hope for a better job.

In a similar vein, the Cham in Cambodia also doing their trading activities, export and import with their fellows in Malaysia, both Cham and local Malay. The commodities are various from ethnic good, such as Cambodian special dish (*prohok, chu*), Cambodian medicine and cosmetics, CD Khmer music, clothes, shoes, Malaysian style of muslim clothes and *tudung*. Vice versa, they import Malaysian commodities, particularly muslim clothes, *tudung*, *kain telekung*, saroong, head scarf, etc (Sari, 2012). Other businesses are Halal restaurant, travel agency, hotel, and Construction Company. They use their ethnic networks or kinship

both in Cambodia and Malaysia to help them to distribute the commodities in Malaysia. During our fieldwork in HCMC, we found one Cham from Prek Pra, Cambodia who bought Muslim clothes and other Muslim products from Vietnam and then sold it again in Malaysia. He said that the price of the products in Vietnam is cheaper than in Malaysia. He went to HCMC from Cambodia by bus and stayed there for 2-4 nights. Finished his shopping he will go back to Cambodia. The commodities will send directly to his brother in Malaysia. When we asked about the capital, he said that he collects around US $ 3.000 from his brother in Malaysia and also from his own money.

Previously, he was an ustadz who teach Al-quran in his villages and now start to open new business. He has small shop in his village which is manage by his wife and he is doing travelling to buy some commodities. He has a lot of Malaysian friend since he finished his study in one pondok in Kelantan. In the end of our interview, he mentions that he cannot take a benefit more than 100 percent, its *riba*. For example when you buy the Muslim clothes for 130 MYR, you can sell it more than 250 MYR. He believes that *rizki* was managed by God, so not to worry about *rizki.*

Meanwhile, majority the Cham diaspora in Malaysia is involved in clothes trading and clothes home industry. Their economic activities in Malaysia, particularly in Malacca and Kelantan are not far from being entrepreneur in informal sector. They use their ethnic resources to run off their business. According to Light and Rosenstein ethnic resources as "socio-cultural features of the whole group which co-ethnic entrepreneurs actively utilize in business or from which their business passively benefits". These include ethnic culture, ethnic networks, employees and management from the same ethnic group; business relations with other members of the same nationality, etc.; but also ethnic identity and trust as social and symbolic capital (Heberer, 2004).

Recently, the economic activities of the Cham in Ho Chi Minh City (HCMC) is booming. A lot of Malaysian tourist and

businessmen are coming to shopping, doing business and invest or as a tourist. The Cham use this opportunity to open clothes shop (*kedai kain*) in Ben Thanh market and night market in HCMC. They sell muslim clothes made in Vietnam, such as baju kurung, kain telekung, tudung, etc. The price is much more cheaper than the price in Malaysia. The type or style of baju kurung and tudung more beautiful too. Hajah Basiroh binti haji Aly is the most wellknown trader among the Cham in HCMC. Her business are clothes shop and halal restaurant. We can see her clothes shop near Ben Thanh market. It has a big room with many kind of clothes and textile. Very beautiful and colourfull tudung. She has a lot of customer from Malaysia who buys her products and then sell it again in Malaysia. Not so far from her clothes shop, we can find her halal restaurant. It serve local Cham dishes and Malaysian food, like Kari Ayam, Teh tareek, Mie soup, Mee Goreng, and etc.

Social Networks

Like other ethnic groups, many Cham workers are expected to send money home to help feed their parents and siblings at home. Many workers, men and women, practice "hụi"—a way to pool money among fellow workers to send lump-sum amounts of money/remittances home to help pay the debts. Each month, a group of workers pool part of their earnings and send the total to one of the workers' families; the next month, another worker gets the opportunity to do so. This practice depends on trust. The pattern of networks that had been created by the relatives of Cham migrants who were successful in Malaysia. They had settled in Malaysia, established some enterprises, and needed assistance with their businesses and childcare at their homes. While these networks provided short-term employment, migrant workers had no future guarantee of stable employment nor did they learn marketable skills to escape poverty upon returning home to Vietnam. Ms. Sary, 20 years old was recruited by her aunt, who was already in Malaysia, because she needed childcare and assistance with selling fabrics.

Several Cham couples talked about how to deal with childcare while they are constantly on the move, either crisscrossing Vietnam or crossing the borders. When their children are small, the whole family (husbands, wives, and their infant children) would travel together. Then, when their children grow older, the parents would leave their children back home to be taken care of by grandparents, aunts or uncles. The couple, Ms. Masa and Mr. Rohsa, mentioned above, did exactly that with their four children.

In addition, the most visible forms of relationship are those established through humanitarian or charitable work, especially through *Qurban* (sacrifices), religious sacrifices feast and donation in the form of money, food, and medicines during Ramadhan (fasting month) from Cham Muslim in Malaysia both individually and collectively to receiver by certain Cham Muslim in Cambodia. According to Awang (2011, 197), sending money to family in Cambodia is very important for bonding amongst the family. The spirit of being 'Cambodian' is also expressed in this kind of remittance built by Cham people in Malaysia with their families in Cambodia. The close relationship between the Cham in Malaysia and the Cham in Cambodia is also acknowledged by the informant, Haji Thayib. who told us that the Cham in Malacca still have close relatives in Cambodia with whom they keep in contact. Thanks to the budget airline services, people can fly from Kuala Lumpur to Phnom Penh and vice versa. Though they have painful memories of Cambodia, Cambodia is still important to them. When we visited Pak Haji, his family was watching a Cambodian TV Channel; to keep up with what is happening in that country.

Moreover, netwoking is believed to be an strategic way to strengthen and maintain group identity. Kang (2015) provides an example of the Tai Lue who reside in the United State of America (USA) in which they attempt to establish network with Thai diaspora from Thailand and also other groups like the Hmong. This has worked for them to get a kind of lesson learn on how to survive in the USA as well as to be able in preserving their tradition in the

host country. Based on his study in Mae Sod, Kuncoro (2016) also argues that a mosque has certain functions like social, economic and education matters. Social netwoking of Muslim communities has been growing regardless of their ethinity and nationality. Meaning, it is not only Burmese Muslim who create the network, but also other Muslim comminities who reside in there. Kuncoro states that his finding is slightly difference to that of Berlie's study which finds the mosque built by the Yunnan Muslim traders could only provide the social capital for this group. Kuncoro (2016) further explains that Berlie finding is that religious space could become a way of social networking among the Yunnan Muslim traders. Meanwhile, for Kuncoro study, the Musjid Nurul Islam, firstly established in 1901, by Indian Muslim, has been extended for other Muslim migrants and refugees, like Burmese refugees, Pakistani, to mention a few. Indeed, this mosque became a place for Muslim communities from different ethnic background and different nationalities to establish and create network.

If we look at the networking among diasporic groups. Indeed not every diasporic group is in the same position in terms of networking. Maunati (2010; 2011; 2016) notes that Bugis people in Nunukan, the Indonesian border, have closely connection with other Bugis in other side of the Border in Tawau, the Malaysian side. This networking has social as well as economic functions. Sari (2012) notes the development of Cham networking in Malaysia and outside Malaysia, especially Cambodia. This is to emphasize that networking for disporas is very important, especially with their ethnic group. If in the past diaspora often had no connection with the home, today this has transformed in which network is very important.

In the case of Yunnan Muslim, network with their fellow Yunnan Muslim is indeed important. According to information gathered during fielwork, the Yunnan Muslim have continued to establish network with their fellow Yunnan Muslim from the Northern of Thailand and from their origin in China. Networking

with Yunnan Muslim in Yunnan, China is indeed important. Based on interview with informant in Mae Sai, there is Yunnan Muslim Association in Mae Sai in which one of the functions is to invite teacher(s) from Yunnan, China to teach Chinese language to young Yunnan Muslim diaspora in Mae Sai. Keeping and practicing Chinese languge is important marker of identity for the Yunnan Muslim diaspora. It is therefore, apart of creating and maintaining network, they also intend to strengthen their group identity by keeping the mother language. On top of this, the association has been functioning for economic purposes, like seeking job opportunities within the group.

When asked about her relationship with other Kinh workers, "social capital" emerges as the key factor that she gained while working there. She said: "We women workers really cared for each other. Because over there, we were so far away from our families, we considered each other as sisters. We also pooled our money (in the form of "hụi") and took turn sending a lump sum home for our parents. There was no profit, strictly based on trust." One cannot ignore the role of religion from experiences of the Cham Muslims traveling to and working in a Muslim country and returning to their Cham communities in An Giang province to visit their families during Ramadan.

Religious and Islamic Education Networks
The Cham of Southeast Asia were not completely isolated from other areas of the Islamic world. As mentioned earlier there were contacts between the Cham of Vietnam and Cambodia with their religious brethren in the Malayan-Indonesian world. In addition, some of the Cham travelled to the Middle East in order to be exposed to the Islamic traditions in that region. In so doing, they began to bring back to their home countries Islamic beliefs and practices that eventually shaped the indigenous forms of Islam in their regions. For example, by 1940 there were over 500 Cambodian hadjis, or Cham who had made the pilgrimage to Mecca (Delvert

I960). At that time, approximately one in fifty Cham men had been to Mecca.

By the 1970s about eighty Cham were travelling to Mecca annually on chartered flights with Czechoslovak Airlines. Based on interviews with Kampuchean Cham in the 1980s, Kiernan (1988) estimates that there were probably over 1,000 hadjis in Kampuchea by 1975. Twenty five Cham had also graduated from various centres of Islamic learning, including nine who had completed six to seven years of study at Egypt's Al-Azhar University in Cairo. One individual decided to remain in Cairo to become an Islamic scholar. These international contacts of Cham with other Islamic regions have helped publicize the plight of their communities in Southeast Asia. This recognition has stimulated some political and financial support from the Islamic World for the Cham communities. Through this assistance, Cham Muslim leaders are attempting to rebuild their Islamic institutions and to preserve them in the context of the tragic political events that have affected them.

A madrasa was attached to each mosque. Local education consisted in memorizing and reciting the Qur'an, as well as explaining its meaning to the children. The language of instruction was Jawi (Malay written in a modified Arabic script). Because of its central importance in Cham communal life, Malay soon became the language of the local Cham elite. In the 1930s, the Cham started to write their own language in a similar modified Arabic script, as the traditional Sanskrit-derived script was no longer in use. A romanized alphabet was also used. Both scripts are still in use today (Jay Willoughby, 1999).

Education, as in Chau Doc, was confined largely to Islam. The Cham's scholars taught Kitab (the Qur'an) and Kitab al Hamd, and continued to use the traditional Cham script (akal tauk). As their society was closed, the language stagnated and gradually incorporated many Vietnamese words. Currently, approximately two-thirds of the Cham dialect spoken in this area consists of Vietnamese words. As many Malay words have been incorporated

into the Cham dialect in the Chau Doc, communication in Cham between the two areas is sometimes problematical.

As mention above, the relationship among Cham in Southeast Asia also including religious teaching/education. Since 1991, The regional Islamic Da'wah Council of Southeast Asia and Pacific (RISEAP) in Malaysia has been sending regularly their scholars to Cambodia and Vietnam to teaching Islam. They also give scholarships for Chams in Indochina to attend Islamic course in International Islamic University of Malaysia. Vietnamese Muslim students are being sent to the International Islam University in Malaysia to take up Islamic studies, and also secular study programs such as computer science, forestry, food technology and engineering. The teaching of Islam has started to flourish and welcomed by Muslim in Southeast Asia.

Moreover, the Cham in Cambodia will be "*tanpa sungkan*" ask for donation to muslim from other country in Southeast Asia. One of the cases is Imam of the Kilometer 7 mosque, located north of Phnom Penh ask for financial assistance from Indonesia trough journalist in order to rebuild the destroyed mosques, and also for the dispatch of Korans, of *toun* (religion teachers) and for the possibility for some people to make the pilgrimage to Mecca. After a disaster of this scale, the imam doesn't ask for a basic humanitarian aid in order to rebuild the community, but is focused on the religion, in particular the possibility to carry out the rites together. This assistance will arrive one decade later.

Networking among Cham Muslim is not limited only in Southeast Asia, but all around the world. One of the example is Abdul Halim bin Ahmad, uncle of Ysa Tam study Islam in UEA and when Vietnam got freedom on 1975, he got offered to choose his citizen and he prefer to choose as US citizen. Now, he teaches Islam there and give the scholarship info to their family and fellow in Vietnam. From this story, the networking of Cham is not only from Cham people or Muslim organization in Southeast Asia but also from Cham and Muslim organization around the world.

Samad Han states that there are a lot of funds from Cham Muslim around the world to Cham people in Vietnam, in regard to scholarship, mosque building, pilgrimage, etc. Yusuf bin Sulaeman is one of Chams who got fund to do hajj trip from UEA. He explains that every year, around 40-50 Cham people in Vietnam do pilgrimage to Mecca with funds from UEA through mosque community. Vietnam's largest mosque was opened in January 2006 in Xuan Loc, Dong Nai Province; its construction was partially funded by donations from Saudi Arabia. Moreover, Dewi argues that there are lots of funds from Muslim organization.

IV.   Discussion and Conclusion

In this analysis, we use the concept of migrant transnationalism as "a broad category referring to a range of practices and institutions linking migrants, people, and organizations in their homelands or elsewhere in a diaspora" (Portes et al., 2007 cited in Vertovec, 2009:13). According to Portes, transnational activities are those that "take place on a recurrent basis across national borders and that require a regular and significant commitment of time by participants" (Portes, 1999:464). These activities can be conducted by powerful actors, such as governments or corporations, but also by 'modest individuals, such as immigrants and their home country kin and relations.' In addition, Portes argues that these activities are not circumscribed to the economic sphere, but include political, cultural, and religious activities as well.

A conceptual distinction relevant to our analysis is the notion of 'transnationalism from below,' which entails activities of "grassroots initiatives by immigrants and their home country counterparts" (Portes et al., 1999:221). In this paper, 'transnationalism from below' as coming from individuals who are not considered to be significant economic actors by states because they come from 'low' social strata or ethnic minority in his country. In the case of the Cham ethnic group, they tend to use their potential networks based on kinship, ethnic ties, and religious similarity to gain benefit from

the globalization process.

It has been a long and hard struggle for the Cham diaspora who used to be refugees from Cambodia but now show that they are successful economically. Fleeing from Cambodia and Vietnam with no money has been experienced by most of the Cham people. Working hard is the main strategy to survive and to live in prosperous life, enough food, clothes, and house. Moreover, informal networks based on personal relationship, family, friendship, and community ties assist the Cham diaspora settle down in Malaysia and start their business. Majority of the Cham entrepreneurs in Malaysia hire family and relatives from Cambodia and Vietnam to work as their labour. They use their knowledge about Malaysia to offer aid to fellow migrants, such as information of job opportunities, temporary settlement, and so on. Then this ethnic network plays an important role in their ethnic businesses and economic survival strategy, both for the previous migrant and new comer migrants. Clothes trading networks have been the main strategy for the Cham refugess to struggle and survive in Malaysia.

Pries (2005: 180) suggests that we should describe the transnational social process and social relations to avoid the pitfall of seeing absolute flows of space without political boundary. Transnational social relations are located in and, at the same time, go beyond one or many national boundaries. Harney and Baldassar (2007) remind us to pay attention to three critical aspects of transnational studies: spatial/temporal movement, decentering the nation, and power inequality. Decentering the nation might be the most important viewpoint in transnationalism studies. A good example of this approach is Deng (2009) who interviewed skilled Taiwanese managers living in China. He found that they travel back and forth between Taiwan and China and use different resources to establish transnational networks and pluri-local connections.

According to Brettell, the set of social and symbolic ties and the resources inherent in these relations constitute the meso-level. While individual migrants seek to improve their lives and secure

survival and autonomy, the decision to migrate is made in the context of a network of cultural and social ties. The meso-level is the relational dimension manifest in social networks, linking the areas of origin and destination (Massey *et al.* 1998). The networks provide the social capital and information that enable individual choices and agency within the constraints of micro structures, thus linking the three levels.

Social networks of migrants are contingent and emergent. Yet, migration studies have too often taken for granted "place" as given and static, from and to which people move. This reiterates the state's perspective, where mobility is the anomaly and staying in one place is the norm. Toshio Iyotani suggests that the perspective might be reversed from understanding mobility between stable places, to understanding space from the point of view of mobility and migration (2007, 4). The focus of attention on network formation at the meso-level will allow us to look at space from a non-state perspective.

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GLOBALISED CITIZENSHIP AND MIGRANT BUGIS IN MULTICULTURAL MALAYSIA

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Abstract

Globalised concept of citizenship is a framework for every citizen regardless of etnicity and religion to participate equally in the life of a nation. Implementation of this framework is important along with the seemingly contradictory phenomenon. On the one hand socio-economic life can be organized in a global context, on the other hand many ethnic groups are fighting for independence. Therefore, citizenship needs to be translated not only on the basis of individual loyalty to the sovereignty of the country but also of cultural, local, regional, and group rights. The new expression of citizenship is not only be based exclusively on the basis of 'state sovereignty' but be also based on internationally acknowledged rights. This paper conceptualise citizenship and describes its practices that seems to be 'enjoyed' by Bugis migrants in Kinabalu Sabah and Johor. They are free to do cultural activities, including the implementation of customs, especially related to the important stages in life and religious festivals that are fully supported by the state. Malaysia does in fact consist of many ethnicities. Therefore, citizenship needs to remain related to the multicultural framework of minority group accommodations and underdeveloped community protection, not integration and cultural assimilation. An inclusive development in which every ethnic group has equal opportunity to contribute to the nation's development is a sound strategy to be planned and implemented.

1. Introduction

Citizenship is an increasingly important concept both in the discourse of contemporary social sciences as well as in the civil

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society movement demanding equality of status and equal opportunity as citizens regardless of their primordial identities. Citizenship is taken from the word civitas or civitatus in Roman times. Citizenship can not be separated from the word of the city because it relates to a group of citizens who get their rights in the context of the city (city). So close are the two words, that Rousse and Downing call citizens or 'citizens' as the freemen of a city (Rousse 1973: 175; Downing 1989: 9).

This concept is not new at all, but became increasingly getting the attention of social scientists and even the public at this time because it is considered to be a concept that can be academically important in an effort to solve crucial problems such as social conflict and social gap that is considered widening and structural in various countries including Indonesia. It is said not a new concept because since the 1950s, the English sociologist Marshall has been conceptualizing it according to the country context and socio-economic development of the time. In the definition of Marshal (1963), citizenship is a status attached to full community members (citizens) thus obtaining political, civil and social rights. In the concept of citizenship such as being positioned by Marshall (1969,1981), there are three dimensions of rights contained in them, namely civil, political and social rights. Civil rights relate to basic issues such as freedom of speech and the right to access and fair treatment in the legal system. Political rights are not only about electoral rights but also greater access to political institutions to articulate their interests. As for social rights relating to access to social security systems, in this case every citizen is entitled to a basic level of welfare that must be met by the state in conditions of unemployment, sickness or suffering misfortune. This concept has been heavily criticized. The concept of citizenship from Marshall above, then expanded by adding another aspect of cultural aspects as suggested by contemporary sociologist Bryan S Turner. Turner (1990) who sees citizenship as a set of practices of juridical, political, economic, and cultural dimensions that consequently form a flow of resources to a particular person or group. In his speech,

"Citizenship as that set of practices (juridicial, political, economic and cultural) which as a consequence shape the flow of resources to the person and social groups" (Turner, 1990: 50).

Social scientists may differ in formulating their definitions, but what is clear is that the concept of citizenship is a resultant of the struggle between monarchic absolutism and the civil society movement that fights for freedom, consent and social contracts in socio-political life. Turner (1990: 189-217), for example, sees this concept as not as monolithic as Marshall's. Looking at the history of citizenship in Germany, France, the Netherlands and England, he identified two crucial variables. First, the type is passive and active, depending on whether it is developed from above (country) or from below (more of the articulation and participation of civil society). The second dimension is the relationship of the public-private arena in civil society. It appears that in the Turner conception, the concept of citizenship is dynamic. In addition, in the words of Turner (1990: 211-212), "There are powerful pressures towards regional autonomy and localism and, on the other, there is a stronger notion of globalism and global political responsibilities. "One of the factors that keeps this concept constantly undergoing change and development is the problem of national identity and state formation in the context of multiculturalism and ethnic pluralism (Turner1990:212).

In the context of Bugis Migrants, cultural rights such as other rights are very important. No matter how much they have become citizens, but their culture remains inherent as Bugis. Various traditions remain practiced, especially in regard to three important life stages such as birth, marriage, and when they die. Cultural rights here are defined as rights relating to cultural identity, religion, language and customs, absent in Marshall theory because of the relatively ethnic homogeneity of the British context at that time (Kymlica and Norman 2000). Buginese migrants in Kota Kinabalu (Sabah) and Johor (Semenjung Malaysia) are important to observe to see Google Translate for Business:Hmana citizenship of Bugis Migrants and their national

integration within Malaysia. It is interesting to see how government policies that prioritize ethnic Malays. Whether the policy has a positive or negative impact on Bugis Migrants and how this affects the creation of a multicultural society (Verma, 2002: 79-81). It seems clear that citizenship is broadly dimensioned and influenced by the nature of the state, the relationship between the State and the forces of globalization. This proposition appears to have concrete truths in the case of Bugis Migrants as a phenomenon known as the diaspora in which their migration to Malaysia is relatively exposed to cross-country forces and globalization. Meanwhile, a multidisciplinary study of the diaspora can be said to be relatively new. Prior to the 1990s, rare studies on ethnicity, migration and nationalism were associated with diaspora. However, at the present time, research on diaspora is more multidimensional by involving disciplines such as sociology, demography, international migration, post colonialism, communications, and political economy. This dispora terminology comes from the Latin word 'diaspeirein' which means 'spreading or spreading the seed'. In the New Webster dictionary, for example the 'Jewish diaspora after colonized Babylon' (1993: 264) exemplified. But this term now refers to the phenomenon of expatriates, refugees, immigrants, displaced communities and ethnic minorities. Therefore, the diaspora study not only describes the experience of the movement but also its socio-cultural and political formations in the country in which they live. Regardless of the extent of semantic and conceptual understanding of the diaspora, it seems that there are at least three main elements what is meant by diaspora. The first is the diaspora concerning the process of spreading space from one country to another (dispersion in space); Secondly, the existence of a homeland orientation in which a diapora always has a desire to 'return' to his homeland; There is a longing to visit the homeland; And all three diaspores will continue to maintain boundaries including socio-cultural boundaries with the local community (boundary maintenance). There are so many definitions of the diaspora, but considering these three major elements, the definition of Esman (2009: 14) seems closest to Bugis

Migrant talk as observed in Johor and within certain limits can also be referred to Buginese Migrants in Tawau and Kinabalu , Two relatively large cities in Sabah (East Malaysia), namely: Any transnational migrant community that maintains the material or sentimental attachments to its country of origin, while adapting to the limitation and opportunities in its country of settlement (its Host country) Bugis migrants who have settled and become citizens in these three locations, there is still a desire to visit the region of origin in South Sulawesi. There is a sense of homesickness that makes them want to set foot back in the land whether to meet family or places where they used to play as a child. This is of course felt by the diaspora who is experiencing migration abroad or born in different countries (Indonesia). This writing is derived from the study of Bugis Migrants in Sabah and Johor with a qualitative approach and the acquisition of primary data is done by the method of observation and in-depth interviews. This in-depth interview was conducted involving Bugis Migrant community leaders, Bugis community organizers, and Bugis Migrant community consisting of academics, traders, government officials and ordinary people. The secondary data is obtained from government and private publications and internet.

2. Bugis Migrants and Ethnic Plurality in Malaysia

ThissectionwilldescribeBugineseMigrantsandethnicheterogeneity in Malaysia. It is intended to see Bugis position as a minority in the formation of a modern state characterized by a multicultural society. Further, it is described on citizenship and the state in relation to these Bugis ethnic migrants. Here it is argued that ethnic Bugis have a high loyalty as citizens, however they still maintain their cultural and social identity. Finally, this section draws some conclusions about Bugis and Citizenship dispora in the context of Malaysia State. The dynamics of Bugis Migrants depend largely on the context in which they live their lives primarily in terms of employment which is often the first reason they are berdiaspora. The limitations and opportunities available in the destination

land, are different across Malaysia, both in Johor, in Kinabalu and Tawau. Especially on Buginese Migrants in Tawau, for example, they are relatively more liberal in employment opportunities because they are considered the first generation of people here and are instrumental in the formation of the city of Tawau. Not only in the strategic positions of the Bugis Migrants government in Tawau, they are in terms of the majority, so they are very colorful of the socio-economic and political life in this port city.

The phenomenon of overseas migration or diaspora needs to be seen as idioms related to the limited employment in the country of origin and the availability of employment opportunities in the destination country. As a group of very economic interests, Bugis Migrants are not spared from producing claims or establishments that articulate projects, formulate expectations, mobilize energy and engage loyalty. Therefore, it can be said that Bugis Migrants are no exception to a 'citizen of the nation' who fights in the political, social and cultural dimension. This fact that can be seen from Bugis Migrants in neighboring Malaysia is particularly observable in Tawau, Kinabalu and Johor.

Of course the socio-political role of Bugis Migrants is relatively stronger in Tawau. Nonetheless, as Malaysian citizens, Buginese Peninsula Migrants in particular in Johor have contributed not only in the socio-cultural and economic aspects, but also to the political aspect. Politically, for example, rulers in six countries in the Peninsula are descendants of Buginese Migrants including prime minister Najib Razak (Datu Sri Mohd. Najibbin Tun H. Abd Razak) who is a descendant of the first generation Bugis. In view of this fact, it seems that Bugis Migrants are willing and able to integrate in Malaysia's social dynamics. On the other hand, Bugis dispora is acceptable to the majority community (mainstream society). This highly dynamic Bugis society migrated to peninsular Malaysia around the 19th century AD Bugis do have high levels of adaptability so that they can easily adjust to the local community where they berdiaspora. However culturally they maintain their kebugisan, but loyalty as a citizen is a commitment they hold

firmly. So there is no dual loyalty in allegiance to the State. They firmly have allegiance to the State of Malaysia and regard them as Malaysian nation.

Pic.1: Hamid, Generasi awal Migran Bugis Johor

Pic.2: Wawancara Bugis 'Hancur' Malaysia

Bugis ethnic groups have a conception of their own world while maintaining the limits and concepts of power that rely on the empire's concept with the sultan as the supreme ruler as their state tradition in South Sulawesi. The process of migration took

place originally by aristocrats with a strong cultural tradition of the imperial palace, followed by the common people. With the protection of the sultan, this Bugis technique eventually reinforced the ethnic identity of Bugis in the overseas. They even became part of the palace through marriage. They also played their identity cards in the context of the "Bugisan" Bugis Malaysia. In this country they exist by developing themselves as citizens, associating, assimilating and integrating nationally with other ethnic groups. In contrast to ethnic Chinese groups in the sense that they do not only have the desire to integrate, but also more importantly are acceptable Both by mainstream Malay society. Hence they can exist in both local and national political spheres. It can be said that they not only have a good economic reputation, but lately managed to gain the pinnacle of political power as prime minister for two periods of leadership. However, Bugis's ethnic social capital can be said to be cross-country.

While in a different country, the awareness of the cultural, economic and even Bugis identity between Bugis in Malaysia and Bugis in Indonesia remains intertwined. This braid is what creates social networking (social networking) that cross country. It seems that the concept of Bugis identity is played in different contexts in political mapping in each country. In the Peninsula, for example, Bugis ethnicities at the state level play the Malay concept in which they are affiliated. At the level of life of this nation and nation, the Bugis ethnic in the Peninsula are not so obvious in expressing their Bugisan, with more nuance to show Melayu. With this concept of political identity, these Bugis can benefit from dealing with other ethnic groups in Peninsular Malaysia such as India and China. So the behavior of Bugis ethnic identity politics like that in macro scale is a strategic deliberate for long-term interests.

On a micro scale relating to socio-cultural issues they maintain the Bugis identity as in the conduct of birth, marriage, and death or other festivals. Therefore, not surprisingly, after being in overseas country, they reestablished cultural traditions held in the area of origin and even actively involved in its development. For the Bugis

ethnic who wander the peninsula, they do not intend to return to the motherland of South Sulawesi, however many of them visit the area of origin. As told by one of the Bugis, they visit to meet his family or visit the relics of his parents' property. Generally they assume that the country overseas was already as their own home (home). This behavior is not only shown by a very learned man like (late) Prof. Hasan L, but also by ordinary people like Mad Damin. The late Hasan was a professor at one of the universities on the Peninsula who dedicated himself as an expert in the world of education until the end of his life no matter what his status was a permanent resident. While Mad Damin is a Bugis who claimed to be 'Bugis destroyed' because both his parents, himself and his children no longer maintain the authenticity Bugisnya, but already involved married mawin with ethnic groups Malay Riau.

However, even though they carry out the cultural traditions that exist in the area of origin, they appear to be adapting to the situation in which they are attending, thereby achieving social cohesion for the sustainability of their economic and life activities and avoiding the emergence of social conflicts because they essentially want a peaceful life And smooth business. Some of them can indeed come to the fore as a figure even the political leaders in the country he visited. Of course this is the various situations and political conditions created by the intelligence in social interaction and clever use of the situation by using the ways that are considered most appropriate. It is these circumstances that enable them to use opportunities that enable them to emerge in the political arena of national and state life. If it could not at once be the sultan, usually among them approached the sultan to later become his son-in-law. That is one application of the 'doctrine' of three ends (telu cappak) of the Bugis. This also caused the many political elites of the Bugis to surface as central figures both locally and nationally. Political conditions such as the Bugis ethnic conception of nation-state life give certain characteristics to the dynamics of politics in Malaysia both in East Malaysia, especially in Sabah and in West Malaysia (Peninsular Malaysia).

Bugis migrants not only carry the hallmark of food, but also culture. They recognize that the traditions of birth events, marriages and deaths are still a culture that they maintain from time to time in accordance with Bugis customs. Although other traditions such as siri are no longer embraced and practiced. Still their loyalty to cultural traditions is evidence that primordialism is still preserved no matter how physically moving places with different country contexts. But their continuity with their kebugisan identity is not a factor in their allegiance to Malaysia. Therefore, the citizenship behavior of Bugis is quite prominent. Among them are politicians, businessmen, teachers, doctors, engineers, merchants, to taxi drivers. They consider that practicing their profession in everyday life is a civic engagement of their social and economic dimensions as citizens of the nation. They see Malaysia as a house that must be nurtured and built to be beautiful and long lasting. Meanwhile, various ethnic groups are regarded as the home legs that if each works according to their ability will have implications for the strength and improvement of the house they occupy. On the contrary, without a crow's foot in the sense of cohesion and solidarity of the kaum or ethnicity, the house (read: the state of Malaysia) will collapse. This simple analogy seems to be in line with the concept of multiculturalism which has the political backing of its Prime Minister with the slogan 'Satu Malaysia'. The slogan of 'one Malaysia' can be seen in public places including in universities. As Dato 'Sri Mohd Najib bin Tun Hj says. Abd Razak, Malaysian Prime Minister as follows:

> One Malaysian is an idea for fostering a fusion among the people of Malaysia that spelled folk, insisting on some important values that should be the practice of every Malaysian people (source: poster).

Such an idea is known by contemporary scholars among them by Kymlicka, as multicultural citizenship. In contrast to nationalism in the liberal philosophical tradition that demands assimilation to the dominant culture for minority or non-dominant groups, the

concept of multicultural citizenship gives space to every ethnicity to practice its cultural values and traditions in the public sphere without having to question its loyalty to the State. For them, the concept of the people of both Sabah and the Peninsula is a positive signal for the cultural accommodation of various ethnic groups. Even in Johor, Bugis is recognized as the people who occupy the top position of the sultanate because this sultan is Bugis obsession. It is in this context that each Bugis ethnic who plays an important role in political life begins to reinforce their own sense of nationalism within the framework of Malaysian nationalism. Bugis societies (civil society organization of Bugis) is recognized increasingly growing after the rise of Datuk Najib as prime minister.

Buginese migrants in Sabah and Peninsular have now reached the fifth generation of Bugis Migrant pioneers. Up to Johor is estimated around the 18th century. They emigrated, they call the migration event, because it does not like the Dutch who began to colonize and exploit the land of South Sulawesi. Among them are descendants of the nobility, but more of them are ordinary people and some are slaves. As is still seen in Johor and Tawau, the political elite is a Bugis Migrant. Together with the Chinese, among them there is also an economic elite. But the majority of them are middle-class society. So rarely among those categorized as poor or earn less than RM 750 / month.

Bugis Migrant Community with the strategy of telu cappak, then can give birth to social capital as well as social capital structural. The dimension of primodialism in the expression of loyalty to one ethnicity has given rise to high solidarity amongst the Bugis in Sabah and the Peninsula. Among them developed a situation of mutual trust as a resultant of loyalty to the primordial norms internalized in their psyche. This is what gave birth to social networking is relatively solid and sustainable.

The strength of this social cultural capital which then paved the way for the establishment of Bugis Union in Sabah and Johor from the provincial level to the subdistrict complete with its board consisting of chairman, secretary, treasurer and sections. This

social institution in addition serves as a means to give attention to the life of Bugis society, also serves as an instrument to gain access to resources to local authorities. Through this Union, for example Bugis Migrants in Johor get a 'grant' from the sultan of Johor, as much as 20 ha of plantation land.

In contrast to Tawau and Kinabalu, in Peninsular Malaysia it can be said that economic and trade sectors are controlled by ethnic Chinese. Therefore, it is understandable that ethnic Chinese income is twice as much as indigenous income, however this ethnic participation in formal employment is only about 25% (Syafii, 2009: 397). Bugis entrepreneur does have a reputation in the field of plantation in addition to having contributed in the formation The Malaysian penitentiary system. The strong cultural tradition, seen among them still exist that use Bugis language in daily life on the family scope. But in the next generation of children, many of them can not speak Bugis, because the spread of Malay or Malay language and English are intensively in the modern education system in Peninsular Malaysia. This development certainly has a positive and negative impact. Positive impact is for them to facilitate the involvement of modern education that is likely to be demanded a good mastery of English, while the negative impact is the fear of the meltdown of Bugis tradition values where one measure of the Bugis language tends to diminish is used except in certain environments. What a Dato Hadi who is still able to speak Bugis no matter how bureaucrat in the Johor government is an exception. But what is also surprising is that some Bugis Migrants who work as teachers are no longer able to speak Bugis. This is because of the high intensity of using Malay or English as the language used in his profession as a teacher. Due to the changes that occur due to rapid globalization they also do not want to be left behind in the matter of progress.

How they play their identity in the Bugis context as their ethnic identity and Malaysia as they are part of Malaysian citizens. Is there a relationship between cultural identity and citizenship identity? Can both be compromised or do they each have compatibility? In

the context of Malaysia still in transition to democracy, the priority of Malay is still evident both in culture and socio-political structure. There is indeed a kind of strengthening to be a citizen in the course of history no matter how diminished the level of ethnicity. This can be seen from the attitude of citizenship in the young and old. There is a kind of solidarity of Malaysian-grown taste growing among young people born and raised in Malaysia compared to the elderly born in Indonesia but already Malaysian. This situation is normal because socialization and internalization of citizenship (citizenship) is more intensive occurs in young people, especially through education agents.

For the continuation of social harmony, the concept of One Malaysia, proclaimed by the current prime minister, Najib Razak, is a necessity. One Malaysian concept similar to Bhineka Tunggal Ika for Indonesia is a concept that demands fairness of opportunity in the fields of life such as culture, economy and politics for multicultural societies. This can be said to be essential to be implemented. This framework can be a means of freedom of cultural expression of each ethnic group living in Sabah and Peninsula Malaysia. Anxiety and even ethnic conflicts can arise if the inequal opportunity for each of these ethnic groups is not realized. Therefore, the implementation of a comprehensive multicultural political concept in the management of today's Malaysian multicultural society is an urgent necessity. The large number of ethnic groups is not a source of conflict, but a positive energy for the development of a multicultural nation. In the concept of multicultural citizenship, inclusive development in which there is no discrimination especially felt by ethnic minorities, is the best course.

Bugis ethnic originating from South Sulawesi in Indonesia is one ethnic group with very high mobility, vertical and horizontal, compared to other ethnic groups. In terms of vertical mobility, it can be called former sultans in Peninsular Malaysia including the present-day Sultan of Johor, and even Prime Minister Najib is descended from former Prime Minister Tun Abd Razak who is also a Bugis Migrant.

Buginese migrants in Tawau, Kinabalu and Johor are evidence of this highly dynamic ethnic livelihood. Therefore, it is a truth to say that Buginese originating from South Sulawesi in Indonesia is one of the ethnic groups with the highest mobility levels, both vertical mobility and horizontal mobility compared to other ethnic groups in Indonesia. In terms of vertical mobility, it can be called former Vice President Yusuf Kalla or former Prime Minister of Malaysia Tun Abd and some of these important ethnic positions both Indonesia and Malaysia. In terms of horizontal mobility are Bugis migrants who wander to various regions of western and eastern Indonesia and other countries in Southeast Asia, especially Malaysia.

Ethnic Bugis does have a migratory cultural tradition that is not only done around the islands of Indonesia but also to other islands outside Indonesia. Sabah and Peninsular Malaysia are the areas that serve the Bugis Migrants. One of the most populated areas is Tawau-Sabah, whose composition reaches 70% of the total population. This is understandable because Tawau was originally an Indonesian territory prior to the exchange of colonies by the British and Dutch.

The advantages possessed by Bugis ethnicity is their high adaptability both to the natural environment and the social context in the region they visit or settle. The interesting thing to note for example is the open house is done seriously by the Bugis community in Kinabalu and in Johor. Open house is a tradition of Bugis society to invite neighbors, colleagues, and friends taulan to his home intimately. Light meals and lunches are provided for guests who since the morning have been waiting for the host. At the time of this study, for example, the Bugis community around King Fisher, an upmarket shopping and residential area, quite close to Sabah University Malaysia, hosted the event with great intimacy. The same is done by Bugis Migrants in Johor. Those who live in Pekan Nanas do open houses, including sultans who are also descendants of Bugis Migrants. Bugis typical food such as Coto Makassar is served complete with light snacks. The attendees were originally from various ethnicities including non-Muslim Chinese.

So, although the open house is a tradition related to Eid, but who attended the event was not exclusively Muslim, because it was also attended by non-Muslims. The nature of the show is to build cross-ethnic and religious religios around the house. The inclusive nature of the Bugis is what makes their social networking so wide. This does not only happen to the upper classes, but also the bottom. What a typical Bugis food merchant called Mak Ci, who lives in Kinabatangan, illustrates how this inclusiveness has made Mak Ci as a well-known merchant with various ethnic customers in Kinabalu including Chinese who love the taste of their food snacks. The same thing was done by a teacher, a Bugis Migrant in Pekan Nanas Johor, who invited his neighbors and coworkers in an open house event.

Buginese migrants in Tawau, in Kinabalu and Johor not only carry the hallmark of food, but also culture. They recognize that the traditions of birth events, marriages and deaths are still a culture that they maintain from time to time in accordance with Bugis customs. Their loyalty to cultural traditions is evidence that primordialism is preserved no matter how physically displaced with the context of different countries. This proves that the diaspora still maintain ethnic boundaries. However, their continuity with their kebugisan identity is not a factor in their allegiance to Malaysia. Therefore, the behavior of Bugis citizenship is quite prominent such as politicians, businessmen, teachers, traders, even taxi drivers. Their responsiveness to practice their professionalism in everyday life is their civic engagement as citizens of the nation. They see Malaysia as a house that must be nurtured and built to be beautiful and long lasting. Meanwhile, various ethnicities are regarded as the foot of the house which if each works in accordance with its ability will have implications for the improvement of the house they occupy. On the contrary, without solid legs in the sense of cohesiveness and solidity of the clan or ethnicity, the house (read: the state of Malaysia) will collapse. This simple analogy seems to be in line with the concept of multiculturalism that has academic support at the present time. This is considered to be a positive nursery of

cultural values for the development of the country.

For Bugis Migrants, the concept of people in Sabah and Semenajung is a positive signal for cultural accommodation of various ethnic groups. Even in Kinabalu, Bugis is recognized as a distinct group of people with Malay. Whereas Malay in Sabah refers more to 'native Malay' originating from the Peninsula. Therefore, the Bugis in statistical records in this state are formally called Bugis tribes. Bugis are still considered as different immigrants with Malaysian peninsula which is considered 'native' Malaysia. The original concept of these immigrants was raised and further maintained, apparently a concept that could protect Malay interests. This is what makes the Bugis experience a kind of cultural barrier to maximize the acquisition of the same rights as citizens. Until now, in Sabah, Bugis does not have a ministerial position let alone a ministerial chairman already experienced by other peoples such as Kadazan or China.

In the case of Kinabalu, Malaysian citizens are divided into bumiputra and not bumiputra categories. Bumiputra consists of Malay, Kadazan / Duzun, Bajau, Murut, and other bumiputra. The non-bUmiputra consists of China, India and others. Meanwhile, Bugis belongs to non-bumiputra categories and other categories. According to statistical records, In Kinabalu alone, the number is only 12,000 inhabitants, much smaller than China's 94,500 inhabitants. However, according to Bugis residents who teach at UMS Kinabalu, in real terms, the number of Bugis is much greater than the official statistical records above. So Bugis is a relatively minority ethnicity in the context of Sabah let alone Kota Kinabalu, there is a kind of strategy undertaken by Bugis to be categorized as Malays. The recognition of informants in Kinabalu illustrates this trend. A Bugis Migrant informant acknowledged that he listed his son born on a civil record in Kinabalu as a Malay. He can do this because by chance he has a close relationship with the registrar. The same is also classified in Johor which consists of bumiputera adan non bumiputera, it's just that bumiputera is ethnic Malays.

In real terms, ethnic heterogeneity in Kota Kinabalu is colored

by the dominant number of local ethnic Kadazan, while Bugis is an ethnic minority. However, the Bugis ethnic strategy does not identify with the dominant ethnic in the local context in Sabah ie Kadazan, but attempts to identify itself as Malay. This strategy has not been fully accepted by Malays in its national context, but this strategy is more realistic because of the Bugis affinity with the same ethnic Malay religion. This is different from what happened in Johor. Here Bugis belongs to the Malay group which is included in Malay dominant category (47.5%), China 34% and India 9%.

3. Bugis Citizenship and Migrants

The Bugis play their identity in the Bugis context as their ethnic identity and Malaysia as they are part of Malaysian citizens. Is there a relationship between cultural identity and citizenship identity? Can both be compromised or do they each have compatibility?

In the context of Malaysia still in transition to democracy, the priority of Malay is still evident both in the culture and socio-political structure of the country. There is indeed a kind of strengthening to be a citizen in the course of history no matter how diminished the level of ethnicity. This can be seen from the attitude of citizenship in the young and old. There is a growing sense of solidarity of kemalaysiaan among young and large born in Malaysia compared with the old people who were born in Indonesia but have moved to become Malaysians. This is not surprising because for these young people, citizenship is the first, however uncertain as the ultimate identity. But the memory never become a citizen other (read: Indonesia) is not experienced by this young people. This situation is normal if added by the socialization and internalization of citizenship (citizenship) that they experienced intensively occur in young people, especially through modern formal agents experienced in school education.

However, the everyday reality felt by the less-fortunate ethnic group ends up harassing the social harmony that has been preserved during Mahathir Mohammad's era. The socio-political stability of the present era is relatively different from that of the

Mahatir. As in Indonesia, which is characterized by protests of ethnic-based demonstrations during this era of reform, in the era of prime ministers Ahmad Badawi and Najib, along with the wave of reforms in various parts of the world including in the Arab world, social protests also occurred in Malaysia as do ethnic Indians who feel treated Discriminatively.

In view of this prone condition, recently under the leadership of Prime Minister Dato 'Sri Mohd Najibbin Tun Hj, Abdul Razak, popularized a concept of "Satu Malaysia" with the motto "People take precedence, achievement is preferred". In this context the phrase "glory is put forward, justice is implemented" fills the public spaces in an effort to raise awareness of national integrity. National integration demands no separation among ethnic groups in Malaysia. One Malaysia is comprised of cultural values of science, integrity, fortitude, loyalty, wisdom, culture of innovation, high achieving culture, and culture of precision. This is the second aspect that becomes the values of citizens' aspirations (see Figure 5.3).

"One Malaysia" is a creative idea but of course its implications for national interethnic integration depend largely on the extent to which equal opportunities among ethnic groups are gained in real-life everyday, concerning the realization of their rights as citizens of both social, economic and political rights And culture. Therefore, it is relevant to be described here about their perceptions of citizenship. What is its perception and implementation in the context of Sabah, especially in Kota Kinabalu and in the context of Johor? How does the Bugis ethnic group strategize for its citizenship to be appreciated by the State and other ethnic groups?

For Bugis Migrants, based on interviews with some Bugis Migrants, there is no dilemma between ethnicity, nationalism and the status of 'immigrants' of their ethnic groups. Loyalty as a citizen is a solid and solid consciousness. It is undeniable that for certain circles, there is a perception of the duality of loyalty, especially in the event of political tension between the two countries of Indonesia and Malaysia. However, this perception they tepis with real action through everyday activities that contribute to the socio-economic

life of the country.

Commitment as a citizen is realized through the varied work of Bugis Migrants such as taxi drivers, merchants, educators at schools and universities, bureaucrats in state institutions (kingdoms), and politicians on the council even as sultans in the Johor case. When the research was done, Bugis Migrants who succeeded in becoming politicians in local parleman were only one person, but many got this position in Johor. This also seems to be a factor that Bugis Migrants have not given meaningful weight in local politics. Important positions such as ministers or chairman of Sabah's ministry have been not yet achieved by Bugis ethnic groups. For the context of Sabah, ethnic Chinese politics seems to be more advanced by filling important positions such as ministers. Unlike the situation in Sabah which is positioned as a minority and not dominant group, in Johor, they are categorized as majority and politically dominant.

Economic rights are different from what the Bugis ethnic groups in Kinabalu and Johor have achieved. In Kinabalu, they are very good at trading from street vendors, stalls, shops to booths at malls. However, what is rather difficult to develop in this trade is their low access to land ownership. Here there are less favorable political, cultural and economic factors. The land seems to still be a right for the bumiputras. In addition, the price is not cheap to be a barrier to be able to buy land in large numbers. In contrast to Kinabalu, in Johor, access to land is relatively easy, even Bugis associations receive a 20 ha grant for agricultural activities managed by this association.

In Kinabalu, as in Johor, the economic sector is still dominated by ethnic Chinese. Ethnic Chinese are engaged in banking, hotels and restaurants, while Bugis is only in the retail, transport, services and food sectors. Nevertheless, the economic development of Bugis ethnic is seen from the control of the land and sea transportation management sector, as well as transportation such as taxi. While Indian businesses move in restaurants or food stalls. Nevertheless, in Johor, Bugis' economy is relatively stronger. They have more

expertise in agriculture and traditional trade. The modern trade sector is more dominated by ethnic Chinese.

Meanwhile, the social and cultural dimension of citizenship seems to be a dimension that is felt to be more enjoyed by the Bugis Migrant community both in Kinabalu and in Johor. Culturally, Bugis Migrants can freely practice their cultural rights. They maintain tradition and modify it in a modern context. Siri, for example, becomes more defined as self-respect through work that is beneficial to the wider community. They also still practice the values of kebugisan in important ceremonies in life such as birth, marriage, and death. Thus, as a diaspora, they still maintain the boundaries between themselves as Bugis ethnic and other ethnicity within the framework of the Malaysian state. The boundaries are more visible among Buginese Migrants in Kinabalu than in Johor.

Socially, Bugis are respected in social circles. Their image as a persistent and diligent entity provides an advantage factor for social interaction. The existence of Bugis ethnic civil society organizations such as Persatuan Sahabat Pena Melayu (1936), Association of Nationality of the Family Association of Sulawesi (1976), Sabah and Sarawak Family Association of Indonesia (1978), Bugis Sabah Virtue Association (1985) became an important factor in strengthening network and Solidarity between them and at the same time become an important factor in the bargaining position in the horizontal context of ethnic groups as well as the vertical context with the state. However, the organization is still concerned with social aspects, not yet become a social network that takes part in the dimensions of economic improvement of Bugis Migrants. For cooperative activities alone, for example, this civil society organization has not moved, let alone in the more aggressive economic institutions in fighting for scarce resources in the form of corporations. Meanwhile, the development of ethnic Chinese economy rests on their socio-cultural basis such as trust, adherence to institutions and ethnic-based social networks whose gains are gained through ethnic-based civil society organizations.

A country will of course be healthy (robust), if this ethnic-

based civil society has not only an internal ethnic network, but also an interethnic external network. There is an urgent need for communication between these civil society organizations to prevent counter-productive suspicion in harmonious social development, especially in the context of a country in which society is highly plural on the one hand, and on the other side there is a shared desire to co-exist Amicably interethnic in the process of national development. In other words, all ethnic groups in Sabah are very concerned with the development of the concept and implementation of multiculturalism.

Multiculturalism has recently become a very intense topic of discussion among academics and practitioners, and is combined with the concept of citizenship that has led to the concept of multicultural citizenship as Kymlicka (1995) has conceptualized. This topic is also a relevant concept in relation to the Bugis Migrant community in Malaysia. A good understanding of this concept and formulating it in social policy will be useful in the prevention of conflict as well as the creation of a cohesive society.

The theory of multicultural citizenship basically questions whether a minority has the right to maintain its cultural order and can legitimately preserve its cultural identity (Kymlicka, 1995; Kymlicka and Norman, 2000). This theory highlights social, civil, and political rights, as well as the right to accommodation of the institutional structure of the state for minorities. The theory is that the importance of the community is involved in the process of democratization in order to have a very strategic moderation for the prevention of conflict. Further, it is postulated that integration and solidarity are determined not only by cultural characteristics but also by structural institutions. This multicultural theory of citizenship further demonstrates that there is a positive correlation or significant relationship between social and political integration with mutual trust, tolerance and solidarity. With persistence social capital and a strong base of citizenship, communities can have the ability to negotiate for their own interests, in addition to caring for the common interests of groups. Furthermore, citizens with a commit-

ment to citizenship can be seen in social life where there is free communication transactions by communities, in this arena is ensured independent action and reflection, not constrained by material life conditions and official political institutional networks. Thus, it is possible here to make negotiations for the common good while remaining in compliance with applicable law (Hikam 1996: 3).

This concept within certain limits has already begun to be implemented in Sabah and Johor. But as a process, full implementation of this concept still takes a long time. As a small example, for example, Bugis Migrants in Kinabalu are not awarded scholarships provided by the State to indigenous Malay or Kadazan. Cultural, political and economic barriers are still felt in land ownership as revealed by some informants experiencing difficulties in land ownership An adequate amount for their business base.

4. States and Bugis Migrants

As has been pointed out above, in Malaysia it can be said that economic and trade sectors are controlled by ethnic Chinese. However, this economic development can not be separated from the role of Bugis Migrants who have become citizens and contemporary migrants who are classified as Indonesian Workers (TKI). The state's dependence on Bugis Migrants is an indisputable fact. Therefore, tBugis imagery, especially the contemporary Buginese diaspora that is heavily involved in oil palm plantations has become a public secret. However, this is not true if Bugis as a whole is meant to belong to an earlier diaspora group. For them, these ethnic descendants are not only directed to engage in agriculture, commerce, and the economy, but have entered other fields by providing the best education to the next generation. The disciplines they acquire also vary as medicine, economics, social sciences, and the science of education. They recognize that the sectors are important they fill as a way to show that they are present in all fields and at the same time want to show that their contribution to the country can not be considered small.

What is interesting is that in contrast to the Bugis ethnic

positions in Johor and Peninsular Malaysia generally have shifted from playing the concept of kebugisannya who have moved with mengelepankan kebelayuannya concept, ethnic Bugis in Kinabalu still support the concept of kebugisannya. This seems to be influenced by the state policy of Sabah which still distinguishes Bugis dehe state's attitude toward the diaspora is ambivalent. They are sometimes treated as illegal immigrants deported, but at other times, their presence is necessary for the workforce, especially on oil palm plantations and when their votes are required in elections by parties seeking to maintain the status quo.

Malaysia's dependence on the Bugis majority TKI is not only at the start of development, but also continues today. In the early 2000s, for example, this dependence is evident as experienced by Sabah, where 94.43% of foreign workers are from Indonesia. The Philippines, which occupies the second position of foreign workers, only contributes 5% of total foreign workers. Such a labor-intensive Malaysian state is indeed linked to the country's policy of massively developing oil palm crops.

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be influenced by the state of Sabah's policies that still distinguish Bugis from the Malay Peninsula.

Malaysia can be said to be one of Southeast Asia's relatively successful countries in economic development. However, the country has not been fully successful in overcoming poverty. What needs to be noted is that this poverty line appears to be related to ethnic background. Bumiputra ethnic groups are ethnic groups that are per- centively large in poverty. Ethnic Kadazan, experienced a poverty rate of 26.2% while the Murut ethnic is worse still reaching 35.4%. On the other hand, ethnic Chinese only have a poverty rate of 2.6%. China does have a higher level of prosperity. For Malaysia as a whole, the ethnic Chinese population is twice as much as the natives.

The reality of economic disparities based on these ethnic lines needs to be given more attention to support the idea of "One Malaysia". It is hard to imagine ethnic groups being able to coexist peacefully and maintain cohesiveness if an ethnic group lives in luxury, while other ethnic groups are in poverty. Affirmative action based on socioeconomic status in the sense that any ethnic who is poor, needs to get help from the state in order to catch up with them would be a more acceptable policy for all ethnic groups, not affirmative action based on ethnic lines.

Tabel 5.7 Kadar kemiskinan menurut etnis di Sabah 2004

Etnis	Kadar kemiskinan dalam %
Sabah	23.0
Bumiputra	29.4
Murut	35.4
Bajau	33.3
Kadazan/ Dusun	26.2
Melayu	18.9
Bumiputra lain	16.6
Lain-lain	5.8
Cina	2.6
Malaysia	5.7

Sumber: I Ketut Ardhana, 2009, "KeBugisan Etnis Bugis dalam Konteks Negara-Bangsa di Malaysia dari Indonesia," dalam Yekti Maunati ed., *Kontestasi Identitas Dan Migran BugisDi Wilayah Perbatasan Kalimantan Timur-Sabah*, Jakarta: LIPI Press, hlm.124.

Poverty in certain ethnic groups seems to be a reflection of the gap in the mastery of the factors of production. In Ubung Imang (2008) note, around 6.5% of the area in 2005 is managed by small-scale entrepreneurs or local entrepreneurs, and the remaining 93.5% is dominated by large capital owners. This shows that the state has little role in distributing state assets that support the distributive justice policy that concerns the current prime minister.

5. Conclusions

Citizenship is a framework for every citizen regardless of which ethnicity can participate equally in the life of a nation and nation. Implementation of this framework is important along with the seemingly contradictory phenomenon. On the one hand socio-economic life can be organized in a global context, on the other hand many ethnic groups are fighting for independence. Therefore, citizenship needs to be translated not only on the basis of individual loyalty to the sovereignty of the country but also to the cultural, local, regional, and group rights. The new expression of citizenship will not be based exclusively on the basis of 'state sovereignty' but will be based on International obligations (Verma, 2002: 53). This is what seems to be 'enjoyed' by Bugis migrants in Kinabalu Sabah and Johor. They are free to do cultural activities, including the implementation of customs, especially related to the important stages in life and religious festivals that are fully supported by the state.

Constitutionally, however, Malaysia is still directed to become a 'Malay political community' where there is a general awareness of Malay significance in the concept of the state. This is apparently aimed at changing the loyalty of Chinese immigrants, Indians, and other tribal groups in the territory of this federal state. This is what has recently been challenged to transform because of the urgency of global multiculturalism and the demand for progress and improvement of standards of living in a fair manner across ethnic lines. This tendency sued the Malay group's claim as a native of Malaysia.

Malaysia does in fact consist of many ethnicities. Therefore, citizenship needs to remain related to the multicultural framework of minority group accommodations and underdeveloped community protection, to one side and to reject the integration and cultural assimilation of the dominant group on the other. Minority groups are thus not asked to immerse themselves in the mainstream because they have the same rights to maintain and develop their group identity including the Bugis Migrant groups that exist in every state in Malaysia, especially in Sabah and Johor.

Proper and in-depth understanding of migrant communities abroad or this diaspora, especially Bugis migrants, is very important given the diversity of ethnic communities is not only potential in creating a harmonious society, but also become a social energy that mendinamisasi development of society. Stagnation does occur in ethnically homogeneous societies.

The presence of the Bugis ethnic community on Malaysian soil has been going on in the 18th century when Malaysia was still in the era of colonialism. So their migration to Malaysia from South Sulawesi was a migration before the State of Malaysia was formed. Their migration at that time did not require a passport to which Bugis immigrants should be today. This is what makes Bugis Migrants in contemporary times to be varied from citizens, permanent residents to visitors only. For those who have become citizens in the Bugis case in the State of Sabah, Bugis is statistically excluded from the Malay category as it did in Johor. This statistical problem has implications for the Bugis migrant citizenship culture in Sabah. At least, culturally, the group (people in local terms) Bugis experience obstacles. Unlike other people like China, Malay or Kadasan who have high positions in government such as ministers and even once Chairman of the Minister, Bugis has never had such a high position, even for the post of Council only represented by one representative from Tawau electoral district.

Nevertheless, it can still be said that as Malaysian citizens, the Bugis immigrant community has contributed not only in the socio-cultural and economic aspects, but also the political aspect.

Bugis, regardless of the immigrant label, have integrated in the social dynamics of Malaysia and the region. Bugis society is very dynamic that allows them to migrate to Sabah (Kinabalu) Malaysia, in addition to Sarawak, to Johor, to the Land of the other Malaysi peninsula. They even went to Africa and Australia in the 16th and 17th centuries. Bugis do have a high degree of adaptability so that they can easily adjust to the local community where they berdiaspora. However culturally they maintain their kebugisan, but nasonalism as a citizen is very high and is something they hold firmly. So, there is no double loyalty in terms of citizenship.

Bugis ethnic can be said to be cross country. Despite being in a different country, the awareness of its culturally distinctive Bugis identity, between Bugis in Malaysia and Bugis in Indonesia remains intertwined. This braid is what creates social networking (social networking) that cross country. It seems that the concept of Bugis identity is played in a different context in the political arena in each country. In the Peninsula, for example, Buginese at the state level play the Malay concept in which they are affiliated. At the level of life of this nation and nation, the Bugis ethnic in the Peninsula are not so obvious in expressing their virtues, but seem more willing to show the nuances of Malayness. With this concept, these Bugis ethnic benefited from dealing with other ethnic groups in Malaysia such as India and China. This is the behavior of Bugis ethnic politics on a macro scale. On a micro scale relating to socio-cultural issues they retain the Bugis identity as in the conduct of marriage ceremonies, death and so on. Therefore, it is not surprising that after they are in the land of the rantau will re-implement the cultural tradition that they inherit. For Bugis ethnic in Kinabalu and Johor this almost no one intends to return to origin (motherland). Generally they assume that the country overseas was already as their own home (home).

The concept of fairness in cultural, economic and political opportunities for multicultural societies is essential for implementation. He should not stop short of discourse or written as a slogan. This multicultural framework of citizenship can be

a means of freedom of cultural expression of each ethnic group living in Sabah and Johor. Anxiety and even ethnic conflicts can arise because of the inequal opportunity for each of these ethnic groups. An inclusive development in which every ethnic group has equal opportunity to contribute to the nation's development is a strategy to be refreshed and implemented.

This multiculturalism does not quite stop at the level of formal rules. However, in lower regulations and even policies at the local (city and district) level, this new citizenship expression needs to be more accommodated. Field findings show that Bugis Migrants are constitutionally entitled to the same freedom and opportunity for civic engagement in all aspects of social life in Malaysia, but constitutional guarantees still require sincere appreciation and and the correct application for equal treatment of all peoples. Certain groups need not feel threatened by the presence of other people who do show their superiority. Ultimately the advantages accommodated by social, economic, and political institutions will optimally benefit the state advantage of both Sabah, Johor and other states that are striving to excell. In contrast, the social exclusion experienced by certain people not only impedes the progress of the country but also accumulates the growth of latent conflict factors which have not yet become manifest in the authoritarian system, the system being transformed by countries in Southeast Asia including Indonesia. It is in this social inclusion strategy and politics of recognition in all these peoples that will preserve the social cohesion in Sabah and Johor that ultimately reinforces the State of Malaysia as a whole, a strategy which is also absolutely necessary in the context of the Unitary State of the Republic of Indonesia which in fact has much earlier had a slogan Bhineka Tunggal Ika.

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THE DIFFERENCES OF WORKLOAD OF THREE METHODS OF CARRYING OBJECTS: ON HEAD, BACK, AND HAND AMONG BALINESE WOMEN

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Abstract

Manual material handling is mostly done by Balinese women, especially those working in building construction or in other industrial sectors. The common carrying methods are on head, back, and hand. The body responses are physiologic, biomechanic and psychophysiologic. To find out the responses above, this study was conducted on 15 Balinese female workers . The study method was treatment by subject. The object (load) was carried by the subjects or Balinese female workers by three different methods, i.e. on head, back, and hand three times with one day washing out. The weight of load was 20 kgs; the subjects while carrying load walked shuttle along a 50 meter distance in 30 minutes. The level of workload was measured by working heart rate using ten pulses method. The workload was measured before and after carrying the object by the three methods. The results were as follows: the working heart rate in carrying on head, back and hand: 90.27 ± 9.29 beats /minute; 101.82 ± 14.15 beats/minute, and 129.0 ± 16.11 beats/minute, respectively. The differences between the three loads were statistically significant ($p<0.05$). The conclusion is: carrying object on head was the most effective and ergonomically way.

Key words: *workload, permissible load, carrying methods.*

1. Introduction

In developing countries like Indonesia where industrial sectors are labour intensive, working involves manual material handling (MMH) in many situations. Workload measurement in terms of physiological parameters is important to identify heavy task, to evaluate traditional work method, and to find the efficient method of work (Parida, et al. 2015). In Bali, men and women work side by side, in which Balinese female workers do not select the kinds of jobs either in household or outside household. It is based on the Hindu's religious that work is a "dharma" and it is connoted that being jobless is "a dharma". The Balinese female workers carry objects mostly on the head, it is different from the way Balinese men"s carrying method which is mostly on back.

To find out the effect of MMH on human body, there are four fundamental approaches to analyze the MMH:

    a. Epidemiological approach
    b. Biomechanical approach
    c. Physiological approach
    d. Psycho-physiological approach

This study was of the physiological approach to assess the stress imposed upon the cardio-respiratory system. The parameters of physiology were to determine the effect of carrying object or load which needs oxygen supply. Mostly the oxygen demand at work is determined by working heart rate. Heart rate is affected by heat, humidity, ,emotional and psychological stress. If there are present is significance amount the linier relationship between heart rate and oxygen consumption will be affected(Astrand and Rodhal, 1986). This study was carried out to establish which one of the three methods of material carrying i.e. on head, back, and hand is the most efficient.

2. Materials and Methods

The design of this study was treatment by subject which is a serial experiment with one day washing out. Fifteen Balinese female

workers participated and their age range was 25 – 40 years. The object (load) was carried by the subjects or Balinese female workers by three different carrying methods: on head, back, and hand at three times by one day washing out . The weight of load was 20 kgs; the subjects while carrying the load walked shuttle along a 50 meter distance in 30 minutes. The body weight and body height of the subjects were measured using medico – medic scale. The workload was measured by working heart rate using ten pulses method. The workload was measured before and after carrying the object with three methods. The blood pressure was measured by Nova mercury sphygmomanometer.

Figure 1: Three kind different carrying methods: on head, back and hand

3. Results and Discussion

The characteristic parameters of subjects were examined firstly before the experiment was done in the forms of physical examination, measurements of body weight, body height, and resting heart rate.

Table 1. Characteristics of study subjects

Parameter	N	Mean	Standard deviation	Range
Age (years)	15	33.07	3.07	25 - 40
Body weight(kgs)	15	55.30	8.28	45 - 72
Body height (cms)	15	151.70	5.99	140-163
Resting heart rate (beats/minute)	15	72.27	7.63	60 - 88
Blood pressure				
Systole (mm Hg)	15	122.67	11.67	110-150
Diastole (mmHg)	15	87.33	5.94	80 - 100
Body mass index	15	23.99	2.31	19.7-28.1

Cm = centimeter
Kg = kilograms
MmHg = millimeter hydragerum

The indicator of the subjects" workload was working heart rate, it was measured immediately after activity of carrying after 30 minutes time elapse.

Table 2. The physical workload after 30 minutes of activity

Working mode	N	Resting heart rate (beats/minutet)		Working heart rate(beats / minute)	
		Mean	Standard deviasion	Mean	Standard deviasion
Head	15	72.27	7.63	90.27*	9.29
Back	15	75.20	7.12	101.82*	14.15
Head	15	76.27	4.89	129.0 *	16.11

* = the difference was significant ($p < 0.05$)

The workload was measured using heart rate, which was based on the fact that increase in heart rate has a close relationship with oxygen consumption (Rodahl, 1989), and the heart rate was measured using ten pulses method, the results of which are shown in Table 2 and Figure 1.
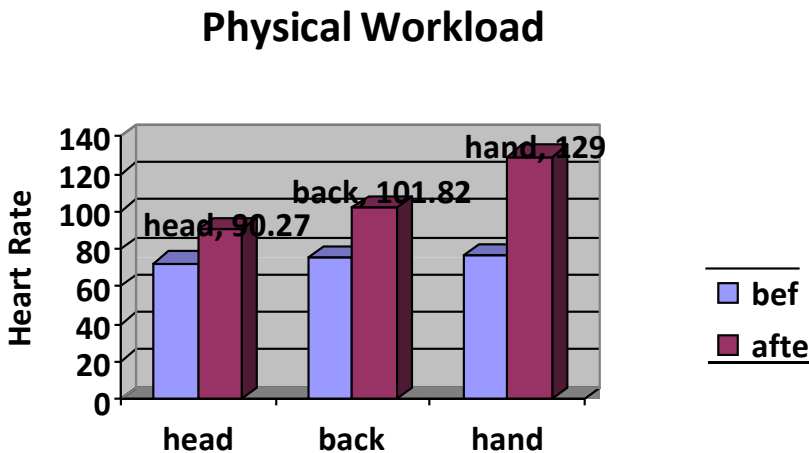
Physical Workload

Figure 1. The physical workload

The level of increase in heart rate is influenced by the level (light or heavy) of physical workload which reflects the kind of work load (Wilson and Nigel. 1990). According Table 2 it is shown that the mode of carrying load by hand caused the highest working heart rate (129.0 beats/minute), which belonged to category of heavy work load; while carrying on head belonged to the category of light workload (90.27 beats/minute) indicating it was most efficient. The increased heart rate is due to workload that is imposed upon the cardio-respiratory system. The stress on cardio-respiratory system is measured by oxygen consumption per minute during work or activity. Those categories above according Astrand and Rodahl, 2004 in Funes Abraho, et al (2014) that working heart rate (WHR) is used as a strain indicator and determines the following categories of work intensity : light (WHR < 90 bpm);

moderate (90≤WHR≤ 110bpm); heavy(110≤ WHR≤130 bpm); very heavy (130≤WHR≤ 150bpm); and extremely heavy (WHR> 150 bpm);

Table 3. Microclimate environment

Parameter	Mean a day Hand mode	Mean a day Back mode	Mean a day Hand mode
Dry temperature (°C)	28.87 ± 0.65*	29.70 ± 0.62*	28.80 ± 0.56*
Wet temperature(°C)	25.70 ± 0.61**	25.70 ± 0.61**	25.70 ± 0.59**
Humidity (%)	79.10 ± 0.60***	81.10 ± 0.58***	80.10 ± 0.61***

*, **, *** = the difference was not significant ($p > 0.05$)

The experiment was started at 07.30 until finished. The microclimate environment during experimental activity was not significantly different, as shown on Table 3. This microclimate environment can give effect to the evaporation of sweating. According to Sumak'mur (2010), Indonesian people usually can adapt to a relative humidity of 75 - 95%. It was concluded that the microclimate environment had no effect on the subjects health. It was proved that MMH activity is more efficient if the load weight < 20 kgs. The female workers who work in traditional building construction sector are suggested they carry a weight load around 16 – 20 kgs, if the weight load is more than 20 kgs it may cause back pain.

4. Conclusions and suggestions

The physical workload of Balinese female workers by the three kinds of mode of carrying load consist of light, mild and heavy

workload. The physical workload by carrying by the head mode was the light workload, while carrying object with the back mode was mild category, and carrying with the hand mode was the heavy workload.

Among the three kinds of carrying load, the head mode was the most efficient and ergonomical way. It is suggested that for all manual material handling by female workers the weight load should not exceed 40 kg, according to ILO recommendation. Training of the methods is needed as ergonomic guidelines for manual material handling.

5. Acknowledgements

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THE DOMINANT DISCOURSE AND MARGINALIZED DISCOURSE IN THE LEGEND OF DONGKANG KUNING MATINDIK MAS IN THE CUSTOMARY VILLAGE OF KESIMAN

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Abstract

This article is a critical discourse study of oral literature in the form of the legend of Dongkang Kuning Matindik Mas. This folklore evolved long ago in the desa adat (customary village) of Kesiman in Bali and became popular when it was conveyed in the performing arts particularly in topeng wali sacred mask dance. The earlier existence of the legend, as was the case in the kingdom of Kesiman, makes the story more interesting. Historical information, with some knowledge of the past which is wrapped up as a discourse in the folklore, has given birth to a positive reception of it. On the other hand, this appreciation has narrowed the space for examining other related markers of discourse within the legend such as some discourses which are hidden behind the discourse presented. An understanding of these hidden discourses can contribute to a more comprehensive definition of this legend. Drawing from critical discourse theory by Foucault, this paper analyzes the legend as a discursive structure related to the transformation of knowledge and power. This revealed the existence of a dominant discourse and a marginalized discourse. The dominant one tells about the lives of the descendants of Dang Hyang Nirartha and their ideology as it began to develop in the kingdom of Kesiman. The marginalized discourse indicates the occurrence of discrimination against Bhujanggaism and the followers of its ideology in the kingdom of Kesiman.

Keywords: critical discourse, dominant discourse, marginalized discourse

I. Introduce

The legend of Dongkang Kuning Matindik Mas is a long-established folklore in the customary village of Kesiman community. This story tells of a past event in the days of the Kesiman Kingdom. At that time there was a disaster about the appearance of a strange creature in the area of Kesiman Kingdom's ancestor worship (*mrajan*). The creature is form a *dongkang kuning* (yellow frog) and wearing gold earrings (*matindik mas*). This caused anxiety until finally the king of Kesiman asked for directions to the king of Klungkung as Maharaja of Bali at that time. Subsequently, the king of Klungkung sent a Reverend of Shiva (*Pedanda Siwa*) descendant of Dang Hyang Nirartha from the Bajing area, Klungkung, to help the King of Kesiman. In short story, the Reverend of Shiva was able to identify the strange creature is believed to be the ancestor of the king of Kesiman who condemned for embracing black magic (*Aji Pangiwa*). The Reverend also managed to purify these strange creatures and at once free the King of Kesiman from the influence of the next curse. From that time on, the king and the people of Kesiman were urged to stay away from black magic. As a tribute, the Reverend was appointed as king's advisor (*bhagawanta*) with the title of Ida Pedanda Bajing and was given a settling place now known as Griya Bajing.

Danandjaja (1985: 459-492) sees that legend is a form of folklore containing a number of historical information in the past. This is shown in the Legend of *Dongkang Kuning Matindik Mas*. The existence of the separation of the past as it happened in the time of Kesiman Kingdom, made this legend more interesting. This legend became popular when staged in the performing arts, especially in the *Topeng Wali*. It is slowly giving birth to a positive appreciation of the existence of the legend. This appreciation concerns the existence of a belief of events told in the legend as an event that really happened and seemed to be one of the links in the

history of the Village (Pakraman) Kesiman. This is reinforced by the public's longing for stories about Kesiman Village in the past. The appreciation of this legend is also manifested in a legitimacy of glorification of a number of important figures along with the mandate depicted in the story. Important figures glorified especially for King of Kesiman, King of Klungkung, and Reverend Dang Hyang Nirartha who later became known as Ida Pedanda Bajing. The mandate is important to remember and followed later is an appeal to stay away from black magic by subsequently following the virtue teachings developed by Ida Pedanda Bajing.

The appreciation of the Legend of *Dongkang Kuning Matindik Mas* related a number of historical information contained in it on the other side it narrows the space to look at other markers related to the existence of some discourse on the legend. It is intended that behind the discourse presented in the legend, there are a number of discourses hidden in it. The identity, position, and role of the *bhagawanta* in the Kesiman Kingdom are not told in the legend is one of the markers of hidden discourse in it. The understanding of the hidden discourses can provide a comprehensive meaning of this legend. Efforts to disclose the hidden discourse can be done through critical discourse analysis. In this regard, this paper attempts to use the perspective of critical discourse to describe the existence of hidden discourse on the Legend of *Dongkang Kuning Matindik Mas*. The analysis of critical discourse in this paper refers to Foucault's view to understand this legend as a discursive structure, a discourse; In which it is related to the transformation of knowledge and power. This can be observed through the existence of dominant discourses and marginalized discourse in the legend.

II. Discussion

This discussion is focused to observe the existence of hidden discourse behind the Legend of *Dongkang Kuning Matindik Mas*.

This is due to (1) the dominant discourse and (2) the marginalized discourse on the legend. Dominant discourse is a discourse that deliberately highlighted in the overall structure of the story to dominate the attention of the audience, while discourse marginalized is the discourse to be hidden from the structure of the story to limit the attention of the audience. Although its appearance is deliberately highlighted, the existence of dominant discourse is not easily understood without going through an understanding of critical discourse. This puts the dominant discourse as a discourse that is essentially also a hidden discourse. Moreover, the discourse of discourse in which it requires more sensitivity analysis and historical knowledge about the structure and dynamics of social culture to the discourse struggle that occurred in the people of Bali. The existence of these two discourses can be observed in the next description.

The Dominant Discourse In The Legend of *Dongkang Kuning Matindik Mas*

The existence of the dominant discourse in the Legend of *Dongkang Kuning Matindik Mas* can be observed in the disclosure of discourse about Dang Hyang Nirartha, as a hidden discourse, related to (1) process, (2) acceptance, and (3) the orientation of the teachings developed in the Kesiman Kingdom. This is presented through the separation of the role of one of his descendants who later titled Ida Pedanda Bajing. In this case, Ida Pedanda Bajing is an icon of the glorious figure and noble spiritual teachings developed by Dang Hyang Nirartha. So also with the presence of the Klungkung Kingdom in the legend is closely related to the journey of Dang Hyang Nirartha in Bali which originated from the Gelgel Kingdom. Dang Hyang Nirartha was crowned as *bhagawanta* (with Dang Hyang Dwijendra's title) in Gelgel Kingdom when King Dalem Waturenggong ruled. He played a major role in organizing the

spiritual social life in Bali at that time. The position of the Gelgel Kingdom as a maharaja of Bali provides a strategic space for Dang Hyang Nirartha to develop his teachings at that time until continued later by the descendants of the Klungkung Kingdom. This can be observed in the dissemination of Dang Hyang Nirartha's teachings to the Kingdom of Kesiman through one of his descendants on the mediation of King of Klungkung.

The legend of *Dongkang Kuning Matindik Mas* is a hidden discourse that dominantly presents the story related to (1) the process of influencing the teachings of Dang Hyang Nirartha to the Kesiman Kingdom. This discourse was initiated by the occurrence of a supernatural catastrophe with the appearance of a strange creature in the form of *dongkang kuning matindik mas* and can't be handled by the king. This discourse further indicates the authority the King of Klungkung as an emperor or king of Balinese royal who has always been a protector for other kings in Bali who take shelter in his subordinates. In this case, the Kingdom of Kesiman is described as a kingdom which also shelter under the Klungkung Kingdom. This discourse began to appear when the Reverend of Shiva Siwa the descendant of Dang Hyang Nirartha from Bajing-Klungkung region to the Kesiman Kingdom. This discourse was apparent after the appointment of the reverend into the *Bhagawanta* of the Kesiman Kingdom as a tribute to purify the *dongkang kuning* and to release the king and his ancestors to his descendants from the curse.

The legend of *Dongkang Kuning Matindik Mas* is a hidden discourse to legitimize (2) the acceptance of the influence of Dang Hyang Nirartha's teachings with the appointment of one of his descendants as the *Bhagawanta* of the Kesiman Kingdom. The use of the story of a supernatural catastrophe and the role of rulers contained in the discourse can also be found in similar legends such as the Legend of *Rambut Siwi* in the Gading Wani Village, Jembrana.

This phenomenon shows that the influences of Dang Hyang Nirartha's teachings tend to be mediated by rulers and attributed to a momentum around the problems in the supernatural realm. The position as spiritual advisor in the center of power provides a strategic space for the development of Dang Hyang Nirartha's teachings. In this case, the Klungkung Kingdom serves as the main supporter and protector of the highest development of Dang Hyang Nirartha teachings that have been implanted during the Gelgel Kingdom. With regard to it, then this legend also legitimates the power of the Klungkung Kingdom which always coincides with the development of Dang Hyang Nirartha teachings.

The legend of *Dongkang Kuning Matindik Mas* is a hidden discourse which shows (3) the orientation of Dang Hyang Nirartha's teachings as developed in the Kesiman Kingdom. One of the aspects emphasized in the teachings of Dang Hyang Nirartha is the prohibition to pursue black magic commonly referred to by the people of Bali as *Aji Pangiwa* or *Pangleakan*. The science is basically integrated with Balinese spirituality from the past. This can be observed from the connection of science to the existence of a number of media worship in the form of Pura Dalem with all aspects in it, such as the statue of Goddess Durga, *barong*, *rangda*, and *setra* (grave/cremation). The prohibition against attempts to pursue black magic is slowly creating a gap between people against these spiritual media. The birth of black magic of *Aji Pangiwa*, or better known as *pangleakan*, is increasingly abandoned to this day, reinforcing an indication of the acceptance of the teachings instilled by Dang Hyang Nirartha. On the one hand, historical information states that Dang Hyang Nirartha's figure is a devotee of Shiva. But on the other hand, the essence of the *pangleakan* teaching is part of Shiva's teachings. This shows that the teachings developed by Dang Hyang Nirartha are the teachings of Shiva having with different orientations to the pre-existing teachings of Shiva as inherited in

the Kesiman Kingdom.

The Marginalized Discourse In The Legend of *Dongkang Kuning Matindik Mas*

The existence of marginalized discourse in the Legend of *Dongkang Kuning Matindik Mas* can be observed on a number of markers related to (1) the true identity of "Dongkang Kuning Matindik Mas" and (2) the problem of "black magic" which is narrated therein. As a literary work, the aspects contained in the legend such as the Legend of *Dongkang Kuning Matindik Mas* are a marker that needs to be interpreted to express the content of meaning implicit in it comprehensively. The presence of the figure of *Dongkang Kuning Matindik Mas* in the legend is not solely as an animal (supernatural) as it is understood denotatively. In this context, the figure of *Dongkang Kuning Matindik Mas* is an important figure that is deliberately displayed mysteriously in the story. This is related to the game of power relations associated with the existence of the mysterious figure. By looking at some of the information in the customary village of Kesiman, the "mystery" about the figure of "Dongkang Kuning Matindik Mas" can then be traced, discovered, and explained slowly. This is related to the identity along with the role of the *Bhagawanta* of Kesiman Kingdom that escapes the story and the emergence of the discourse of black magic as a doctrine which is regarded as the cause of the unfortunate in the legend.

The legend of *Dongkang Kuning Matindik Mas* inserts a hidden discourse pertaining to (1) the mysterious figure in the metora as "Dongkang Kuning Matindik Mas". This is actually an allusion to the Bhujangga people at Griya Gede Batur Buah Gunung Ratha Kesiman. The Bhujangga are the Brahmins who became the Bhagavan of the Kesiman Kingdom at that time. The Bhujangga is famous for his spiritual prowess, especially about mystical teachings, as well as *Aji Pangiwa* or *Pangleakan* that thrives in the Kesiman Kingdom.

The birth of the nickname "Dongkang Kuning Matindik Mas" is related to the spiritual ability of the Bhujangga who is able to create unreal things become real and impossible things become possible. Metaphors in the form of barge are identified with the look of the Bhujangga who tend to be frightening and have sensitivity to the unconscious realms. Display as a golden yellow Dongkang along with the attributes of gold earrings is identical with the spiritual ability of the Bhujangga who is able to present an embodiment that tends to be beyond reason. This makes the Bhujangga very respected and respectful by the king and the people of Kesiman. Moreover, when the ability of the Bhujangga has been proven to provide protection for security, tranquility, to the welfare of Kesiman Kingdom.

The legend of *Dongkang Kuning Matindik Mas* inserted a marginalized discourse concerning the occurrence of (2) discrimination against Bhujangga and its precedents in the Kesiman Kingdom. The birth of the discourse of legend is closely related to the efforts of the descendants of Dang Hyang Nirartha to develop his teachings in the Kesiman Kingdom. The main obstacle faced is the highly respected position of the Bhujangga in the Kesiman Kingdom in relation to its spiritual abilities. Under such conditions, the descendants of Dang Hyang Nirartha used the power relations of the Klungkung Kingdom to gain space in the Kingdom of Kesiman as had their former ancestors done. When this has been obtained, the next step is to win the sympathy of the King of Kesiman to stretch his relationship slowly with the Bhujangga. In this effort, the descendants of Dang Hyang Nirartha are like building a discourse by offering a spiritual pattern of Shiva's practical worship (Shiva Sidhanta) to set aside the spiritual pattern of the mystical Shiva worship embraced by the Bhujangga. In this case, the negative discourse about *Aji Pangiwa* or *Pangleakan* is developed and also as the icon of the Bhujangga. This effort on the one hand seems to gain

sympathy from the King of Kesiman, but on the other hand, the king and Kesiman also can not abandon the pattern inherited from the Bhujangga loaded with the mystical nuance. This can be observed in the existence of the teachings and media of the Bhujangga heritage worship that is still used today even though Bhagawanta's position has turned to the descendants of Dang Hyang Nirartha. This can be observed in the Pangrebongan ritual, as the icon of the Kesiman community, which is a mystical tradition of the heritage of the former Bhujangga and is still continuing to this day. The discourse that is now inherited as the legend of *Dongkang Kuning Matindik Mas* is an effort to strengthen the power and knowledge about Dang Hyang Nirartha teachings that have begun to accept Kesiman society to erode the relics of the teachings along with the sites or cult media inherited from the Bhujangga.

III. Conclusion

A brief description of the existence of dominant discourse and marginalized discourse in the Legend of *Dongkang Kuning Matindik Mas* can be reiterated in a conclusion. The dominant discourse on the legend can be observed in the discourse of Dang Hyang Nirartha, as a hidden discourse, related to (1) process, (2) acceptance, and (3) the orientation of the teachings developed in the Kesiman Kingdom. The marginalized discourse on the legend can be observed on the marker of (1) the real identity of the mysterious figure embodied in the metaphor of *Dongkang Kuning Matindik Mas* and (2) the emergence of the "black magic" discourse on the legend.

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RITUAL BAYAR SAUT SEBAGAI BENTUK PERGULATAN IDEOLOGI KEBERAGAMAAN UMAT ISLAM DI DESA LUWUK KANAN KECAMATAN PAYAWAN KABUPATEN KATINGAN KALIMANTAN TENGAH

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Abstrak

Budaya Lokal (local wisdom) merupakan kekayaan budaya yang sangat berpengaruh pada sikap keberagamaan masyarakat di Indonesia. Salah satu terlihat dalam sikap keberagamaan umat Islam di desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah, yang masih mempraktekan ritual animisme sepert upacara bayar saut (sebuah tradisi yang dilakukan secara turun temurun oleh suku Dayak Ngaju, sebagai upaya untuk membayar janji kepada mahluk gaib yang telah membantu kehidupannya baik dalam mencari rejeki maupun dalam penyembuhan penyakit). Tradisi bayar saut ini dilakukan sesuai dengan perjanjian yang telah disampaikan kepada mahkluk gaib (Sahur Parapah/Gaduhan). Dalam pelaksanaanya dipimpin oleh seorang pisor (orang yang disucikan dalam umat Kaharingan). Hal ini menjadi sangat menarik untuk dikaji karena dalam pelaksanaanya sarat dengan pergulatan ideologi keberagamaan sehingga menimbulkan proses saling mempengaruhi, negosiasi yang terwujud dalam pola sinkretis, konflik dan pola-pola lain yang sulit untuk didefinisikan, dengan memfokuskan permasalahan pada (1) bagaimanakah bentuk pelaksanaan ritual bayar saut di desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah ? (2) bagaimanakah bentuk pergulatan ideologi keberagamaan dalam pelaksanaan upacara bayar saut di desa Luwok Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah, (3)Bagaimanakah implikasi pergulatan ideologi keberagamaan umat Islam terhadap pelaksanaan upacara "bayar saut" dan keberagamaan umat di Desa Luwok

Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah

Guna mendapatkan data yang valid tentang Fenomena pergulatan Ideologi keberagamaan yang terjadi dalam upacara bayar saut di desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah dikaji dengan menggunakan teori fenomenologi dan teori hermeneutik. Dari hasil penelitian disimpulkan bahwa bentuk ritual "bayar saut" yang dilaksanakan oleh umat Muslim di Desa luwok Kanan disesuaikan dengan janji yang telah dilakukan dengan mahkluk halus (Sahur Parapah/Gaduhan). Pergulatan dalam bentuk ritual nampak dalam perluasan penggunaan binatang korban seperti sapi. Pergulatan ini berimplikasi terhadap bentuk pelaksanaan upacara bayar saut dan sikap keberagamaan umat islam di desa luwuk kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah.

Kata Kunci: Upacara Bayar Sawut, Ideologi keberagamaan, Budaya Lokal

A. Pendahuluan

Indonesia sebagai negara kepulauan, dilatari oleh berbagai budaya yang beraneka ragam baik dalam bentuk adat istiadat, keyakinan, budaya, kesenian dan masih banyak yang lainnya. Perbedaan-perbedaan ini berimplikasi terhadap keanekaragaman budaya yang mewarnai prilaku masyarakat dalam kehidupan sehari-hari. Salah satunya nampak dalam dialektika agama dengan budaya lokal (*lokal wisdom*) yang membentuk varian-varian baru yang menjadi ciri khas keberagamaan masing-masing daerah.

Clifford Geertz (1960), meneliti tentang kehidupan keberagamaan orang Islam di jawa, dan membagi Islam ke dalam tiga varian yaitu Islam Abangan, Priyayi, dan Santri. Islam Abangan dan Priyayi adalah sebutan bagi mereka yang masih menjalankan agama yang bersumber pada Rakyat, yang diwarnai oleh animisme dan hanya di permukaanya saja yang terpadu dengan Islam. Dalam prakteknya mereka yang digolongkan Islam Abangan dan Priyayi masih mempraktekkan keyakinan kepada

Roh leluhur, mahkluk gaib dengan melakukan berbagai ritual bersaji sebagai persembahan. Sedangkan Islam Santri adalah mereka yang dianggap taat dalam menjalankan syariah Islam.

Berbeda dengan Clifford Greertz, Kontjaraningrat (1994) membagi Islam Jawa menjadi dua varian yaitu: Islam Jawa yang bersifat sinkretik dan Islam Puritan (Santri). Islam Sinkretik yaitu Islam yang dianggap kurang taat syariah karena masih mengabungkan antara unsur-unsur keyakinan pra-Hindu, Hindu, dan Islam. sedangkan Islam Puritan (Santri) adalah mereka yang lebih taat dalam menjalankan syariah namun begitu masih dipengaruhi oleh keyakinan-keyakinan animisme dan dinamisme, dan Hindu-Budha.

Sebagaimana halnya keberagamaan masyarakat Islam Jawa, keberagamaan umat Islam di Desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah juga masih dipengaruhi dan mempraktekan keyakinan-keyakinan animisme dan dinamisme seperti melaksanakan ritual bersaji. Fenomena ini nampak dalam pelaksanaan upacara *"bayar saut"* sebagai bentuk ritual bayar janji kepada mahkluk gaib (*Sahur Parapah*/*Gaduhan*) yang dianggap memiliki kekuatan supernatural dan senantiasa menjaga dan membantu mereka dari segala gangguan baik yang bersifat tidak baik dan juga membantu mereka dalam mencari rejeki.

Fenomena pelaksanaan upacara *"bayar saut"* oleh masyarakat Islam di desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah, sepintas terlihat biasa-biasa saja, namun sebenarnya kalau dilihat dengan pengamatan yang lebih mendalam disinilah terjadi pergulatan-pergulatan yang sangat serius antara ideologi Islam dengan orientasi pemujaan yang terpusat hanya kepada Allah dengan ideologi budaya lokal (*lokal wisdom*) yang masih mempraktekan animisme dan dinamisme. Pergulatan ini menimbulkan proses saling mempengaruhi, negosiasi yang terwujud dalam pola sinkretis, konplik dan pola-pola lain yang sulit untuk didefinisikan.

B. Pembahasan

1. Bentuk dan Pelaksanaan Ritual *"Bayar Saut"* yang Dilak-sanakan oleh Umat Islam di Desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah

Ritual *Bayar Saut* merupakan tradisi Suku Dayak Ngaju yang masih bertahan hingga saat ini. Ritual *Bayar Saut* adalah ritual yang dilaksanakan untuk membayar janji yang telah diucapkan kepada Roh gaib (*Sahur Parapah/gaduhan*) karena telah membantu dan memenuhi apa yang menjadi keinginan mereka. Roh gaib (*Sahur Parapah/gaduhan*) adalah manifestasi *Ranying Hatalla Langit* dalam bentuk mahkluk gaib yang memiliki kekuatan supernatural yang bertugas membantu kehidupan umat manusia. Roh ini merupakan peliharaan dalam keluarga yang diwariskan secara turun temurun.

Silo (Pisor yang biasanya memimpin upacara *bayar saut*) mengatakan bahwa tidak semua orang memiliki keberuntungan memelihara *Sahur Parapah/gaduhan*, bagi yang beruntung akan didatangi langsung oleh roh gaib ini melalui mimpi. Begitu juga dalam pewarisannya roh gaib ini memilih sendiri siapa yang ingin dia ikuti. Bagi mereka yang memelihara Roh gaib (*Sahur Parapah/ gaduhan*) disamping mendapat perlindungan secara langsung, dapat juga secara khusus meminta bantuan sesuai yang diinginkan, seperti jika ingin bepergian jauh agar dijaga dan dihidarkan dari marabahaya, agar dibantu dalam mencari rejeki, dijaga dari gangguan orang jahat atau mahkluk jahat dan masih banyak yang lainnya. Masih menurut Silo jika yang memelihara Roh gaib (*Sahur Parapah/gaduhan*) ingin meminta bantuan secara khusus, maka dia harus memanggil mahkluk gaib peliharaanya ini dengan memakai beras tawur (beras yang telah dibangkitkan jiwanya melalui mantra-mantra), Beras tawur kemudian ditaburkan dibarengi ucapan doa dengan menyampaikan maksud, tujuan kedatangan, sambil mengucapkan janji akan memberikan sesaji sebagai bentuk ucapan terima kasih jika Roh gaib *Sahur Parapah/ gaduhan* ini bersedia membantu. Jika permintaan mereka telah terkabulkan maka sesuai janji harus menyediakan sesaji sesuai

yang telah dijanjikan, jika tidak maka Roh gaib (*Sahur Parapah/ gaduhan*) bisa marah dan justru berbalik menganggunya. Tradisi bayar janji inilah dalam masyarakat Dayak Ngaju di desa Luwok Kanan Kecamatan Payawan Kabupaten Katingan disebut sebagai upacara *"bayar saut"*.

Pelaksanaan Ritual *Bayar Saut* berpedoman pada kitab suci Panaturan. Seperti yang dikatakan Kencong (dalam Tesis, 2006: 31) bahwa setiap ritual yang dilakukan oleh umat Hindu Kaharingan sampai saat ini selalu berpedoman pada konsep ajaran *Bawi ayah* dan *Raja Uju Hakanduang, Kanaruha Hanya Basakati* yang diperintahkan oleh *Ranying Hatalla Langit* untuk turun kembali mengajarkan keturunan Raja Bunu mengenai ajaran berumah tangga, bermasyarakat, dan ajaran yang menyangkut upacara dan upakara dari tingkat yang paling kecil sampai pada tingkat yang terbesar. Sebagaimana bunyi Panaturan pasal 41 ayat 2, yang bunyinya:

> *"Amun kalute ampin kakare taluh handiai, huang pambelum anak esun Raja Bunu mijen Pantai Danum Kalunen, ije jadi uras nalingau kakare ajar RANYING HATALLA, te RANYING HATALLA hamauh ayak nyahuan Raja Uju Hakanduang, Kanaruhan Hanya Basakati, uka hadurut nanturung Lewu Telu Kalabuan Tinggang, Rundung Epat Kalehulun Talawang"*

Yang artinya:

> *Memperhatikan keadaan kehidupan anak cucu Raja Bunu yang hidup di Pantai Danum Kalunen , yang telah banyak melupakan ajaran RANYING HATALLA, oleh sebab itu RANYING HATALLA berfirman dan memerintahkan Raja Uju Hakanduang Kanaruhan Hanya Basakati agar segera turun ke Lewu Telu Kalabuan Tinggang, Rundung Epat Kalehulun Talawang"*

Pasal 41 ayat 2 kitab Suci Panaturan sebagai mana di atas memberikan petunjuk kepada *Raja Uju Hakanduang, Kanaruhan Hanya Basakati*, agar segera turun ke *Danum Kalunen* (alam semesta) untuk mengajarkan kembali umat manusia (keturunan *Raja Bunu*)

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berbagai ritual kecil hingga yang besar sebagai jalan untuk mendekatkan diri dengan Ranying Hatalla Langit dan seluruh manifestasinya, dan sekaligus sebagai sarana untuk meminta bantuan jika diperlukan.

Salah satu bentuk ritual yang juga diyakini sebagai ajaran dari *Ranying Hatalla Langit* melalui *Raja Uju Hakanduang, Kanaruhan Hanya Basakati* adalah upacara /ritual *bayar saut.* Dalam pelaksanaanya ritual *"Bayar Saut"* disesuaikan dengan janji yang telah diucapkan kepada Roh gaib tersebut. Jika yang dijanjikan dengan mengorbankan babi atau sapi maka ritual ini tergolong besar, tapi jika yang dijanjikan hanya ayam maka ritual ini tergolong kecil. Dalam pelaksanaanya ritual besar menurut Silo harus mendirikan banguna kecil sebagai tempat menyimpan sesaji yang disebut bangunan *"palangka"* dan *"sapundu"* untuk tempat mengikatkan binatang korban.Seperti salah satu ritual *bayar saut* yang dilaksanakan oleh Bapa Teguh salah satu anggota masyarakat di Luwok Kanan. Bangunan *palangka* didirikan di dalam rumah sedangkan *sapundu* didirikan di luar rumah (alaman rumah) seperti nampak dalam gambar di bawah:

Gambar 1: Bentuk bangunan palangka yang didirikan di dalam rumah sebagai tempat menyimpan sesaji yang akan di bawa ke muara sungai sebagai persembahan kepada Saur parapah/ gaduhan

Gambar 2: Bangunan Sapundu yang didirikan di luar rumah untuk mengikat hewan korban

Jika upacara yang dilaksanakan kecil dengan mem-persembahkan ayam maka cukup hanya menggunakan nyiru atau nampan. Seperti nampak dalam gambar di Bawah:

Gambar 3 : Perlengkapan upacara Pakanan Sahur Parapah dalam tingkatan kecil

Upacara bayar saut dipimpin oleh seorang Pisor/Basir (orang yang disucikan oleh umat Hindu Kaharingan). Tatacara pelaksanaan

ritual bayar saut diawali dengan Menawur dengan menaburkan beras yang sudah dibangkitkan jiwanya melalui doa-doa sehingga diyakini dapat menjadi perantara untuk menyampaikan atau mengundang para Dewa Dewi, Malaikat dan Sahur Parapah agar berkenan hadir untuk menjadi saksi dalam upacara, dan juga menyampaikan latar belakang dilaksanakannya upacara *bayar saut* seperti nampak pada gambar di bawah:

Gambar 4: Pisur/ Basir sedang melaksanakan upacara tawur mengundang para dewa dewi, malaikat dan Sahur Parapah berkenan hadir untuk menjadi saksi dalam upacara.

Kemudian dilanjutkan dengan Hasaki Palas (penyucian) sarana dan prasarana upacara dengan menggunakan *"tampung tawar"* dan *"parapen"* . Untuk menghormati para dewa dewi, malaikat dan Sahur Parapah yang ikut hadir menyaksikan ritual maka semua keluarga menari " *Mengajan"* yaitu menari dengan mengelilingi sarana dan prasarana upacara menggunakan selendang/ kain panjang bagi yang perempuan seperti Gambar di bawah:

Gambar 5 : Para keluarga menari " *mengajan"* dengan menggunakan seledang mengelilingi sarana dan prasara upacara.

Kemudian sebagai puncak acara keluarga secara bergantian mempersembahkan binatang korban dengan cara menombak sapi korban hingga mengeluarkan darah dan mati. Darah keluar dan menempel di tombak oleh Pisor dioleskan ke kening keluarga yang melaksanakan ritual sebagai bentuk pembersihan diri (*hasaki Palas*) agar terhindar dari hal-hal yang bersifat tidak baik., seperti gambar di bawah:

Gambar 6: Salah satu anggota keluarga yang melaksanakan upacara sedang mempersembahkan sapi korban dengan cara di tombak.

Sedangkan darah yang terjatuh di tanah oleh masyarakat yang memiliki anak kecil dan belum menginjak tanah juga dijadikan sebagai pembersihan diri bagi si anak (*hasaki palas)* agar nantinya pada saat bisa berjalan dan mulai menginjakan kaki di tanah terhindar dari hai-hal yang tidak diinginkan. Setelah sapinya mati kemudian dibersikan dan dagingnya sebagaian untuk persembahan dan sebagaian lainnya untuk dibagi-bagikan kepada masyarakat sekitar. Daging yang akan dipersembahkan kemudian dimasukan kedalam bangunan palangka untuk kemudian di bawa ketempat kediaman mahkluk gaib itu tinggal sebagai bentuk persembahan. Seperti upacara "*bayar saut*" yang dilaksanakan oleh bapa teguh persembahan dibawa ke hulu sungai Kasongan karena sesuai petunjuk dari dukun disanalah *gaduhan* beliau tinggal.

2. Bentuk Pergulatan Ideologi Keberagamaan Umat Islam dalam Pelaksanaan Upacara "*Bayar Saut*" Di Desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah

Sebagaimana desa umumnya di Kabupaten Katingan yang hidup dalam pluralitas agama, masyarakat di Desa Luwok Kanan juga hidup dalam pluralitas agama. Ada tiga agama yang dianut oleh masyarakat di Desa Luwok Kanan, yaitu Hindu Kaharingan, Islam, dan Kristen Protestan. Masing-masing agama hampir memiliki prosentasa penganut yang sama dan hidup membaur satu dengan yang lainnya. Mereka memiliki ikatan darah persaudaraan yang dekat, bahkan hampir seluruh keluarga di Desa Luwok Kanan hidup dalam pluralitas agama tapi mereka senantiasa hidup berdapingan secara harmonis. Tetapi keharmonisan dan kerukunan yang sepintas terlihat dipermukaan, tidaklah begitu adanya karena melalui lebih mendalam teryata terjadi berbagai pergulatan terutama dalam mengaktualisasikan keberagamaanya. Salah satunya adalah pergulatan Ideologi agama Islam dalam pelaksanaan tradisi "*bayar saut*".

Perbedaan ideologi dalam agama Islam dengan tradisi *bayar saut* sebagai budaya lokal (*local wisdom*) telah menjadikan upacara

"bayar saut" sebagai orientasi pergulatan yang sangat serius antara ideologi Islam dengan orientasi pemujaan yang terpusat hanya kepada Allah dengan ideologi budaya lokal *(lokal wisdom)* yang masih mempraktekan animisme dan dinamisme. Pergulatan ini menimbulkan proses saling mempengaruhi, negosiasi yang terwujud dalam pola sinkretis, konplik dan pola-pola lain yang sulit untuk didefinisi. Diantaranya nampak dalam:

a. Pewarisan Tradisi Memelihara Mahkluk gaib (*Sahur Parapah/ Gaduhan)*

Islam sebagai agama monotheisme yang mendasarkan ideologinya pada kitab Alquran dan Hadits dalam dogmanya hanya mengakui adanya realitas tunggal *(monotheisme)* sebagai penguasa alam semesta yaitu *Allah*, dan *Muhamad* sebagai utusan *Allah*. Realitas Allah sebagai paham monotheisme tercermin dalam dua kalimat syahadat yaitu *"ašhadu 'al lā ilāha illa l-Lāh "*artinya : Saya bersaksi bahwa tiada Ilah selain Allah, dan juga dalam kalimat "*wa 'ašhadu 'anna mu'ammadar rasūlu l-Lāh"* artinya saya bersaksi bahwa *Muhammad* adalah <u>rasul</u> (utusan*) Allah*.

Ajaran Islam menurut Muti'ah (2009:16) terpusat dalam konsep tauhid, suatu konsep sentral yang berisi ajaran bahwa Tuhan adalah pusat dari segala sesuatu, dan manusia harus mengabdikan diri sepenuhnya kepada-Nya. Konsep tauhid ini mengandung implikasi dokrinal lebih jauh bahwa tujuan kehidupan manusia tak lain kecuali menyembah kepada-Nya. Dokrin bahwa hidup harus diorientasikan untuk mengabdikan kepada Allah inilah yang merupakan kunci dari seluruh ajaran Islam. Dengan kata lain, di dalam Islam, konsep mengenai kehidupan adalah konsep yang teosentris dan humanis, yaitu bahwa seluruh kehidupan berpusat kepada Tuhan, tetapi tujuannya adalah untuk kepentingan manusia sendiri.

Islam dalam ajarannya sangat melarang adanya penyekutuan Tuhan (Allah) dengan sesuatu yang lain. Penyekutuan Allah dengan sesuatu yang lainnya digolongkan sebagai perbuatan syirik dan pelakunya dikatakan sebagai musyrik.Ada banyak dalil

dalam Islam yang melarang adanya penyekutuan Allah, dalam Surat Luqman ayat 13 disebutkan bahwa:

> "Dan (ingatlah) ketika Luqman berkata kepada anaknya, di waktu ia memberi pelajaran kepadanya: "Hai anakku, jangan kamu mempersekutukan Allah, Sesungguhnya mempersekutukan (Allah) adalah benar-benar kezaliman besar". (QS. Luqman:13).

Sebagaimana bunyi Surat Luqman ayat 13 diatas, Luqman menekankan untuk dijadikan pedoman bahwa Islam sangat melarang segala perbuatan yang dianggap menyekutukan Allah dengan mahkluk ciptaanya dan perbuatan seperti itu dianggap kezaliman besar. Berbeda dengan dogma-dogma agama yang termuat dalam kitab suci Islam, fenomena keberagamaan yang ditunjukan oleh umat Islam di desa Luwuk Kanan masih tetap memegang teguh adat tradisi yang berlandaskan pada keyakinan animisme seperti memelihara *Sahur Parapah/ Gaduhan*. Hal ini dilakukan bukan karena mereka tidak memahami ajaran-ajaran dalam agama Islam, tapi lebih dikarenakan adanya rasa takut untuk meninggalkan tradisi keluarga yang telah diyakini secara turun temurun. Hal ini dikarenakan adanya keyakinan bahwa jika tradisi ini tidak dilanjutkan akan membawa kesialan dalam keluarga sebagai akibat gangguan dari mahkluk gaib tersebut. Gangguan tersebut seperti sakit yang berujung kematian, atau terkena musibah yang dapat menguras harta benda sehingga mereka jatuh miskin. Keyakinan ini juga diperkuat cerita-cerita masyarakat yang mengkaitkan antara berbagai kejadian yang menimpa tetangga di sekitar mereka dengan peristiwa penolakan mereka untuk meneruskan tradisi keluarga tersebut. Sebagaimana yang disampaikan oleh Ernawati (41 th) dan Yapin (45 th) yaitu:

> "Dulu ada di desa kami ni jua seorang Haji, juga memiliki Sahur Parapah/ gaduhan. Orangnya kaya dan orang terkaya nomor satu di kecamatan payawan sini. Tapi yaitu begitu dia meninggal ngak ada anaknya yang mau meneruskannya akhirnya satu-satu anaknya sakit, ada yang kecelakaan bahkan ada yang meninggal dan hartanya kini habis dan kehidupan mereka

saat ini sangat memprihatinkan "

Apa yang disampaikan oleh Ernawati (41 th) dan Yapin (45 th) di atas merupakan salah satu cerita yang beredar di tengah-tengah masyarakat yang diyakini kebenaranya oleh masyarakat di Desa Luwok Kanan yang membuat mereka takut untuk meninggalkan tradisi tersebut.

Cerita yang disampaikan oleh Ernawati (41 th) dan Yapin (45 th) diperkuat lagi oleh argumentasi Bapa Teguh salah satu umat Islam yang masih mempertahankan tradisi keluarga. Dalam argumentasinya Bapa Teguh megatakan bahwa dia memilih meneruskan tradisi tersebut setelah anaknya Teguh dan Istrinya hampir meninggal karena diganggu oleh Roh Gaib (*Sahur Prapah/ Gaduhan)* yang dipelihara Datuknya dulu. Dalam argumentasinya Bapa Teguh memberi beberapa alasan yang membenarkan keputusannya itu, seperti (1) Mahkluk Gaib yang diyakini sebagai *Sahur Parapah/ Gaduhan* tersebut bukanlah jin atau setan melainkan adalah Roh Halus atau teman yang tidak kelihatan yang bertujuan membantu dalam kehidupan manusia. (2). Dalam keyakinan Islam juga diajarkan tentang percaya (iman) kepada Malaikat yang dijadikan oleh Allah melalui cahayaNya (nur) salah satunya yaitu malaikat Mikail yang ditugaskan oleh Allah untuk menurunkan hujan dan membagikan rejeki, (3) Keyakinan itu merupakan tradisi Suku Dayak yang telah ada sejak dulu dan harus tetap dijaga kelestariannya.

Dari beberapa alasan yang disampaikan oleh Bapa Teguh, menunjukan bahwa bapa Teguh sebagai umat muslim Dayak berusaha memahami ajaran Islam dari sudut pandang adat kebiasaan Suku Dayak Ngaju. Sehingga Bapa Teguh memahami dan menginterpretasikan ajaran-ajaran agamanya secara lebih dinamis dan mengaktualisasikan keberagamaanya secara terpadu antara ideologi agama dengan tradisi lokal yang wajib untuk dia pertahankan.

b. Pergulatan dalam Bentuk Ritual

Ritual sebagai asfek upacara dalam agama merupakan penge-jawantahan dari ajaran-ajaran yang termuat dalam kitab suci ke dalam bentuk praktik-praktik nyata ditengah-tengah masyarakat. Dalam prakteknya masing-masing agama memiliki ritualnya mas-ing-masing sesuai petunjuk dalam kitab suci. Seperti halnya Umat muslim mendasarkan ritualnya pada kitab suci Alquran dan ha-dits. Ritual dalam islam merupakan ibadah yang dilakukan dengan jalam sholat. Elsutha (2013:45), kata *sholat* berasal dari bahasa arab yang berarti doa, sedangkan dalam hukum Islam (*syariah*) disebut-kan *sholat* adalah rangkaian ucapan dan perbuatan yang dimulai dengan takbir dan diakhir salam. Berdasarkan sifatnya umat Islam membedakan ritualnya menjadi dua yaitu (1) ritual yang sifatnya rutin, yang dilaksanakan secara berkala dan (2) ritual yang sifatnya insidental, yang dilaksanakan pada waktu tertentu saja. Ritual ru-tin adalah ibadah wajib yang dilaksanakan secara berkala.

Ritual rutin dalam ajaran Islam merupakan ritual yang wajib hukumnya harus dilakukan diataranya adalah (1) *Sholat* lima waktu yang terdiri dari *sholat shubuh* (2 *raka'at)* yang dilaksanakan sebelum matahari terbit yang dilaksanakan sebelum matahari terbit sekitar pukul 04.00 – 06.00, *sholat Zhuhur* (4 *raka'at*) dilaksanakan pada siang hari sekitar pukul 12.00 – 15.00, *sholat askar* (4 *raka'at)* dilaksanakan pada sore sebelum matahari terbenam sekitar pukul 15.00 – 18.00, *sholat magrib* (3 raka'at) dilaksanakan setelah matahari terbenam sekitar puku dan 18.00-19.00, dan *sholat isya* (4 *raka'at)* dilaksanakan pada malam hari sekitar pukul 19.00 – 04.00. selain solat lima waktu, *sholat* Jum'at yang dilaksanakan wajib setiap hari Jum'at setelah matahari tergelincir. (2) *sholat insidental* adalah *sholat* yang dilaksanakan pada hari-hari tertentu, seperti : (1) *sholat jenasah* (*sholat* sebagai ibadah jika ada umat Islam yang meninggal), (2) *sholat dhuha* yaitu *sholat* yang dikerjakan pada pagi hari sebelum *sholat* rutin dilaksanakan, (3) *sholat tahajjud* yaitu *sholat* yang dilakukan pada malam hari.

Selain mengajarkan tentang ritual yang benar dan wajib dalam Islam, juga diajarkan tentang perbuatan syirik dan dianggap

sebagai dosa yang tidak terampuni sebagaimana bunyi Surat An-Nisaa ayat 48, yaitu:

> "Sesungguhnya Allah tidak akan mengampuni dosa syirik, dan Dia mengampuni segala dosa yang selain dari (syirik) itu, bagi siapa yang dikehendaki-Nya. Barang siapa yang mempersekutukan Allah maka sungguh ia telah berbuat dosa yang besar. (QS. An-Nisaa:48)

Ada dua jenis syirik dalam ajaran Islam yaitu syirik besar dan syirik kecil. Yang tergolong sebagai syirik besar adalah memalingkan suatu bentuk ibadah kepada selain Allah, seperti berdoa kepada selain allah atau mendekatkan diri dengannya dengan penyembelihan korban atau nadzar untuk selain Allah, baik untuk kuburan, jin atau syaitan, atau mengharap sesuatu selain Allah, yang tak kuasa memberikan manfaat maupun mudharat.

Syirik besar menurut Islam itu ada empat, diantaranya: (1) Syirik Do'a yaitu di samping dia berdo'a kepada Allah Subhanahu wa ta'ala, ia juga berdoa kepada selainNya. (2) Syirik Niat, keinginan dan tujuan, yaitu ia menunjukkan suatu ibadah untuk selain Allah Subhanahu wa Ta'ala. (3) Syirik Ketaatan, yaitu mentaati kepada selain Allah dalam hal maksiat kepada Allah. (4) Syirik Mahabbah (kecintaan) yaitu menyamakan Allah dengan yang lainnya dalam hal kecintaan. Sedangkan sirik kecil ada dua, yaitu: (1) Syirik Zhahir (nyata), yaitu syirik kecil dalam bentuk ucapan dan perbuatan. Dalam bentuk ucapan misalnya, bersumpah dengan nama selain Allah. (2) syirik khafi (tersembunyi), yaitu syirik dalam keinginan dan niat, seperti "riya" (ingin dipuji orang dan *sum'ah* (ingin didengar orang) dan lainnya.

Berbeda dengan petunjuk yang ada dalam kitab suci Alquran dan hadits, umat Islam di Desa Luwuk Kanan Kecamatan Payawan memperlihatkan fenomena keberagamaan yang lain yaitu masih tetap melaksanakan ritual bersaji '*Bayar Saut*" yang mengarah kepada keyakinan animisme dan dinamisme, karena dalam ritual *bayar saut* yang dilaksanakan oleh umat Islam di Desa Luwuk sama sekali tidak terdapat ritual sholat atau pembacaan doa-doa

Islam. bahkan sepanjang pelaksanaan dipimpin oleh Pisor (orang yang disucikan dalam agama Hindu Kaharingan). Namun ada hal menarik sebenarnya terjadi dalam ritual *Bayar Saut* sebagai bentuk negosiasi antara ideologi Islam dengan budaya setempat, yaitu dipakainya sapi sebagai penganti babi oleh umat Islam dalam persembahan ritual *bayar saut*, walaupun menurut Medi salah satu mahasiswa Sekolah Tinggi Agama Hindu (STAHN-TP) dalam mantra tawur sebenarnya tidak ada tawur untuk sapi yang ada hanya untuk ayam dan babi (wawancara tgl. 20 Mei 2017).

Disamping negosiasi dalam hal hewan korban, negosiasi juga terjadi dalam bentuk simbol-simbol keagamaan seperti pakaian. Pakaian wajib yang harus dipakai pada saat sholat sebagai bentuk ritual dalam Islam seperti sejadah, jilbab untuk perempuan diting-galkan dengan menggunakan pakaian adat Suku Dayak Ngaju.

3. Implikasi Pergulatan Ideologi Keberagamaan Umat Islam Terhadap Pelaksanaan Upacara "Bayar Saut" Di Desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah

Dialektika Ideologi agama Islam dalam ritual *"bayar saut"* sebagai tradisi masyarakat Dayak Ngaju di Desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah, secara tidak langsung berimplikasi terhadap:

1. Ritual *bayar saut*

Dijadikanya ritual *bayar saut* sebagai orientasi pergulatan dalam keberagamaan umat Islam di Desa Luwuk Kanan mendorong terjadinya berbagai negosiasi telah memunculkan adanya pergeseran dalam pemahamanya, seperti:

a. Terjadinya pergeseran orientasi tujuan ritual. ritual *bayar saut* yang dulunya dilakukan oleh Suku Dayak Ngaju adalah ritual bersaji yang bertujuan untuk membayar janji kepada roh gaib yang diyakini sebagai manifestasi Ranying Hatalla langit yang ditugaskan untuk menjaga dan membantu kehidupan manusia. Oleh umat islam dipahami sebagai ritual pemujaan yang ditujukan kepada malaikat Mikail yang diberi tugas oleh Allah

untuk menurunkan hujan dan membagikan rezeki.

b. Terjadinya perluasan dalam penggunaan hewan korban, yang dulunya hanya menggunakan ayam atau babi, oleh umat muslim babi diganti dengan sapi.

2. Keberagamaan Umat Islam

Implikasi pergulatan ideologi keberagamaan Islam terhadap ritual *bayar saut* sebagai salah satu tradisi lokal Suku Dayak Ngaju di Desa Luwok Kanan nampak dalam:

a. Sifat keberagamaan yang cendrung mengarah kepada paham keberagamaan yang Pluralisme, yaitu sikap keberagamaan yang ideal karena mengklaim kebenaran dan keselamatan dimiliki oleh semua agama dan hanya berbeda dalam memahaminya. Sikap keberagamaan ini teraktualisasikan dalam prilaku keseharian yang cendrung toleran, terbuka.

b. Praktek keberagamaan yang masih melaksanakan ritual-ritual yang berbau animisme dan dinamisme, seperti pemujaan terhadap roh halus, dan roh leluhur.

4. Kesimpulan

Ritual *Bayar Saut* adalah ritual yang dilaksanakan untuk membayar janji yang telah diucapkan kepada Roh gaib (*Sahur Parapah/ gaduhan*) karena telah membantu dan memenuhi apa yang menjadi keinginan mereka. Roh gaib (*Sahur Parapah/gaduhan*) adalah manifestasi *Ranying Hatalla Langit* dalam bentuk mahkluk gaib yang memiliki kekuatan supernatural yang bertugas membantu kehidupan umat manusia. Bentuk pelaksanaan Ritual *"bayar saut"* dimulai dengan menggundang Dewa-Dewi, Malaikat, dan Sahur Parapah untuk hadir menyaksikan upacara, Pembersihan Sarana prasarana upacara (*hasaki palas*), menari bersama (*mangajan*), mempersembahkan hewan korban dengan cara ditombak, mengantar sesaji untuk persembahan.

Pergulatan ideologi keberagamaan Islam dalam Ritual *bayar saut* nampak dalam penggunaan sapi sebagai penganti babi sebagai hewan persembahan, dan tidak digunakannya simbol-

simbol dalam agama Islam selama perayaan berlangsung seperti penggunaan sajadah dan jilbab bagi perempuan dalam Islam

Implikasi pergulatan Ideologi agama Islam terhadap tradisi ritual *bayar saut* berpengaruh terhadap bentuk pelaksanaan ritual yang mengalami pergeseran sebagai bentuk negosiasi antara Ideologi Islam dengan tradisi lokal. Sikap keberagamaan umat islam yang cendrung menunjukan paham keberagamaan pluralisme.

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PERAN PEMBERDAYAAN KESEJAHTERAAN KELUARGA (PKK) DALAM PEMERINTAHAN DESA

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Abstrak

Peran pemberdayaan kesejahteraan keluarga (PKK) dalam pemerintahan desa mempunyai tujuan untuk mengetahui seberapa jauh peran PKK dalam pemerintahan desa. Banyak anggota PKK yang tidak memahami akan makna PKK. Ketidakpahaman atau pahaman tersebut akan memberikan kelemahan sumber daya manusianya tersebut.

Dalam Undang - undang Nomor 6 Tahun 2014 tentang Desa, ada tiga hal penting yang tercantum dalam pasal - pasal undang-undang tersebut, yakni, tentang pentingnya partisipasi warga untuk terlibat dalam tata kelola desa, musyawarah desa sebagai ruang partisipasi warga dan alokasi dana desa dari pemerintah pusat untuk pemerintah desa. Terbuka peluang untuk setiap warga baik laki dan perempuan untuk berpartisipasi dalam desa. Tetapi dalam praktiknya PKK masih mengalami hambatan dalam berpartisipasi dalam masyarakat. Hambatan yang biasa mereka alami antara lain tradisi, sikap dan prasangka yang menolak partisipasi perempuan dalam kegiatan ekonomi, sosial dan politik, hambatan legal dan sebagainya.

Kata kunci: Perempuan, PKK, Pemerintahan Desa

Pendahuluan

Dalam memasuki era globalisasi belakangan ini, tantangan dan persaingan untuk maju dalam segala bidang sangat ketat, maka dibutuhkan peran aktif yang tulus dari segenap lapisan masyarakat untuk menambuhkembangkan pembangunan yang merata dan berkualitas, sikap dan prilaku kemandirian pribadi, keluarga dan

masyarakat, agar tidak keliru dalam menerima globalisasi,adapun tantangan yang dihadapi seperti: perkembangan sumber daya manusia, pergeseran tata nilai, pemanfaatan sumber daya alam, ilmu pengetahuan dan teknologi,pemanfaatan arus informasi, percepatan laju pertumbuhan penduduk yang semakin padat; tidak seimbangnya laju pertumbuhan penduduk dengan laju perkembangan ekonomi, tidak terserapnya usia muda angkatan kerja dan meningkatnya prosentase usia lanjut.

Sejarah membuktikan bahwa peran perempuan dalam proses menuju kemerdekaan bukanlah proses yang bisa diremehkan. Bangkitnya tokoh-tokoh perempuan dan juga Kongres Perempuan Indonesia I di Yogyakarta telah membuktikan bahwa perempuan Indonesia bukan hanya menjadi warga negara nomor dua, tetapi merupakan elemen bangsa yang menjadi memberi potret kedewasaan sebuah negara berdaulat. Untuk itu perlu adanya upaya-upaya ketahanan keluarga dan perwujudan keluarga sejahtera. Pemberdayaan Kesejahteraan Keluarga atau disingkat PKK merupakan wadah bagi perempuan – perempuan untuk berinteraksi dengan anggotan yang lain.

Pemerintah pusat mendorong adanya otonomi desa dalam rangka percepatan pembangunan dan kesejateraan masyarakat yang ada di desa melalui Undang-undang No 6 Tahun 2014 tentang desa. Dalam rangka mewujudkan tujuan pembangunan nasional, pemerintah memberikan perhatian yang sebesar-besarnya pada pembangunan di pedesaan. Perhatian yang besar terhadap pedesaan itu didasarkan pada kenyataan bahwa desa merupakan tempat berdiamnya sebagian besar rakyat Indonesia. Kedudukan desa dan masyarakat desa merupakan dasar landasan kehidupan bangsa dan Negara Indonesia.

Dalam penyelenggaraan pembangunan desa diperlukan pengorganisasian yang mampu menggerakkan masyarakat untuk mampu berpartisipasi dalam melaksanakan pembangunan desa serta melaksanakan administrasi pembangunan desa. Dengan demikian diharapkan pembangunan dan pelaksanaan administrasi desa akan berjalan lebih rasional, tidak hanya didasarkan pada

tuntutan emosional yang sukar dipertanggungjawabakan.

Pemberdayaan kesejahteraan keluarga (PKK) adalah merupakan salah satu lembaga kemasyarakatan yang dibentuk oleh Badan Permusyawaratan Desa (BPD) yang memang salah satu tugas Badan Permusyawaratan Desa (BPD) adalah menggali, menampung, menghimpun, merumuskan dan menyalurkan aspirasi masyarakat. Dalam Undang - undang Nomor 6 Tahun 2014 tentang Desa, ada tiga hal penting yang tercantum dalam pasal - pasal undang-undang tersebut, yakni, tentang pentingnya partisipasi warga untuk terlibat dalam tata kelola desa, musyawarah desa sebagai ruang partisipasi warga dan alokasi dana desa dari pemerintah pusat untuk pemerintah desa. Terbuka peluang untuk setiap warga baik laki dan perempuan untuk berpartisipasi dalam desa. Tetapi dalam praktiknya PKK masih mengalami hambatan dalam berpartisipasi dalam masyarakat. Hambatan yang biasa mereka alami antara lain tradisi, sikap dan prasangka yang menolak partisipasi perempuan dalam kegiatan ekonomi, sosial dan politik, hambatan legal dan sebagainya.

PENGERTIAN

Gerakan Pemberdayaan dan Kesejahteraan Keluarga selanjutnya disingkat PKK, adalah gerakan pembangunan nasional dalam pembangunan masyarakat yang tumbuh dari bawah yang pengeloloannya dari, oleh dan untuk masyarakat menuju masyarakat yang beriman dan bertaqwa kepada Tuhan Yang Maha Esa, berahlak mulia dan berbudi luhur, sehat sejahtera, maju dan mandiri, kesetaraan dan keadilan gender serta kesadaran hukum dan lingkungan. Pemberdayaan Keluarga, adalah segala upaya bimbingan dan pembinaan agar keluarga dapat hidup sehat sejahtera, maju dan mandiri. Kesejahteraan Keluarga, adalah kondisi tentang terpenuhinya kebutuhan dasar manusia dari setiap anggota keluarga secara material, sosial, mental dan spiritual sehingga dapat hidup layak sebagai manusia yang bermafaat.

Keluarga, adalah unit terkecil dalam masyarakat yang terdiri atas suami isteri dan anaknya atau ayah dan anaknya atau ibu

dan anaknya. Keluarga Sejahtera, adalah keluarga yang dibentuk berdasarkan perkawinan yang sah, mampu memenuhi kebutuhan hidup spiritual dan material yang layak, bertakwa kepada Tuhan Yang Maha Esa, memiliki hubungan yang serasi, selaras dan seimbang antar anggota, antar keluarga dan masyarakat serta lingkungannya. Tim Pengerak Pemberdayaan dan Kesejahteraan Keluarga (TP.PKK), adalah mitra kerja pemerintah dan organisasi kemasyarakatan, yang berfungsi sebagai fasilisator, perencana, pelaksana, pengendali dan penggerak pada masing-masing jenjang untuk terlaksananya program PKK. Anggota Tim Penggerak PKK, adalah warga masyarakat baik laki-laki maupun perempuan, perorangan, bersifat sukarela tidak mewakili organisasi, golongan partai politik, lembaga atau instansi, dan berfungsi sebagai perencana, pelaksana, pengendali gerakan PKK. Kelompok PKK, adalah Kelompok-kelompok yang berada dibawah tim penggerak PKK Desa/Kelurahan, yang dapat dibentuk berdasarkan kewilayahan atau kegiatan.

Kelompok Dasawisma, adalah kelompok yang terdiri atas 10-20 kepala Keluarga (dapat disesuaikan dengan situasi dan kondisi setempat), diketuai oleh seorang yang dipilih antara mereka, merupakan kelompok yang potensial terdepan dalam pelaksanaan kegiatan Pemberdayaan dan Kesejahteraan Keluarga (PKK). Kader Umum, adalah mereka yang telah di latih atau belum di latih tetapi memahami, serta melaksanakan program pokok Pemberdayaan dan Kesejahteraan Keluarga (PKK), yang mau dan mampu memberikan penyuluhan dan menggerakan masyarakat untuk melaksanakan kegiatan yang diperlukan.

PERAN PKK

Pemberdayaan dan Kesejahteraan Keluarga (PKK) mempunyai peran yang sangat vital. Pelaksanaan kegiatan 10 (sepuluh) program pokok Pemberdayaan dan Kesejahteraan Keluarga (PKK) yang telah dilakukan selama ini memiliki makna yang sangat dalam. Makna 10 (sepuluh) program pokok Pemberdayaan dan Kesejahteraan Keluarga (PKK) dilaksanakan dalam kehidupan

sehari-hari, diantaranya:

1. Penghayatan dan Pengamalan Pancasila;

   Dengan penghayatan dan pengamalan Pancasila dimaksudkan agar dapat diwujudkan keluaraga Pancasila yang berakhlak, besikap dan memiliki tingkah laku berdasarkan Pancasila. Memiliki kesadaran dan pengamalan terhadap kehidupan beragama dan keprcayaan kepada Tuhan Yang Maha Esa, mengembangkan sikap hormat menghormati sesama manusia, mengutamakan kepentingan nasional di atas kepentingan pribadi, mengembangkan sikap perbuatan dan suasana kegotongroyongan dan kekeluargaan, kesetiaan kepada negara dan bangsa seta kewajiban mentaatti peraturan dan hukum yang berlaku. Di kegiatan ini merupakan kegiatan menanamkan idiologi masyarakat tentang berbangsa dan bernegara, sebagai warga negara wajib mengenal dasar dan falsafah negara Indonesia, harus dapat menghayati dan diamalkan.

2. Gotong Royong;

   Bertujuan untuk mengembangkan perbuatan yang luhur, yang mencerminkan sikap dan suasana kekeluargaan dan kegotongroyongan sesuai dengan perkembangan teknologi yang belaku.

3. Pangan;

   Dimaksudkan untuk menanamkan kesadaran betapa pentingnya makanan sehari-hari untuk pertumbuhan dan kesehatan jasmani/rohaniah dalam membentuk keluarga yang sehat, cerdas dan kuat. Pentingnya makanan sehari-hari yang sehat, murah, dan bergizi serta pengolahan makanan yang sesuai dengan kegunaannya. Halaman rumah yang kosong perlu dimanfaatkan untuk ikut meningkatkan produksi pangan.

4. Sandang;

   Bertujuan untuk memberikan pengertian fungsi dan cara berpakaian sesuai dengan kepribadian, usia dan situasi. Karena sandang merupakan kelengkapan hidup manusia, maka perlu selalu diusahakan adanya sandang dalam jumlah yang cukup, terpelihara dan sehat. Di samping itu perlu

ditanamkan pengetahuan tentang membuat pakaian, memilih bahan dan pola yang sesuai dengan kemampuan keluarga dan keadaan setempat.

5. Perumahan dan Tatalaksana Rumah Tangga

   Perumahan berfungsi sebgai tempat berteduh berlindung serta dapat memberikan rasa hidup tenteram, aman dan bahagia. Oleh karenanya harus selalu diusahakan perumahan yang memenuhi kesehatan, teratur lingkungan dan tata laksananya untuk meningkatkan mutu hidup. Dalam hubungan ini perlu ditanamkan pengertian tentang perbaikan perumahan sesuai dengan pola rumah sehat, murah serta mengatur dan merawat rumah dan halaman sebaik-baiknya.

6. Pendidikan dan Ketrampilan

   Dalam pendidikan sangat erat kaitannya dengan pembentukan manusia seutuhnya berdasarkan Pancasila dan meliputi pendidikan dalam lingkungan keluarga seperti pengertian tentang arti anak bagi keluarga, kewajiban orang tua terhadap anak, cara mendidik anak, merawat membimbing anak, pendidikan budi pekerti, agama dan persiapan anak-anak untuk mendapatkan pendidikan dasar, kejujuran atau ketrampilan maupun pendidikan non formal dan pendidikan seumur hidup. Selaian itu dimaksudkan untuk mempersiapkan generasi penerus dengan sebaik-baiknya agar mereka itu dapat melaksanakan tugasnya di masa yang akan datang

7. Kesehatan;

   Kesehatan adalah syarat mutlak untuk kebahagiaan hidup karena itu perlu dihayati apa sehat itu bagaiman cara memelihara kesehatan ini, baik pribadi maupun keluarga, kepada kesehatan lingkungan.

8. Pengembangan Hidup berkoperasi;

   Koperasi merupakan dasar dari pada demokrasi ekonomi, yang dikerjakan dari. oleh dan untuk masyarakat. Karenanya kesadaran kehidupan berkoperasi perlu dikembangkan di kalangan keluarga. Disamping itu perlu dipupuk dan dikembangkan kesempatan berusaha baik secara pribadi,

keluarga maupun masyarakat, agar melalui usaha bersama berkembang pula kesempatan kerja diberbagai lapangan baik produksi maupun jasa.

9. Kelestarian Lingkungan Hidup; dan

Bertujuan agar di lingkungan keluarga dan lingkungan sekitarnya terdapat keserasian, sehingga terdapat adanya perasaan tenang, tenteram, hidup rukun dan damai dalam lingkungan keluarga maupun tetangga termasuk juga dengan kelestarian alam sekitarnya.

10. Perencanaan Sehat.

Perencanaansehatbagikeluargameliputiurusankeseimbangan pendapatan dan belanja rumah tangga, pengaturan waktu, pembagian tugas antar keluarga sesuai dengan kemampuan masing-masing agar dengan koordinasi dirinya dan keluarga memungkinkan masing-masing anggota keluarga berperan secara optimal baik dalam kegiatan-kegiatan masyarakat maupun pembangunan.

Pemerintahan Desa

Berdasarkan Undang-undang Nomor 6 Tahun 2014 Tentang Desa pasal 1 menyebutkan Pemerintahan desa adalah penyelenggaraan urusan pemerintahan dan kepentingan masyarakat setempat dalam system pemerintahan Negara Kesatuan Republik Indonesia. Pemerintah Desa adalah Kepala Desa atau yang disebut dengan nama lain dibantu perangkat desa sebagai unsur penyelenggara Pemerintahan Desa.

Penyelenggaraan desa mengacu kepada Bab V pasal 24 Un-dang-undang Nomor 6 Tahun 2014 yang menyatakan bahwa pe-nyelenggaraan pemerintahan desa berdasrkan atas asas anatra lain: kepastian hukum, tertib penyelenggaraan pemerintahan, tertib ke-pentingan umum, keterbukaan, proporsionalitas, profesionalitas, akuntabilitas, efisiensi dan efektivitas, kearifan local, keberagaman dan partisipatif.

Dasar kewenangan desa berdasarkan Undang-undang No 6 tahun 2014 tentang Desa dan Permendes 1 Tahun 2015 tentang

Kewenangan Desa, antara lain:

1. Kewenangan berdasarkan hak asal asul
2. Kewenangan lokal berskala desa
3. Kewenangan yang ditugaskan oleh pemerintah, pemerintah provinsi, pemerintah kabupaten/kotamadya
4. Kewenangan lain yang diberikan pemerintah pemerintah propinsi, pemerintah kabupaten/kotamadya.

Dalam kewenangan desa berdasarkan skala desa dapat berupa penyelenggaraan desa yang salah satunya adalah penyelenggaraan musyawarah desa dan penyusunan perencanaan desa, sedangkan dalam pelaksanaan pembangunan desa wewenang desa berupa jalan pemukiman, jalan desa, air bersih, sanitasi lingkungan, sarana dan prasarana kesehatan, pasar desa, penghijauan dan sebagainya yang disesuaikan dengan kondisi desa. Dalam pembinaan kemasyarakatan yang bisa dilakukan antara lain pembinaan lembaga kemasyarakatan, pembinaan kesenian dan sosial budaya masyarakat dan sebagainya yang disesuaikan dengan kondisi desa masing-masing.

Wewenang desa dalam pemberdayaan masyarakat apat berbentuk pelatihan usaha ekonomi, pertanian, perikanan, peternakan, perkebunan, perindustrian dan perdagangan, pelatihan tepat guna. Peningkatan kapasitas masyarakat dapat ditujukan kepada kelompok perempuan, kelompok pemuda/pemudi, dan juga bisa kepada kelompok masyarakat miskin dan disesuaikan

Teori Peranan

Teori Peran *(Role Theory)* adalah teori yang merupakan perpaduan berbagai teori, orientasi, maupun disiplin ilmu. Istilah "peran" diambil dari dunia teater. Dalam teater, seseorang actor harus bemain sebagai seorang tokoh tertentu dan dalam posisinya sebagai tokoh itu ia diharapkan untuk berperilaku secara tertentu. Selain itu, peranan atau *role* (Bruce J. Cohen) juga memiliki beberapa bagian, yaitu:

1. Peranan nyata *(Anacted Role)* adalah suatu cara yang betul-betul dijalankan seseorang dalam menjalankan suatu pernan
2. Peranan yang dianjurkan *(Prescribed Role)* adalah cara yang diharapkan masyarakat dari kita dalam menjalakan peranan tertentu.
3. Konflik peranan *(Role Conflict)* adalah suatu kondisi yang dialami seseorang yang menduduki suatu status atau lebih yang menuntut harapan dan tujuan peranan yang saling bertentangan satu sama lain.
4. Kesenjangan peranan *(Role Distance)* adalah pelaksanaan peranan secara emosional.
5. Kegagalan peran *(Role Failure)* adalah kegagalan seseorang dalam menjalankan peranan tertentu.
6. Model peranan *(Role Model)* adalah seseorang yang tingkah lakunya kita contoh, tiru, diikuti
7. Rangkaian atau lingkup peranan *(Role set)* adalah hubungan seseorang dengan individu lainnya pada saat dia sedang menjalankan perannya.
8. Ketegangan peranan *(Role Strain)* adalah kondisi yang timbul bila seseorang mengalami kesulitan dalam memenuhi ketidakserasian yang bertentangan satu sama lain.

Peranan *(role)* merupakan proses dinamis kedudukan (status). Apabila seseorang melaksanakan hak dan kewajibannya sesuai dengan kedudukannya, dia menjalankan suatu peranan. Perbedaan antara kedudukan dan peranan adalah kepentingan ilmu pengetahuan. Keduanya tidak dapat dipisah-pisahkan karena yang satu tergantung pada yang lainnya dan sebaliknya.

Levinson mengatakan peranan mencakup tiga hal, antara lain:

1. Peranan meliputi norma-norma yang dihubungkan dengan posisi atau tempat seseorang dalam masyarakat. Peranan dalam arti ini merupakan rangkaian peraturan-peraturan yang membimbing seseorang dalam kehidupan bermasyarakat.
2. Peranan merupakan suatu konsep tentang apa yang dapat dilakukan oleh individu dalam masyarakat sebagai

organisasi.

3. Peranan juga dapat dikatakan sebagai perilaku induvidu yang penting bagi struktur sosial masyarakat.

Wirutomo dalam David Berry menyatakan bahwa peranan yang berhubungan dengan pekerjaan , seseorang diharapkan menjalankan kewajiban-kewajibannya yang berhubungan dengan peranan yang dipegangnya. Peranan didefinisikan sebagai seperangkat harapan-harapan yang dikenakan kepda individu yang menempati kedudukan social tertentu. Peranan ditentukan oleh norma-norma dalam masyarakat, maksudnya kita diwajibkan untuk melakukan hal-hal yang diharapkan masyarakat di dalam pekerjaan kita, di dalam keluarga, dan di dalam peranan-peranan yang lainnya.

Peran Pemberdayaan Kesejahteraan Keluarga (PKK) dengan Pemerintahan Desa

Peranan terdapat dua macam harapan, yaitu pertama, harapan-harapan dari masyarakat terhadap pemegang peran atau kewajiban-kewajiban dari pemegang peran, dan kedua harapan-harapan yang dimiliki oleh pemegang peran terhadap masyarakat atau terhadap orang-orang yang berhubungan dengannya dalam menjalankan peranannya atau kewajiban-kewajibannya. Dalam pandangan David Berry, peranan-peranan dapat dilihat sebagai bagian dari struktur masyarakat sehingga struktur masyarakat dapat dilihat sebagai pola-pola peranan yang saling berhubungan.

Peran pemberdayaan kesejahteraan keluarga (PKK) di pemerintahan desa sangatlah strategis untuk kemajuan pembangunan dan bidang pemberdayaan. Bagaimanapun juga para perempuan di desa memegang peran penting. Kelompok pemberdayaan kesejahteraan keluarga (PKK) di pemerintahan desa tidak bisa dianggap ringan, seperti diketahui bahwa komposisi antara laki-laki dengan perempuan, posisi perempuan jauh lebih banyak dibandingkan dengan laki-laki. Sehingga mereka tidak bisa meninggalkan wanita begitu saja.

Peranan merupakan aspek dinamis berupa tindakan atau perilaku yang dilaksanakan oleh orang atau badan atau lembaga yang menempati atau mengaku suatu posisi dalam system social. Berdasarkan sepuluh (10) peran pemberdayaan kesejahteraan keluarga (PKK), program-program yang digerakkan oleh para wanita dalam rangka membinaan, membentuk serta membangun keluarga yang sejahtera. Keluarga adalah unit paling lecil dalam sebuah masyarakat, namun dampaknya bagi pembangunan sangatlah besar. Ketika sebuah keluarga sejahtera, maka masyarakat akan lebih baik sehingga dapat menunjang kemajuan ekonomi serta pembangunan pada desa dan merupakan kewajiban dan wewenang kepala desa. Jadi, ketika keluarga telah harmonis maka kesejateraan masyarakat serta kemajuan akan dapat dirasakan. Pada hal pertama tentang penghayatan dan pengamalan pancasila, masyarakat diajarkan untuk mementingkan kepentingan masyarakat secara menyeluruh dibandingkan dengan kepe.tingan pribadi. Dalam hal pangan pemberdayaan kesejahteraan keluarga (PKK) menggalakkan berupa penyuluhan supaya masyarakat memelihara unggas atau ikan pada perkarangan rumah mereka. Hal ini tidak hanya berguna untuk mengkonsumsi pribadi melainkan juga dapat digunakan untuk menambah pemdapatan keluarga dengan cara menjualnya. PKK juga dapat meminta bantuan dinas pertanian untuk memberikan pelatihan atau sosialisasi tentang tanaman yang diperlukan dalam memenuhi kebutuhan sehari-hari.

Peran pemberdayaan kesejahteraan keluarga (PKK) tidak hanya semata-mata mengurusi keluarga, tetapi mereka mempunyai kemampuan yang bisa diandalkan dalam mempengaruhi kebijakan pengambilan keputusan. Pemerintah desa harus melibatkan seluruh elemen masyarakat, termasuk kelompok perempuan. Aktifnya kelompok pemberdayaan kesejahteraan keluarga (PKK) dalam perencanaan pembangunan desa (musrenbangdes).

Pemberdayaan kesejahteraan keluarga (PKK) dapat berperan dalam membina remaja putera dan putri, lansia dan kaumnya (wanita). Pembinaan tidak hanya di bidang keagamaan, soaial tapi juga peningkatan keahlian untuk diri sendiri, membuat suatu

kegiatan yang dapat menambah keahlian.

Kesimpulan

Peran pemberdayaan kesejahteraan keluarga (PKK) dalam pemerintahan desa sangatlah penting karena pemberdayaan kesejahteran keluarga sejalan dengan tujuan pembangunan nasional. Pemberdayaan merupakan salah satu dari lembaga desa, di mana semua lembaga desa yang ada saling kait mengait membentuk system atau jaringan yang digunakan untuk membangun desa. Tidak bisa lembaga desa tersebut berjalan sendiri. Walaupun pemberdayaan kesejahteraan keluarga (PKK) kurang diperhitungkan atau diremehkan dalam pemerintahan desa tetapi dengan adanya aturan yang mengatur keterwakilan perempuan dan program-program yang dicanangkan yang dimulai dari pusat lalu diteruskan kebawah ke propinsi, kabupaten atau kotamadya lalu selanjutnya ke kecamatan dan terakhir desa. Program-program tersebut di implementasikan dalam masyarakat. Peran pemberdayaan kesejahteraan keluarga (PKK) ikut berpartisipsi dalam musyawarah desa, pelatihan pendidikan maupun ketrampilan.

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URGENSI AKTA NOTARIS DAN IMPLIKASINYA TERHADAP LINGKUNGAN DI PROVINSI BALI

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URGENCY NOTARY AND ITS IMPLICATIONS FOR THE ENVIRONMENT IN THE PROVINCE OF BALI

Abstract

Notary is a legal profession, thus the notary profession is a noble profession (nobile officium), given the notary profession is closely related to human life. Every deed made by or in the presence of a notary can be a legitimate reason to transfer a right to object or can cause a person's rights and obligations. Errors on the notarial deed can cause the loss of a person's right or burdened someone on a particular obligation. Given the urgency of the work of a Notary in the making of a deed, the global era with more rapid activity across borders then Indonesia as the island countries are very concerned about the environment associated with human life on earth, it is deemed necessary notarial deed in Bali Province environmental sustainability, besides deed also able create justice, ensure legal certainty and create apeaceful public life in Indonesia, especially in Bali. Problems : 1)How the urgency of a notarial deed in Bali?. 2) How the implication of a notarial deed for the environment in the Province of Bali?

This research is an empirical legal research approach: empirical sociology, approach to the concept, and historical approach. Through this research can be found urgency notary and implications for the environment in the Province of Bali. Given the deed as an evidence perfectly capable of creating legalcertainty and justice and peace for people in the main Indonesian Province of Bali.

Keyworld: Urgency; Notarial Deed; Environment; Province Bali.

I. PENDAHULUAN

Latar Belakang Masalah

Notary is a legal profession, thus the notary profession is a noble profession (nobile officium), considering the notary profession is very closely related to humanity.[1] Any deed made by or in the presence of a notary may be a legal reason for transferring an item or may result in the rights or duties of a person. Errors of notary deed may result in the loss of a person's rights or a person's burden of a particular obligation. Thus, the task of a notary is very heavy, such as making / designing / concocting a legal event that occurs in an authentic deed to suit the will of the community based on legal provisions in the future and do not cause disputes in the future.[2] So it looks so central to the position of a notary in public life, therefore a notary must be a professional.

Noting, the urgency of the work of a notary in the making of a deed, in the global era with the rapid increase of cross-border activities of the State, Indonesia as an archipelago[3] country that is very concerned about the environment associated with human life on earth, it is deemed necessary notary deeds in Indonesia made environmentally or In other words pay attention to environmental sustainability so that the deed made notary can maintain the environment sustainably, besides also able to create justice, guarantee legal certainty and make peaceful life of wide society in Indonesia, especially people in Bali Province.

Problems of The Study

Based on the description in the background above, we can make the following problem formulation:

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1 Abdul Ghofur Anshori, 2009, Lembaga Kenotariatan Indonesia : Perspektif Hukum dan Etika, Penerbit UII Press, Yogyakarta, h. 25

2 Quoted fromi Alit Puspadma., I Nyoman, 2016, Akta Notaris Dan Magang Bagi Calon Notaris, Kertas Kerja in Workshop of Notary Master Program of Post Graduate Program of warmadewa University, dated 12 – 13 July 2016 at Hotel Puri Ayu, Jl. P.B. Sudirman, Denpasar, h. 1

3 Sudini.,Luh Putu., 2015, Pengelolaan Pencemaran Laut Di Indonesia, Cetakan Ketiga, Penerbit R.A. De Rozarie, Surabaya, h. 2

1. How is the urgency of notarial deed in Bali Province?
2. How are the implications of notarial deeds to the environment in Bali Province?

Aims of The Study

The aims of this research are :

    a.   Specific Aims of Study:

        The specific aims of the study namely :

        1.   To analyze the urgency of notarial deed in Bali Province.

        2.   To analyze the implication the notarial deed toward the environment in Bali Province.

    b.   General aims of study

        Meanwhile, the general purpose of this study, namely:

        1.   Creating fair, wise, and peaceful law enforcement in accordance with the wishes of the wider community through the making of notarial deeds that still pay attention to environmental sustainability.

        2.   Realizing legal certainty in society by understanding and making notary deeds that pay attention to the environment.

II. RESEARCH METHODOLOGY

Approach of the Research :

This study is an empirical law study (Empirical Legal Research).[4] That is, the assessment is based on field data (field research), then analyzed so that can be obtained conclusion that is logical, systematic, and scientific. Furthermore, the approach used in this research is: sociological empirical approach; Concept approach (Conseptual Approach); and historical approach (Historical Approach).

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4   Philipus M. Hadjon, 2012, "Metode Penelitian Hukum", , Surabaya. H. 85

Data Source :

The data used in this empirical legal research were taken from field research, which in this case would be done through research on the notary institution of Bali Province, Law and Human Rights Office of Bali Province, and Notary which made deed related to the existence and sustainability of region's environment Bali province. In addition, researcher also conducted research literature (library research). To support field research, to obtain legal materials in the form of: primary legal materials, such as laws on the field of notary, as well as legal science; Secondary law materials, such as books / literatures, legal journals, expert research results; And tertiary legal materials, which could be in the form of dictionaries that help in the discussion of the problems made.

The Tehcnique of Data Collection :

Data from field research were collected or obtained by conducting direct research to Indonesian notary institution (INI) of Bali Province and Law and Human Rights Offices of Bali Province as well as to Notary which made deed through interview technique and questionnaire. Furthermore, secondary data from library research in the form of primary, secondary, and tertiary legal materials were collected by means of classifying legal substances; By reading; Record; And systematics. All primary data (field research) and secondary data (library research) were used to discuss the problems made thus the logical and scientific conclusion could be obtained.

Technique of Data Analyzed :

After all field data (from field research) and secondary data (from library research) in the form of legal materials (primary, secondary, and tertiary) could be collected, then further processing qualitatively - descriptive. This means exposure in the form of description of sentences to the discussion of problems thus this research could meet a logical, systematic, and scientific conclusions on the formulation of the problems made.

III. DISCUSSION

The Urgency of Notarial Deed

Under the terms of Article 1 number (1) of Law number 2 of 2014 on Amendment to the Law of the Republic of Indonesia. Number 30 Year 2004 regarding Position of Notary (further abbreviated UUJN-P). (L.N. 004 - 117, TLN 4432), stated that a Notary is a public authority authorized to make an authentic deed and has other authorities as referred to in this Act or under any other law. Based on this definition, it can be understood that the authority of a notary primarily is to make an authentic deed, therefore, any deed made by or in the presence of a Notary is an authentic deed.

According to the Regulation of the Minister of Law and Human Rights No. RI. M.01 - HT.03.01 Year 2006, regarding the terms and procedures for appointment and transfer, and the dismissal of a notary public, in Article 1 paragraph (1), a notary is a public official authorized to make authentic deeds and other authorities, In the Notary's Office Law.

Furthermore, according to Article 1868 of authentic Deed Book of the Law of Civil Law (Civil Code) is an act that is in the form prescribed by law, be made by or before public officials in power to it in a place where the deed made.

Authority of Notary in UUJN-P, among others:

1. Notary authorized to make authentic deeds of all deeds, agreements and determinations required by the legislation and / or desired by interested parties to be declared in an authentic deed, guaranteeing the date of making the Deed, preserving the Deed, granting the copy, copy and Excerpts of the Deed, all of which during the making of the Deed are not also assigned or excluded to any other official or other person as defined by law. (Article 15 paragraph (1);

2. In addition to the authority referred to in paragraph (1), the Notary is also authorized (Article 15 paragraph (2)):
   a. Approve signatures and specify the date of the letter under the hand by signing up in a special book;
   b. To record a letter under the hand by registering in a

special book;

    c.   Make a copy of the original letter under the hand in the form of a copy containing the description as written and illustrated in the letter concerned;

    d.   Conduct validation of photocopy match with original letter;

    e.   Provide legal counseling in connection with the making of the Deed;

    f.   Make a deed related to land; or

    g.   Make Deed of auction.

3. In addition to the authorities referred to in paragraphs (1) and (2), Notaries have other authorities provided for in laws and regulations.

Taking into account the current condition of the Indonesian people in the Asean Economic Community community with its characteristics, liberalization of trade in goods, services, investments, skilled labor freely and free flow of capital, making ASEAN a unified territory of markets and production bases. There are 8 (eight) types of professions that can cross ASEAN: (1) Architect, (2) Civil Engineer, (3) General Practitioner, (4) Dentist, (5) Nurse, (6) Accountant, (7) Tours, and (8) Surveyor.[5]

Based on the above description, it is shown that the Notary profession does not include the type of profession that can cross ASEAN, this is caused by 2 (two) reasons, namely: (1) The requirement to be appointed as Notary Public is Indonesian Citizen (WNI), and (2)) Notary in his / her position as general official performs some government affairs in the field of civil law.

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5   Quoted from Sumardika., I Nyoman, represented Representing the board of notary bonding territories Pengurus (INI) Bali Province, "Kurikulum Program Studi MKN yang Berdaya Saing Global Berlandaskan Kerangka Kualifikasi Nasional Indonesia (KKNI) Dari Sudut Pandang Notaris, Makalah Lokakarya Kurikulum Prodi MKN Unwar, Selasa 12 Juli 2016., h. 3

Furthermore, pay attention to the condition of the province of Bali which is a tourism area. The presence of MEA is very influential for the tourism situation of Bali Province which is the world tourism destination, ie there is competitiveness of the field of tourism in the world primarily for the Province of Bali which has a famous tourism to the whole world will be the natural beauty of cultural customs and community friendliness. This means that citizens in Bali Province, especially Notary in Bali Province should be able to improve their quality, especially in foreign language (English as national language in international community) able to speak English actively in anticipation of MEA implementation in Bali province. So that the notary in doing his duty, ie one is to create an authentic deed is able to obtain potential clients can be realized. In line with this intention, UUJN-P is anticipative in today's global development with the stipulation that if the parties wish, the Deed can be made in a foreign language (Article 43 paragraph (3) UUJN-P. In addition, a notary in The era of MEA today must also improve verbal communication skills, and with the entry of foreign investment to Indonesia primarily Bali Province, the acquisition of Notary on Investment Law, Capital Market Law, Corporate Law, and Land Law (Transition and Charge of Land) becomes important And urgent for a Notary domiciled in the area of Bali Province.

Notary can demonstrate their participation in succeeding MEA by making a good and right deed, which can provide legal certainty,[6] as well as legal protection that is certainly needed by investors in investing in Indonesia, utmanya in Bali Province.

Notarial deed, related to the main tourism field in the Province of Bali is considered able to give or realize the legal certainty of tourism in the Province of Bali which is the national and international tourism destination and is the largest regional income generator (PAD) of tourism for Bali Province.

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6   Interviewed with Mrs. Notary Tjia Francisca Teresa Nilawati, S.H located at Jl.Patimura No. 7 Denpasar on Thursday, 30rd March 2017 at. 1.00 s/d Pk. 3.30 P.M

Implementation of notarial deed to the environment in Bali Province.

A. Overview of The Environment

The word environment is often referred to as the environment. The word environment in English is called "environment", in Dutch called "Milieu", and in Malay it is called "nature".

The environment is an absolute part of everyone's life. Humans breathe and get light because there is air and sun, so the human need to find food, drink, make a house, and take shelter is the environment.

Next, process a production, build a building, create a means of transportation, a nuclear reactor, create Apollo to the Moon Planet, and so forth is due to the availability provided by the environment. Thus, the presence of the environment is actually very important and decisive for the presence and sustainability of humans, for culture, and civilization whether or not to what extent later environmental factors are parts that can not be separated absolutely for him.

According to Otto Soemarwoto,[7] defines the environment in terms of the sum of all the objects and conditions that exist in the space we occupy that affect our lives. Furthermore, Prof. Stepanus Munadjat Danusaputro[8] defines the living environment as all its objects and actions contained in the space where humans are located and affect the life and welfare of human and other human life.

According to Law No. 32 of 2009 on Environmental Protection and Management, Article 1 point (1) states that the environment is the unity of space with all things, and the circumstances and living things, including human beings and their behavior that affect the viability of life and Human welfare and other living things.

According to Law No. 32 of 2009 on Environmental Protection and Management, Article 1 point (1) states that the environment is

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7   Otto Soemarwoto, 1994, Ekologi, Lingkungan Hidup, dan Pembangunan, Pn.Djambatan, Jakarta, h. 4

8 St. Munadjat Danusaputro, 1962, Hukum Lingkungan, Pn. Binacipta, Buku V Sektoral Jilid I, Jakarta, h. 8

the unity of space with all things, and the circumstances and living things, including human beings and their behavior that affect the viability of life and Human welfare and other living things.

Indonesia's environmental laws have begun to develop since the Dutch East Indies colonial era, but the laws of the era at that time were of a nature or usage oriented. Indonesian environmental law then changed its nature into law oriented not only on usage, but also on protection.

This change is inseparable from the influence of the birth of modern international environmental law, which is marked by the birth of the Stockholm Declaration of 1972. The birth of the Stockholm Declaration of 1972 greatly influenced the development of modern environmental laws of Indonesia. This is evidenced by the inclusion of environmental management issues in the 1973 - 1978 National Guidelines (GBHN) for the first time.

Environmental arrangements in Indonesia have undergone several changes, namely: starting with environmental arrangements through Law No. 4 of 1982 on Basic Provisions on Environmental Management (UUKPPLH). Promulgated on March 11, 1982. This law is an umbrella act for environmental protection. Consequently, UUKPPLH does not contain detailed rules on handling an environmental law issue. UUKPPLH only contains the legal rules on environmental management.

Furthermore, as a sign of the Indonesian Government's compliance with international legal norms, the Government of Indonesia promulgates Law no. 4 of 1982 on Basic Provisions on Environmental Management (UUKPPLH). Within 15 years of its term, UUKPPLH has many obstacles in law enforcement. Among the constraints, there are regulative, institutional, and political constraints.

Upon several constraints, the Government of Indonesia established Law no. 23 of 1997 on Environmental Management (UUPLH) to replace UUKPPLH. UUPLH Number 23 of 1997 is valid at the time of the invitation on 19 September Year 1997. Furthermore, in the application of the provisions of Law no. 23

of 1997 on the Management of the Environment (UUPLH) looks a lot of damage and pollution of the environment. Thus, a new environmental arrangement is established through the provisions of Law No. 32 of 2009 on Environmental Protection and Management. In the provisions of Law no. 32 of 2009 on Environmental Protection and Management it appears that there is wider material coverage in Law No.32 of 2009 compared with the regulation in Law no. 23 of 1997. Environmental management in the regulation of Law No.23 of 1997 is more administrative, but in the environmental arrangements of Law No.32 of 2009 it appears to be emphasized on the "Protection" of the Environment, which is realized through implementation in society. Law enforcement of administrative environment, contained in Law no. Based on the spatial plan, it appears that in managing the environment, there needs to be a system of integrity, which includes the policy of compliance, utilization, development, maintenance, recovery, supervision and control.

The legal basis of spatial planning in Indonesia starts from the constitutional foundation of Article 33 paragraph (3) of the 1945 Constitution which regulates the State's power over all natural resources intended for the welfare of the people.

Then Law no. 23 of 1997 on Environmental Management states that environmental management based on the preservation of environmental capabilities, harmonious and balanced, to support sustainable development. Article 9 of the UUPLH of 1997 stipulates that one of the principal national policies on environmental management is the "spatial" aspect.

Furthermore, according to the Environment regulation through the provisions of Law no. Law No. 32 Year 2009 on Environmental Protection and Management, states that Environmental Protection and Management is: a systematic and integrated effort undertaken to preserve environmental functions and prevent pollution and / or damage to the environment, including: (1) planning; (2) utilization; (3) control; (4) maintenance; (5) supervision; And (6)

law enforcement.[9]

The meaning of Sustainable Development in Law no. 32 of 2009, a conscious and planned effort that integrates environmental, social, and economic aspects into development strategies to ensure the integrity of the environment, and the safety, capabilities, welfare, and quality of life of present generations, and future generations.

A Legal Aspect of State Administration (HAN) in environmental management that is in the form of licensing in the application of the provisions of Environmental Law, it appears that adheres to the principle or Precautionary Principle. Or this principle / principle is also known as the principle of prudence or the principle of early prevention. That is, in environmental management is better to prevent (prevention) than to handle (tackle) or crack down on law or take legal action.

B. Implementation of Notary Deed to Environment in Bali Province

The making of a Deed by a Notary, has implications for the environment, in which case it can be reviewed through the land deed which is subject to the regulation provisions of the State Land Agency (BPN) considering the land being used as a green channel or a certain land function. Thus, a notary in the deed should pay attention to the provisions of the Agrarian field and the provisions of the spatial plan or the Law on Spatial Planning.[10] In addition, the notary who makes the deed must also pay attention to the application of the precautionary principle in the process of making the deed for the benefit of the wider community. So that a Notary deed can be useful in accordance with the needs of the community.

Land certificates are deeds made before the authorized Land Authority Officer (PPAT) concerning the making of certain laws which are exercised over land rights or property rights over

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9   Note the provisions of RI Law no. 32 of 2009 on the Protection and Management of the Environment, Article 4.

10   Interviewed with Mrs. Notary Tjia Francisca Teresa Nilawati, S.H located at Jl. Patimura No. 7 Denpasar, on Thursday , 30rd March 2017 at. 1.00 to 3.30 P.M

apartment units.[11] This limitation is inferred from the formulation or definition of PPAT as referred to in Article 1 Number (1) of Government Regulation (PP) No. 37 of 1998 on the Regulation of Officials of the Land Deed Authority, as amended by Government Regulation no. 24 of 2016, which dikutif, states: "Land Acquisition Authority, hereinafter referred to as PPAT is a public official authorized to make authentic deeds concerning certain legal acts concerning land or property rights Of apartment units."[12] Furthermore, in Article 1 (4) of the PP, it is stated that the PPAT Deed is a deed made by PPAT as evidence of certain legal acts concerning land rights or property rights of apartment units.[13]

Certain legal acts as referred to in the foregoing articles are:[14]

a. Buy and sell;
b. Exchange;
c. Grant;
d. Entry into the company (inbreng);
e. Distribution of collective rights;
f. The granting of right to use the building / right of use on the land of property rights;
g. Granting of dependents; and
h. The authorization imposes a mortgage right.

Deeds concerning certain legal acts of land rights or property rights of such apartment units shall be the basis for registration of changes in land registration data resulting from such legal acts. This is the main duty of the Land Deed Officer (PPAT) in executing part of the land registration activities as referred to in the provisions of

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11 Hendra Kusuma.,I Made, 2017, Modul Akta-Akta Tanah, makalah pada kegiatan Workshop Program Studi Magister Kenotariatan (MKN), Program Pascasarjana Universitas Warmadewa, Denpasar, 24 Januari 2017, h.1.

12 Notice the provision of Article 1 Number (1) of Government Regulation 24 of jo.Government Regulation No.37 of 1998

13 See Provisions Article 1 number (4) PP. 24 Year 2016 jo.Government Regulation No. 37 of 1998.

14 Note the provisions of Article 2 paragraph (2) of PP. 24 Year 2016 jo. Government Regulation Number 37 Year 1998.

Article 2 paragraph (1) of Government Regulation Number 37 of 1998 as amended by Government Regulation Number 24 of 2016.

In the application of the provisions of environmental law in Indonesia, embrace the Precuationary principle or prudential principles or early prevention principles. So that can be avoided damage or pollution of the ecosystem of human life on earth.

Environment is the source of life and the system of life (ecosiystem) of human, animals or animals and plants.

According to Law no. 32 of 2009 on the Protection and Management of the Environment, Ecosystem is the order of elements of the environment which is a unified whole and affect each other in shaping the balance, stability, and environmental productivity.

In view of the above description, it can be said that the notarial deed and its implications for the environment in the Province of Bali appear that the Notary Deed can support the benefit of the environment as a source of life and is the life system (ecosystem) of humans, animals / animals and fauna / plants

IV. CONCLUSION AND SUGGESTION

Conclusion

Based on the description in the discussion chapter, the following conclusions can be made:

a. Urgency of notary deed in Bali Province, looks very urgent in the field of environment, mainly giving legal certainty related to land deed and notary deed in developing tourism sector and is the biggest source of regional income in Bali Province compared from agriculture source,

b. Notarial deed and its implications to the environment in Bali Province it appears that the Notary Deed can support the benefit of the environment as a source of life and is a system of life (ecosystem) of human, animal / animal and fauna / vegetation that exist in the province of Bali.

Suggestion

On this occasion the following suggestions can be made:

a. To a Notary: a Notary is required to make an Deed to observe and apply the principle or Precuationary principle to avoid errors or mistakes in the making of deeds that may harm the consumer, the community or damage the ecosystem of the human environment.

b. To the Provincial Government of Bali: it is expected to be more selective or to pay attention to the preservation and management of the environment according to the ecosystem of the human environment in the determination of the territory of a Notary's authority in drawing up a deed which is further known as notarial deed or the profession of the Notary.

c. Citizens: It is expected to be careful in choosing a Notary to make a deed so as to avoid harm or have an adverse effect on the ecosystem of the human environment on earth.

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RECONSTRUCTION OF USING *POLPOLAN* SOIL AS A TRADITIONAL BUILDING MATERIAL THAT ECO-GREEN

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Abstract

Traditional architecture is a hereditary heritage from generation to generation. Traditional architecture has the value of sense of togetherness and harmony to the natural surroundings. The harmony comes from the use of materials taken from nature with a design that always understands what nature wants. Bali's traditional architecture is one of them. Harmony with nature appears on selected materials used and through a long process until finally applied in the field. Knowledge of the material has also been developed by our ancestors in Bali and has become a tradition, such as the use of soil media to create a building wall. The *polpolan* soil, that is a known term in Bali as a material made through a very conventional process.

The main material of *polpolan* soil is ordinary soil instead of clay which certainly does not contain rocks, gravel, and sand. The initial process of processing the material begins with cleaning the topsoil from both grass and sand. Then proceed with digging the soil as needed. The more digging down generally the quality of the obtained soil will be better and if it is rediscovered sandy soil (soil *jelijih*) then the land is not feasible to use as raw materials. As material for walls that can last up to tens of years, *polpolan* soil is assisted by bamboo media as a binder frame so that the construction of the soil can be stronger. What a wealth of local architecture that is very friendly to the environment, pollution-free, emissions, and durable.

Keywords: materials, soil, *polpolan*

1. INTRODUCTION

The development of technology today could not be denied. Almost in all fields of science experienced a very rapid development due

to the technology that continues to be innovated from time to time. Any technology that is considered inappropriate to be innovated and improved again so that it can meet the needs of every human being on the move. In the world of architecture, especially the architecture of Bali, the development of this technology also greatly impact on the use and innovation of materials. One example such as the use of lightweight steel roofs as a substitute for bamboo and wood, and that is not less innovation is the use of lightweight brick as a strong material, fast, and durable. Of course there is still a lot of new materials of human innovation made to be more practical and all things are made faster. Without realizing these materials indirectly it has shifted materials that can be said is still very natural compared to the existing innovation materials. It has indeed happened, but all because of innovation from previous materials less than optimal. The difficulty of finding the raw material of choice from natural ingredients and long enough time to make the material cause this shift very quickly occurs. Roof of reeds is one example. Its use in the past is very trend and almost all traditional houses in Bali especially use the material as the main material roof with some long enough process. In contrast to the present, the reeds used in the chemical mixture process to make it thicker and harvested are not timed, resulting in a decrease in the quality of the reeds. The existence of natural ingredients for traditional Balinese building which is quite popular in its time is *polpolan* soil. *Polpolan* soil is one of the main ingredients to make traditional Balinese house walls before getting to know the brick. *Polpolan* soil is made with a long process and generally made on the sidelines do the main work. Because the process is long enough, the use of *polpolan* soil become unpopular again, in addition to the discovery of new substitutes also causes the shift of the use of land polpolan. Functionally *polpolan* soil has several advantages and disadvantages such as giving the air a cool day and giving warmth at night. The disadvantages are the need for routine maintenance such as patching of the cracked connecting parts and having a 30-40 cm dimension which certainly

takes up a lot of space. Not many Balinese now know how the process of making *polpolan* earth wall. Some of the remaining houses today can be seen directly in the areas of Batuan, Sangeh, Tenganan, and Bangli. Relive the traditional architectural flavor of this research. The goal is to know and recall how a process to build a strong house with technology and raw materials in those days. The hope is to find a new innovation to create buildings with *polpolan* soil models developed with today's technology. Traditional architecture has the value of sense of togetherness and harmony to the natural surroundings. The harmony comes from the use of materials taken from nature with a design that always understands what nature wants. Therefore, please note how the selection and use of building materials that are friendly to nature, and can be in the application on modern buildings today.

2. METHODS of RESEARCH
Method of research used in this research is field research method or field research. Field research in this case will greatly assist data collection even in the process of discussion. The difficulty of finding *polpolan* soils is currently the main obstacle in this research. For *polpolan* soil making process will be illustrated with some photos taken from facebook green architecture page, while for building object will use a *bale daja* building in Sangeh Village, Badung.

2. DISCUSSION
In the discussion will be described or described how the process to create a wall of *polpolan* starting from the selection of materials to the pile wall. Here are some steps making *polpolan* soil wall taken from facebook green architecture page.

Pic 1. Process in choosing soil
Source : facebook green architecture, 2011

The raw material for making wall of *polpolan* is ordinary soil, not clay and does not contain sand or rock material. Generally these soil materials exist at the soil surface. The initial process is to remove the top of the soil more or less with a thickness of 10 cm, the goal is to clean up unnecessary materials such as grass, grass roots, piles of leaves and sand. The more down the quality of the soil will be better, but if you've found sandy or rocky soil it means the land could not be used as raw materials.

Pic 2. Process of mixing soil with water
Source: facebook green architecture, 2011

The soil that has been elected later collected. The next step is to mix the raw soil with water bit by bit and stirring until blended and water flooding the mortar that will look like in picture 3.

Pic 3. Dough mixed soil
Source: facebook green architecture, 2011

After the mixed soil mixture could not be used directly, but must be silenced for 1 night and usually covered with banana leaves. The purpose of silencing this soil overnight is to make the soil texture easy to digest after mixing with water. In Balinese terms, this process is often referred to as making the soil *pasil*.

Pic 4. Soil that has been applied in one night
Source : facebook green architecture, 2011

Picture no 4 shows how the land look has been applied or produced and of course the land is ready for processing. The soaked ground is trampled to make the ground texture more legit, adhesive, and easily shaped as shown in Figure 5. After being trampled the ground dough is shaped like balls, the goal is to make it easier to move from one place to another. This is done considering there was no container like the current bucket. *Polpolan* soil material is generally made not at once to build a house, but made gradually in accordance ability, time, and busy the homeowner at that time. So have imagine the time required to make a house with *polpolan* soil wall. As in the previous explanation, the process of making this *polpolan* soil done on the sidelines of daily work in that era.

Pic 5. Flatten the mixture of applied soil
Source : facebook green architecture, 2011

Pic 6. Dough soil that has been sticky
Source : facebook green architecture, 2011

This legitimate soil dough is ready to be assembled as wall modules. Before arranged into a wall, generally in the foundation of the house arranged rocks like rocks that are also obtained from around the river near the house. The stones are arranged as a base under the wall *polpolan* soil. The ready-made soil is placed on a rock foundation and tied with bamboo claws as shown in Fig. 7. The purpose of this clamping is to keep the bottom shape of the wall from breaking and getting fused as the soil material begins to dry. Bamboo is also often used to be reinforced structures inside walls that can also survive for decades. The technology is used before the introduction of iron reinforcement.

Pic. 7. Soil that begins to be arranged and clipped with bamboo frame
Source: facebook green architecture, 2011

Note, the composition of this soil can only be stacked with a height of about 30-40 cm because the soil is still prone to wet and quite heavy. This is a long process in making a house with *polpolan* wall.

Pic 8. Wall pile
Source : facebook green architecture, 2011

Before the existence of cement, the raw material of *polpolan* soil is also used as a brick adhesive *amupun* stone. But the era exists after the soil era polpolan. The development that occurred after the existence of this *polpolan* soil is already familiar with the existence of the mold of the origin of brick formerly called with *citakan*. The raw materials used are the same as the raw material of *polpolan* soil, it's just that the material in print is shaped like a brick. Such is the development of material innovation that occurs in the process of building a traditional Balinese house from time to time.

Pic 9. Walls of Penyengker Meraja Agung Pejeng
Source : Own doc, 2017

In picture 10 to picture 12, it shows how the condition of a *bale daja* house that uses *polpolan* soil wall and still survive until today. From the results of the interview is said to have been home in the 1800s and still survive until now with conditions that are not much changed. This house is only undergoing renovation on the roof only, while the wall and pillars are still original from its time.


Pic 10. House with polpolan soil at Pondok Jaka Sangeh
Source : Dokumentasi Pribadi, 2017

Picture 11 shows the part of the back and back pole wall of the *bale daja* building which has begun to fossilize. Can be seen some parts of the cracked walls caused by the drying process of *polpolan* soil material. This crack will generally be patched by the owner of the house that causes the bottom of the wall of the house will appear thicker than the top of the wall of the house.

Pic 11. Wall of House with polpolan soil at Pondok Jaka Sangeh
Source : Own doc, 2017

Figure 12 illustrates how the existing condition of the *bale daja* as the initial building is left then equipped with other buildings such as *bale dauh*, bale dangin, and the kitchen that is reconstructed as a whole yard of traditional Balinese house. The walls of *Bale dauh*, *bale dangin*, and kitchen made with *polpolan* soil following the existing wall of *bale daja*. Innovation made in making this wall is to use the basic material of red brick or the basic material of making tile. This base material is the same material used to make *polpolan* soils in the past, only now this base material has been formed and manufactured directly by the machine, so it can be said faster to process the raw material of *polpolan* rather than the old process. But the same process is done with the previous process of soil wall buildup that should not exceed 40 cm each module.

Rekonstruksi Bale Dangin dan Dapur

Eksisting Bale Daja

Rekonstruksi Bale Dauh
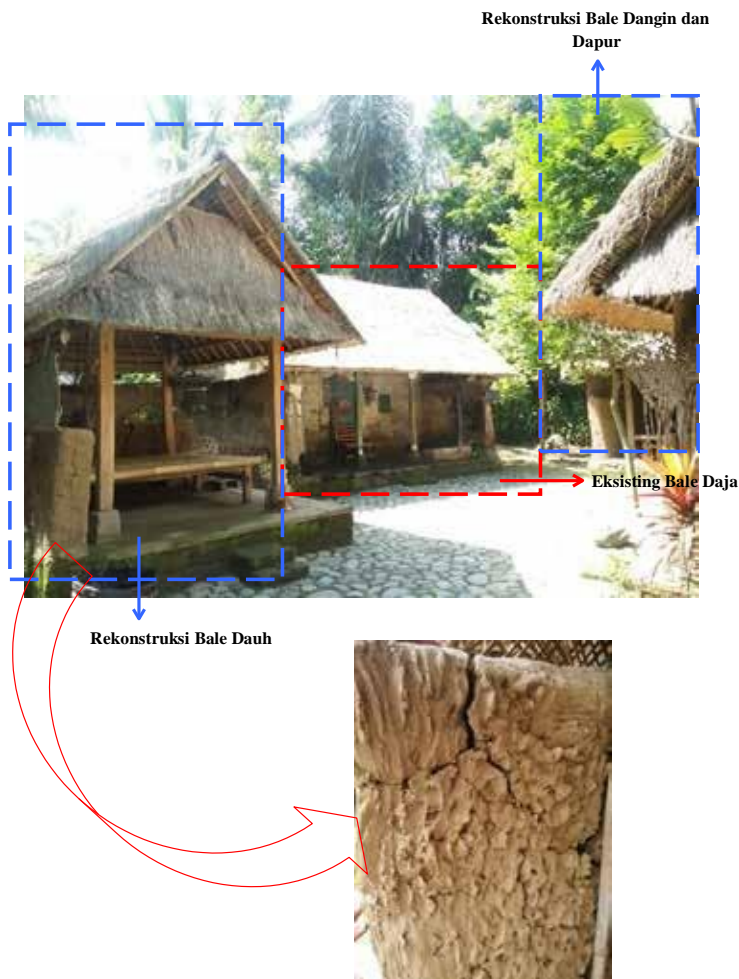
3. CONCLUSION

The wall using *polpolan* soil does take a long time in the process of making it, but along with the development of technology and materials today, some conventional processes of the past such as making raw materials can be replaced by buying or looking for raw material replacement wall polypro is a red brick raw material or tile. The reconstruction of polyposis soil wall cover can be done in this way but some other process still could not be replaced like addition of wall at 40 cm height which could not be directly finished in 1x manufacture or in other word must keep waiting for drying every wall module.

A STRUGGLE OF GENDER IDEOLOGY IN INDUSTRY OF MASS SCULPTURE HANDICRAFT ON KEMENUH VILLAGE SUKAWATI, BALI

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Abstract

The development of tourism in Bali makes new phenomenon in industry of sculpture handicraft. One of the industries is a center of sculpture handicraft on Kemenuh village, Sukawati, Gianyar, Bali. At the beginning, the craftsman on Kemenuh village is traditional craftsman, later they pass into commercial craftsman by crafting sculpture massively. The change makes the struggle of gender ideology in industry of the sculpture handicraft. The struggle appears in economics, social, and art and culture sector. In economics, there is an enhancement of woman access in productive domain. However, in production process is still dominated by male workers. The enhancement of woman access in public domain politically makes the limit of patriarchy culture weak. The industry of mass sculpture handicraft also renounces a controversy of art category between fine art and mass production. Therefore, contention of gender ideology in industry of mass sculpture handicraft shows ambivalent tendencies.

Keywords: *struggle, gender ideology, industry of mass sculpture handicraft, ambivalence*

1. Introduction

The rapid development of Bali tourism has created a new trend for sculpture in Bali. The sculpture artists are no longer the traditional craftsmen, but instead turn into commercial sculpture makers by producing mass sculptures. This tendency occurs in the center of handicraft sculpture in the village of Kemenuh, Sukawati, Gianyar Bali. Sculptors in the village of Kemenuh which at first only make the motif of traditional sculpture of *pemayangan* turned

into a sculptors who create products according to market tastes. They make sculptures in large quantities with standard quality. This trend not only alters the production and marketing systems, but also results in changes in the perspective and life practices of craftsmen. The statue craft industry developments have directed our attention in the debate over gender ideology.

The mass sculpture industry is seen as a new cultural trend that dilutes the boundaries between high culture (fine art) and folk culture (Kellner, 2010). The development of mass sculpture is also seen as a form of cultural hybridization that is a combination of local culture with global culture (Suciati, 2016). From a gender perspective, the mass culture industry is represented as a form of feminism, which is a cultural element that connotes low, cheap and crybaby.

The dominant view assumes that the mass culture industry including mass sculpture is a postmodern culture characterized as the logic of industrialization, capitalization, standardization, and the massification of production (Piliang, 2011: 415-418). In reality, however, that view is not entirely true. If we look at the gender ideology that is used as the reference of the mass sculpture artists, there is still a tug-of-war in the economic, social and cultural spheres. Therefore, it becomes relevant to dismantle the ideological wrestling that occurs in the mass sculpture industry. Therefore, it becomes relevant to dismantle the ideological wrestling that occurs in the mass sculpture industry. This research is expected to obtain other meanings related to the existence of mass sculpture industry in Bali. More specifically, the study is directed to understand the struggle of gender ideology in the mass sculpture industry in economic, social, arts and culture, and its implications for craftsmen.

2. Deconstructive Gender Approach

This study uses a gender approach with a deconstructive model. Gender ideology refers to the belief of differences in male and female standardized and culturally formed (Fakih, 2008: 7-9). This ideology strongly demonstrates the role of women and men (Murniati, 2004: 62). The binary opposition thinking model penetrates the various joints of life including in the production of

cultural industry. Thus in the production of mass sculpture there is also a process of gender differentiation. Fine art is represented as masculine while mass sculpture production is categorized as feminism (Modleski, 1986: 36; Strinati, 2003: 292-293).

Gender ideologies that go from binary opposition seem to need to be sued. Through the deconstruction model (Foucault, 1980) this thought is questionable, because the dichotomy of masculinity and femininity in the sculpture industry shows the symptom of contestation. These dialectic and binary interrelationships make it possible to be freely reinterpreted in order to gain meaningful diversity (Lubis, 2003: 110-111). It is at this point that the dismantling of the gender ideology in the mass sculpture industry needs to be thoroughly deciphered.

3. Result and Discussion

The struggle of gender ideology in the mass sculpture industry takes place on the economic, social and cultural dimension. In the field of economy, the growth of mass sculpture industry in Kemenuh village opened women's access to actively participate in the public sphere. This opportunity gives women the option of earning income independently. In the 1990s the craft sector was able to absorb 85% of the female labor force. They were widely absorbed in the production of sculptures, especially in the field of painting, finishing, and finishing stage (Kemenuh Village Development Profile, 1992: 12). Similarly in the 2000s the ratio of women to men working in art shops, galleries, and collectors was 59% versus 41%. Jobs available to women is not only as a craftsman hired but there are also women who work as shopkeepers of art, wholesalers, and retailers (Mardika, 2016: 136-137). The opportunity of women to play a role in the productive realm allows women to earn income independently. This is where women come to contribute to the family income and donations for economic improvement in general.

However, behind the economic contribution provided, there is still an imbalance for women craftsmen. Such injustice appears in the type of work and wages received by female workers. Women are given relatively limited access to sculpting work. Women are usually only given jobs as sandpaper, dyeing, and finishing, while

other work is done by male workers. Similarly, the wage received by female workers is lower than male workers. The average wage earned by female workers ranges from Rp 40,000 to Rp 50,000, while male workers are paid Rp.60,000 to Rp.70,000. Discrimination of the type of work and the amount of wages given indicate a gender inequality. In this case the patient is attributed to the female worker. Access to unequal employment results in marginalization for female artisans.

It should be noted that gender ideology in the mass sculpture industry is able to boost the bargaining position of women equal to men. The opportunity of women to take part in the productive realm can improve women's bargaining position in the field of social politics. Women no longer only take part in the domestic space, but also have the opportunity to play a role in the public arena. This phenomenon marks the shakiness of male domination leading to a more egalitarian culture. Both men and women have equal access both in the productive sphere and in public policy making.

Along with the progress of gender equality have an impact on melting of the traditional social structure. Traditional patronage patterns are replaced by new client patrons i.e. labor relations and employers. A successful female entrepreneur emerges as a patron with a sculpture worker as a client. Successful entrepreneurs in the field of handicrafts then become new middle class and gain high social status in society. Success in the field of economics is a new criterion in the recognition of social status that shifts the dominance of determining social stratification based on blood or offspring.

In the field of cultural art, gender ideology in the mass sculpture industry raises the debate on the resulting product categorization. On the one hand there are craftsmen who consider the resulting product is a work of art, in this case painting on the field of wood. The group sees the art of bird-shaped sculptures, ducks and other forms of art that have the same quality as other quality sculptures. But on the other hand there are groups that include mass sculpture as a mass production statue. Gender ideologies that dichotomize fine art as masculine representation

and mass sculpture as a feminism become shaky. Art producers have an ambiguous attitude towards his work. They compete in the art discourse in order to fight whether the product is worth of art or as a commercial / mass product.

The struggle of gender ideology in the mass sculpture industry has implications for artisans both in economic, social, and cultural arts. In the economic field there is an ambivalence between economic improvement and marginalization of women craftsmen. The economic increase is evident from the contribution of women workers who are able to earn their own income as well as to be donated for the family's needs. However, female craftsmen have limited access to the work of sculptures that can be accessed and earn lower wages than men. This phenomenon puts female workers marginally in the mass sculpture industry.

Economic controversy also occurs in the social sphere. The struggle of gender ideology in the mass sculpture industry raises the ambivalence between the strengthening of gender equality and the melting of traditional social structures. Access in the productive arena allows women to have a bargaining position in decision making both in the domestic and public spaces. Women are in the same position as men in both family and productive work. This tendency opens up opportunities for shaky traditional social structures, such as the disintegration of male power, and new social relations between employers and workers, and the determination of an economic-based social class.

At the level of art and culture the struggle of gender ideology brings up the discourse of sculpture between the categories of fine works with mass production (mass culture). This struggle has implications for the categorization of mass sculpture products. In native point of view, craftsmen split into two groups that fight for the recognition of the product of his statue as a work of art with a group of artisans who regard the results of mass sculpture industry as a mass culture. Ethically, a view that views mass-produced sculpture products is categorized as low-connectivity, cheap, and whiny feminism is questionable (Modeski, 1986; Srinati, 2003)

4. Conclusion and Suggestion

There are two conclusions that can be given from the results of this paper discussion. First, the gender ideology in the mass sculpture industry in Kemenuh Village shows a dynamic and contestative tendency. The struggle takes place both in the economic, social, and cultural arenas. Second, the struggle of gender ideology has implications for the society that creates ambivalence and contradiction to the artisans. The ambiguity is demonstrated by the contradiction between economic improvement and artisans' marginalization, gender equality versus melting of traditional social structures, and the categorization of quality art versus mass culture.

Taking into account the dynamics of gender ideology, it is advisable to be careful about the tendency of the mass culture industry in the massive wooden sculpture. A comprehensive understanding of social engineering on the development of the culture industry is required.

5. Acknowledgments

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PRAKTIK IDEOLOGI TRI HITA KARANA DALAM PENGELOLAAN SAMPAH BERBASIS MASYARAKAT DI TANAH LOT, TABANAN

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Abstract

Tri Hita Karana (THK) is an ideology that applied in community-based waste management in Tanah Lot. Aims of this study is to identify and describe THK ideology practice in community-based waste management in Tanah Lot, and to know and understand the implications of THK ideology practice in community-based waste management in Tanah Lot. Theory that is used is the social practice theory of Piera Felix Bourdieu and the theory of resource management based on the community of David Korten. Data methods collection is done through observation, interviews, and document studies. The results of this study is first form of ideological practice in community-based waste management includes *parhyangan* that waste management is done in the holy place (temple) in Tanah Lot, *pawongan* is already established relationship between operational management, public government and other social institutions in the management garbage in Tanah Lot, and *palemahan* that there has been a relationship between the community and the physical environment in Tanah Lot through hygiene and sanitation facilities. The two implications of ideological practice in community-based waste management include the spiritual implications of increasing the spirituality of the community, the economic implications of increasing public incomes, the social implications of increasing inter-community relations, and the physical environmental implications of Tanah Lot's physical condition, cleaner and more sustainable.

Keywords: practice, ideology, *Tri Hita Karana*, community-based waste management

1. PENDAHULUAN

Tri Hita Karana (THK) merupakan falsahaf hidup masyarakat Bali yang dijadikan landasan dalam pengembangan kepariwisataan budaya Bali untuk mewujudkan hubungan timbal balik antara kepariwisataan dan kebudayaan sehingga keduanya kerkembang secara berkelanjutan dan dapat memberikan kesejahteraan kepada masyarakat, kelestarian budaya dan lingkungan. Tri Hita Karana yang mencakup tiga harmonisasi hubungan antara manusia dengan Tuhan, manusia dengan sesama manusia, dan manusia dengan alam cukup sering didengungkan. Namun dalam implementasinya masih dihadapkan pada berbagai persoalana terutama terkait dengan lingkungan pada umumnya dan sampah pada khususnya. Hal ini disebabkan karena kesadaran masyarakat akan pentingnya menjaga lingkungan dan sistem pengelolaan sampah masih sangat lemah. Sebagaimana disebutkan Adnyana dan Suarna (2007), bahwa sistem penanganan dan pengelolaan sampah belum mengalami kemajuan sehingga volume sampah semakin meningkat. Upaya-upaya untuk mengurangi sampah dari sumber penghasil sampah masih belum memberi hasil yang optimal, dan kesadaran masyarakat untuk berperilaku "mengurangi sampah" masih jauh dari harapan.

Bagi Bali, sampah merupakan persoalan yang dapat mengancam keberlanjutan kepariwisataan Bali. Sebuah berita yang ditulis oleh Andrew Marshall di dalam Time Edisi 1 April 2011 berjudul "Holiday in hell: Bali's Ongoing Woes" menyatakan bahwa, sampah yang membludak di pantai Kuta dan limbah yang sudah mencemari pantai di Bali membuat jika berlibur di Bali terasa sebagai di neraka (http://www.time.com). Selain itu, Raka Dalem (2007) menyatakan dari hasil survey Art & Tourism Bali (ATB) menunjukkan bahwa presentase wisatawan yang menyatakan tidak akan datang atau ragu-ragu mengunjungi Bali cukup besar sebagai akibat akumulasi semakin buruknya kondisi lingungan fisik yang ada dan melencengnya tindakan manusia di Bali dari filosofi Tri Hita Karana.

Sebagaimana halnya pengembangan kepariwisataan Bali yang berlandaskan Tri Hita Karana, maka Tanah Lot sebagai daya tarik wisata dalam pengelolaannya juga dilandasi ideologi Tri Hita

Karana. Hal ini dapat dicermati dari visi Manajemen Operasional Tanah Lot yakni "terwujudnya pengembangan daya tarik wisata Tanah Lot yang berkualitas, berkelanjutan, dan mempunyai daya saing berdasarkan Tri Hita Karana". Untuk mencapai visi tersebut manajeman operasional juga menetapkan misinya diantaranya adalah mewujudkan kesadaran pariwisata budaya di masyarakat menuju pengembangan pariwisata berbasis masyarakat. Artinya, segala kegiatan pengelolaan daya tarik wisata selalu berorientasi pada Tri Hita Karana dan berbsis masyarakat termasuk dalam pengelolaan sampah.

Sampah di Tanah Lot merupakan salah satu persoalan yang wajib ditangani secara berkelanjutan dengan melibatkan masyarakat setempat. Berdasakan informasi yang diperoleh bahwa sampah yang dihasilkan di Tanah Lot mencapai 8 – 12 kubik setiap hari. Selain itu, di Tanah Lot juga terdapat sampah batok kelapa muda yang mencapai 1000-1500 setiap hari (Manajemen Operasional Tanah Lot, 2017). Untuk menangani sampah di Tanah Lot, manajemen operasional telah melakukan berbagai upaya diantaranya kegiatan pengelolaan sampah berbasis masyarakat. Dalam pengelolaan sampah Tanah Lot nampak adanya orientasi penerapan nilai-nilai Tri Hita Karana.

Berdasarkan latar belakang di atas, penelitian praktik ideologi Tri Hita Karana dalam pengelolaan sampah berbasis masyarakat di Tanah Lot sangat diperlukan. Permasalahannya adalah bagaimana bentuk praktik ideologi Tri Hita Karana dalam pengelolaan sampah berbasis masyarakat di Tanah Lot, dan bagaimana implikasi praktik ideologi Tri Hita Karana dalam pengelolaan sampah berbasis masyarakat di Tanah Lot. Tujuan penelitian ini adalah secara umum untuk mengidentifikasi dan mendiskripsikan praktik ideologi Tri Hita Karana dalam pengelolaan sampah berbasis masyarakat; dan secara khusus untuk mengetahui dan mendiskripsikan bentuk praktik ideologi Tri Hita Karana dan mengetahui serta memahami implikasi praktik ideologi Tri Hita Karana dalam pengelolaan sampah berbasis masyarakat di Tanah Lot.

KAJIAN PUSTAKA

Sebagaimana pandangan Anak Agung Gde Agung (Suci Murni, 2014) bahwa Tri Hita Karana merupakan wahana terbaik untuk melestarikan tradisi, adat istiadat, kebudayaan, serta alam Bali. Selain berporos kuat pada agama hindu Bali, Tri Hita Karana memiliki aspek multidimensional dan berakar pada agama serta simbol-simbol kosmologi. Selanjutnya Raka Dalem (2007) menyatakan bahwa Tri Hita Harana Karana sudah cukup sering diucapkan oleh pemerhati masalah pembagunan di Bali, terutama oleh pejabat pemerintah. Akan tetapi, dalam kenyataannya istilah ini jarang dijabarkan dalam kriteria- kriteria yang jelas dan mudah ditindaklanjuti. Sementara itu, Sita Laksmi (2015) mengungkapkan bahwa Tri Hita Karana merupakan ideologi yang dijadikan landasan dalam pengelolaan daya tarik wisata Tanah Lot. Ketika terjadi pergulatan pengelolaan daya tarik wisata Tanah Lot, ternyata disharmoni hubungan hanya terjadi antara manusia dengan manusia. Sementara hubungan antara manusia dengan Tuhan dan hubungan antara manusia dengan lingkungan tetap berlangsung secara harmonis. Wisnumurti (2012) dalam laporannya menyebutkan bahwa Tanah Lot merupakan penyumbang devisa tertinggi di Kabupaten Tabanan, oleh sebab itu keberlanjutan Tanah Lot khususnya kebersihan lingkungan harus dijaga bersama baik oleh pemerintah dan masyarakat. Terkait dengan hal tersebut, Yayasan kesejahteraan Korpri Propinsi Bali dan Universitas Warmadewa bekerja sama dengan PT Tirta Investama melaksanakan kegiatan pengelolaan sampah berbasis masyarakat. Dari beberapa pustaka di atas baik dilihat dari fokus maupun lokusnya belum ada kajian tentang praktik ideologi THK dalam pengelolaan sampah di Tanah Lot. Oleh sebab itu, penelitian ini dipandang penting dilakukan.

Ada empat konsep dalam penelitian ini yaitu praktik, ideologi. Tri Hita Karana, dan pengelolaan sampah berbasis masyarakan. Praktik adalah sesuatu yang dipraktikkan, dilakukan, diterapkan, dilatih, dan disadari (Sucimurni, 2014), Ideologi menurut Eagleton (1991) adalah proses produksi makna-makna dan nilai-nilai dalam kehidupan masyarakat. Sementara Bourdieu menyatakan bahwa

Ideologi yang juga disebut doxa adalah tatanan sosial dalam diri individu yang stabil dan terikat pada tradisi serta terdapat kekuasaan yang ternaturalisasi tanpa dipertanyakan (Takwin, 2010). Tri Hita Karana adalah tiga penyebab kebahagiaan yaitu dengan menjaga hubungan yang harmonis antara manusia dengan tuhan, manusia dengan sesama manusia, dan manusia dengan lingkungan. Selanjutnya pengelolaan sampah berbasis masyarakat adalah kegiatan sistematis, meenyeluruh, dan berkesinambungan yang meliputi pengurangan dan penanganan sampah dengan melibatkan masyarakat setempat. Jadi, praktik ideologi Tri Hita Karana dalam pengelolaan sampah berbasis masyarakat dalam penelitian ini adalah penerapan dan penyadaran nilai-nilai THK dalam pengelolaan sampah dengan melibatkan masyarakat berkolaborasi dengan pemerintah dan pihak-pihak lain di Tanah Lot.

Teori yang digunakan dalam penelitian ini adalah teori pengelolaan sumber bertumpu pada komunitas dari David korten dan teori praktik sosial dari Pierre-Felik Bourdieu. Korten (Moeljarto, 1993) dalam teorinya menyatakan bahwa prakarsa dan proses pengambilan keputusan untuk memenuhi kebutuhan masyarakat harus diletakkan pada masyarakat itu sendiri. Alasannya, sumber daya lokal harus dikelola oleh masyarakat lokal karena akan dapat mempengaruhi kehidupan mereka. Selain itu teori ini juga menekankan pada pentingnya pembentukan jaringan antara birokrat dan lembaga swadaya masyarakat, satuan organisasi masyarakat yang mandiri untuk meningkatkan kemampuan mengelola sumber daya yang ada dan menjaga keseimbangan antara struktur vertikal dan horisontal. Teori ini digunakan untuk melihat model pengelolaan sampah berbasis masyarakat di Tanah Lot. Selanjutnya menurut Bourdieu, praktik terdiri atas habitus, modal, dan ranah. Habitus adalah ketidaksadaran budaya yakni pengaruh sejarah yang secara tidak sadar dianggap alamiah. Modal adalah suatu kekuatan yang meliputi modal ekonomi, sosial, budaya, dan simbolis yang beroperasi di dalam ranah. Ranah adalah arena kekuatan yang dalamnya terdapat perjuangan untuk mendapatkan sumber daya demi mendapat akses tertentu yang dekat dengan hirarki kekuasaan (Harker, dkk., 2009). Teori

praktik akan digunakan untuk mencermati bentuk dan implikasi praktik ideologi Tri Hita Karana dalam pengelolaan sampah di Tanah Lot.

METODE PENELITIAN

Metode yang digunakan dalam penelitian ini adalah metode kualitatif (Moleong ,1991) yang dilakukan dengan mengumpulkan data deskriptif dalam bentuk informasi terkait paktik ideologi Tri Hira Karana dalam pengelolaan sampah di Tanah Lot yang diperoleh dari manajemen operasional daya tarik wisata Tanahl Lot dan masyarakat. Selain itu juga dilakukan pengamatan langsung terhadap perilaku masyarakat dalam praktik ideologi Tri Hita Karana dalam pengelolaan sampah di Tanah Lot. Data yang dikumpulkan adalah data kualitatif yang bersumber dari data primer dan sekunder. Instrumen penelitian adalah peneliti sendiri dibantu dengan pedoman wawancara. Teknik pengumpulan data dilakukan dengan observasi, wawancara, serta studi dokumen. Selanjutnya data dianalisis melalui tiga alur secara bersamaan melalui reduksi data, penyajian data, dan penarikan kesimpulan (Huberman, 1992).

HASIL DAN PEMBAHASAN

Tanah Lot terletak di wilayah banjar Batugaing Desa Beraban dengan luas wilayah 28, 58ha. Sebagai daya tarik wisata, Tanah Lot dikelola oleh Pemerintah Kabupaten Tabanan dan Desa Pakraman Beraban dalam bentuk Badan Pengelola Daya Tarik Wisata Tanah Lot. Dalam melaksanakan program kerja di bidang operasional, Badan pengelola dibantu oleh manajemen operasional yang dipimpin oleh seorang manajer. Tugas manajer adalah menyusun, melaksanakan, mengendalikan, dan mengevaluasi program kerja. Dalam melaksanakan program kerja manajer operasional dibantu oleh beberapa divisi di antaranya adalah divisi kebersihan dan pertamanan. Divisi ini bertugas untuk melakukan pengawasan terhadap kebersihan dan keindahan kawasan daya tarik wisata Tanah Lot dan bertanggungjawab terhadap penataan pertamanan di kawasan daya tarik wisata Tanah Lot (Profil Manajemen Daya Tarik Wisata Tanah Lot, 2013).

Jumlah kunjungan wisatawan ke Tanah Lot relatif tinggi. Pada Tahun 2016 jumlah kunjungan wisatawan mencapai 3.525.336 orang. Tinggingnya kunjungan wisatawan ke Tanah Lot berimplikasi terhadap jumlah sampah yang dihasilkan. Menurut informasi Kepala Devisi Kebersihan Wayan Sulindera, (2016) sampah di Tanah Lot mencapai 8-12 kubik setiap hari. Selain itu, di Tanah Lot juga terdapat sampah batok kelapa yang mencapai 1000-1500 setiap hari. Dilihat dari jenisnya sampah tersebut berupa sampah organik (sisa-sisa makanan dan daun-daunan) dan anorganik (plastik dan kaca). Dilihat dari bersumber sampah di tanah Lot bersumber dari sampah konsumsi yakni sampah yang dihasilkan oleh manusia sebagai pengguna barang seperti sisa- sisa kegiatan masyarakat dalam pelaksanaan upacara atau persembahyangan di tempat suci (pura) dan sisa sisa makanan yang dibuang ke tempat sampah; dan sampah alam seperti daun-daun kering yang ada di Tanah Lot.

Pengelolaan sampah di Tanah Lot dilakukan oleh masyarakat, Devisi Kebersihan Manajemen Operasional dan Pemerintah Kabupaten Tabanan. Sistem pengelolaan sampah dilakukan secara konvensiaonal melalui pengumpulan sampah (pemilahan sampah), pengangkutan sampah ke tempat penampungan sementara (TPS), dan pembuangan sampah ke tempat pembuangan akhir (TPA).

Selain itu, untuk menangani sampah di Tanah Lot pihak manajemen Operasional juga melaksanakan kegiatan pengelolaan sampah berbasis masyarakat. Pengelolaan sampah berbasis masyarakat merupakan kegiatan yang dilakukan atas kerjasama antara Yayasan Kesejahteraan Korpri Propinsi Bali, Universitas Warmadewa, PT Tirta Investama. Kegiatan ini dilaksanakan secara bertahap Tahun 2011 sampai 2014 (Wisnumurti, dkk. 2014).

Kegiatan pengelolaan sampah berbasis masyarakat pada tahun pertama 2011-2012 dilakukan sosialisasi berupa launching kegiatan, ceramah kebersihan dan siaran tunda di Dewata TV, media gathering, dan penyebaran stiker "Gemariah". Selain itu juga dilakukan penyediaan sarana prasarana berup tong sampah, gerobak sampah, dan papan himbauan yang bertuliskan "Kebersihan bagian dari yadnya". Kemudian dilanjutkan dengan gerakan masyarakat sadar sampahmelalui gerakan kebrsihan

dan penghijauan yang melibatkan masyarakat Drea Beraban, manajemen operasional Tanah Lot, Pemerintah Kabupaten Tabanan,Yayasan THK Bali., dan paguyuban hotel se Bali Selain itu juga dilakukan pembentukan kelompok kebersiha "Gemaripah" ,pembuatan struktur organiasi, dan memberikn ceramah tentang pengelolaan sampah.

Pengelolaan sampah berasis masyarakat tahun kedua 2012-2013 dilakukan dengan sosialisasi dengan pembuatan anouncer himbauan kebersihan, workshop "Peranan para pihak dalam menjaga kebersihan Tanah Lot" yang diikuti oleh unsur-unsur terkait dari Pemerintah kabupaten Tabanan, perwakilan Desa Pakraman Beraban, Manajemen Operasional Tanah Lot, dan kelompok kebersihan Gemaripah, Yayasan Korpri, Universitas Warmadewa, PT Tirta Investama, LSM bidang sampah, Paguyuban Hotel, dan Yayasan Tri Hita Karana. Selain itu juga dilakukan penguatan kelembagaan melalui penataan administrasi kelompok kebersihan, dan pembuatan OTK serta SOP. Kemudia dilakukan peningkatan kualitas SDM melalui pelatihan pengelolaan sampah batok kelapa dan praktik pengelolaan sampah batok kelapa menjadi briket. Selanjutnya juga diadakan sarana prasarana berupa tong sampah, tempat tong sampah, dan mesin pengolahan batok kelapa (penghancur, pencetak, dan pengering).

Pengelolaan sampah berbasis masyarakat tahun ketiga 2013-2014 dilakukan dengan penyesiaan sarana prasarana berupa tempat sampah, motor pengangkut sampah, tempat pengolahan sampah. Untuk tempat pengolahan sampah, pemabgunannya dilakukan oleh pemerintah kabupaten Tabanan dan lahannya disiapkan oleh desa Pakraman dengan menggunakan Tanah laba Pura Pakendungan. Selain itu juga dilakukan pengolahan sampah melalui pelatihaj dan pendampingan, pembuatan SOP pengelolaan sampah batok kelapa, uji coba produk, Workshop dengan Paguyuban Hotel, pembuatan desain kemasan, launcing produk, dan publikasi produk. Pengelolaan sampah di Tanah Lot sejalan dengan teorinya Korten yakni adanya keterlibatan masyarakat dalam pengelolaan sampah dan pembentukan jaringan antara birokrat dan lembaga swadaya masyarakat, satuan organisasi masyarakat yang mandiri untuk meningkatkan kemampuan dalam mengelola sampah yang

ada di Tanah Lot.

Pelaksanaan pengelolaan sampah berbasis masyarakat berorientasi pada nilai-nilai Tri Hita Karana yang dijadikan landasan dalam pengelolaan daya tarik wisata Tanah Lot. Praktik ideologi Tri Hita Karana dalam pengelolaan sampah berbasis masyarakat meliputi bentuk praktik ideologi Tri Hita Karana serta implikasi praktik ideologi Tri Hita Karana dalam pengelolaan sampah berbasis masyarakat. Dilihat dari bentuk, praktik ideologi Tri Hita Karana dalam pengelolaan sampah berbasis masyarakat meliputi tiga bentuk yaitu *parhyangan, pawongan, dan palemahan*. *Parhyangan* merupakan bentuk hubungan antara manusia dengan Tuhan. Hal ini dapat dicermati dari pengelolaan sampat di tempat suci)pura) di seputaran Tanah Lot. Sebagaimana diketahui, di kawasan Tanah Lot terdapat sembilan tempat suci (pura) sebagai satu kesatuan yang menjadi potensi daya tarik wisata. Kesembilan pura tersebut adalah pura Tanah Lot yang berada di tengah laud an pura lainnya berada di pinggir pantai berjejer dari timur ke barat yaitu pura Penataran, pura Jero Kandang, pura Enjung Galuh, pura Batu Bolong, pura Taman Sari, pura Batu Mejan, pura Pakendungan, dan pura Hyang Api (Sita Laksmi, 2014; 2015). Pengelolaan sampah di tempat suci dilakukan dengan melakukan kegiatan bersih-bersih setiap hari yang dilakukan oleh pangempon pura dibantu petugasu kebersihan, pengangkutan sampah ke TPS. Selain itu di setiap pura juga disediakan tempat sampah, himbauan menjaga kebersihan dan kesucian pura, dan terdapat larangan untuk memasuki pura. Artinya, telah terjalin harmonisasi hubungan antara masyarakat dengan Tuhan melalui kegiatan pengelolaan sampat di Tanah Lot.

Pawongan merupakan bentuk hubungan antara manusia dengan manusia. dalam pengelolaan sampah di Tanah Lot. Hal ini dapat dilihat dari kegiatan yang dilakukan seperti ceramah kebersihan, media gathering, pembentukan kelompok kebersihan "Gemaripah", pelatihan dan praktik pengelolaan sampah batok kelapa, praktik pengelolaan sampah, dan workshop. Kegiatan tesebut telah melibatkan para pihak seperti Pemerintah Kabupaten Tabanan, perwakilan Desa Pakraman Beraban, Manajemen Operasional Tanah Lot, dan kelompok kebersihan Gemaripah,

Yayasan Korpri, Universitas Warmadewa, PT Tirta Investama, LSM bidang sampah, Paguyuban Hotel, dan Yayasan Tri Hita Karana. Artinya telah terjalin hubungan yang harmonis antara masyarakat dengan pihak-pihak lain yang terkait.

Palemahan merupakan bentuk hubungan antara manusia dengan lingkungan dalam pengelolaan sampah di Tanah Lot. Hal ini terlihat dari berbagai kegiatan seperti gerakan kebersihan, gerakan penanaman pohon, pemutaran announcer kebersihan, pemasangan papan nama himbauan kebersihan, penyediaan sarana prasarana seperti tempat sampah, tempat tong sampah, motor pengengkut sampah, mesin pengolahan sampah, dan tempat pengolahan sampah. Dalam hal ini tampak adanya hubungan yang harmonis antara masyarakat dengan lingkungan.

Bentuk Praktik ideologi Tri Hita Karana dalam pengelolaan sampah berbasis masyarakat di Tanah Lot memberikan implikasi spiritual, ekonomi, sosial, dan lingkungan fisik. Implikasi spiritual, bahwa praktik ideologi Tri Hita Karana dalam pengelolaan sampah berbasis masyarakat dapat meningkatkan spiritualisme masyarakat bahwa mengelola sampah di pura bukan hanya menjaga kebersihan pura tetapi juga menjaga kesucian pura. Dengan tempat bersih dan suci diyakini dalam melakukn hubungan dengan Tuhan melalui persembahyangan dapat dijalankan dengan baik.

Implikasi ekonomi bahwa pengelolaan sampah berbasis masyarakat bertujuan agar sampah di Tanah Lot dapat memberikan manfaat ekonomi baik secara langsung maupun tidak langsung kepada masyarakat. Dengan kata lain, "mengelola sampah menjadi berkah". Dalam hal ini dapat dilihat bahwa pengelolaan sampah di Tanah Lot telah mampu membuka lapangan kerja berupa keterlibatan masyarakat sebagai perugas kebersihan dan pertamanan. Selain itu, dalam pengumpulan sampah, masyarakat juga telah melakukan pemilahan dimana sampah plastik dikumpulkan untuk dijual. Dari hasil penjualan tersebut masyarakat mendapatkan uang tambahan untk menunjang kegiatan rumah tangga mereka. Selain itu, pengelolaan sampah batok kelapa menjadi briket juga merupakan peluang kerja untuk menambah pendapatan dan meningkatkan kesejahteraan masyarakat.

Implikasi sosial bahwa pengelolaan sampah berbasis masyarakat memberi manfaat sosial bagi masyarakat. Hal ini dapat dicermati dari berbagai kegiatan yang dilakukan yang melibatkan berbagai unsure seperti pemerintah, perguruan tinggi, perusahaan, LSM dan organisasi kemasyarakatan lainnya. Keterlibatan banyak pihak dalam pengelolaan sampah di Tanah Lot dapat menumbuhkan rasa kebersamaan, gotong royong, tanggungjawab, dan membuka di bidang persampahan sehingga dapat meningkatkan pemahaman betapa pentingnya pengelolaan sampah yang dilakukan secara terpadu/

Implikasi lingkungan fisik bahwa pengelolaan sampah berbasis masyarakat telah memberikan manfaat bagi lingkungan fisik Tanah Lot. Hal ini tercermin dari lingkungan Tanah Lot tertata dengan baik, bersih, dan indah. Selain itu dengan sarana prasarana penunjang, announcer kebersihan, dan himbauan melalui papan kebersihan dapat menumbuhkan kesadaran masyarakat mengurangi sampah sehingga lingkungan Tanah Lot tetap ajeg. Dengan lingkungan fisik yang tertata degan baik, maka langsung maupun tidak langsung dapat menarik wisatawan berkunjung ke Tanah Lot. Bentuk praktik Tri Hita Karana maupun implikasi Tri Hita Karana dalam pengelolaan sampah berbasis masyarakat di Tanah Lot sejalan dengan teori Boudieu bahwa Tri Hita Karana merupakam merupakan pengaruh sejarah yang secara tidak sadar dianggap alamiah. Praktik ideologi Tri Hita Karana kekuatan yang berimplikasi terhadap suatu kekuatan modal spiritual (budaya), ekonomi, sosial, dan fisik yang untuk mencapainya diperlukan perjuangan.

SIMPULAN

Berdasarkan uraian di atas dapat disimpulkan bahwa bentuk praktik ideologi THK dalam pengelolaan sampah berbasis masyarakat di Tanah Lot meliputi *parhyangan* yaitu harmonisasi hubungan antara masyarakat dengan Tuhan, *pawongan* yaitu harmonisasi hubungan antara masyarakat dengan sesama masyarakat, dan *palemahan* yaitu harmonisasi hubungan antaram masyarakat dengan lingkungan. Implikasi praktik ideologi THK dalam pengelolaan sampah berbasis masyarakat di Tanah Lot adalah implikasi spiritual yakni

meningkatnya spiritualisme masyarakaya, implikasi ekonomi yaitu meningkatnyapendapatan masyaraka , implikasi sosial yakni semakin kuatnya hubungan sosial antar masyarakat dengan piha-pihak lain, dan implikasi lingkungan fisik yaitu lingkungan Tanah Lot tetap terpelihara, indah, bersih, dan lestari.

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IMPLIKASI PEMBERDAYAAN WARISAN "NEKARA PEJENG" GIANYAR, BALI SEBAGAI DAYA TARIK WISATA

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Abstrak

Bali memiliki beraneka ragam warisan budaya dengan keunikan masing-masing. Hal itu menyebabkan Bali menjadikan warisan budaya sebagai salah satu daya tarik wisata unggulan bagi wisatawan mancanegara. Di balik peluang besar merebut pasar untuk meningkatkan ekonomi masyarakat, bahwa terpaan arus budaya global menghadang upaya pelestarian nilai kearifan lokal. Sebab, berbeda halnya dengan di tempat lain di nusantara, yang memandang bahwa warisan budaya tidak lebih dari benda biasa (profan). Sedangkan di Bali, disakralkan dan difungsikan sebagai media pemujaan oleh masyarakat lokal. Karena terobsesi uang, dapat menggoyahkan sikap dan perilaku penguasa lokal. Pura dan warisan budaya yang dikeramatkan, diberdayakan sebagai daya tarik wisata. Fenomena seperti itu tampak terjadi di Pura Penataran Sasih Pejeng, Gianyar, Bali. Karena dijadikan komoditi, para wisatawan secara leluasa masuk ke ruang suci tanpa mempermasalahkan kesucian pura (tempat ibadah), hanya dengan membayar donasi. Adapun tujuan penelitian ini, untuk mengetahui dampak dijadikannya warisan "Nekara Pejeng" sebagai komoditas daya tarik wisata, baik di bidang sosial ekonomi maupun sosial religius. Metode yang digunakan adalah: observasi, wawancara, dan studi pustaka, dengan pendekatan kualitatif kritis. Dalam pemecahan permasalahannya digunakan teori komodifikasi dan teori kekuasaan.

Kata Kunci: Implikasi, Pemberdayaan, Nekara Pejeng, Daya Tarik Wisata.

Latar Belakang

Pariwisata telah menjadi salah satu industri terbesar di dunia, dan merupakan andalan utama dalam menghasilkan devisa di berbagai Negara (Pitana dan Gayatri, 2005: 3). Dewasa ini, Indonesia berada

di tengah-tengah perhelatan pariwisata global, tentu tidak terlepas dari wacana pariwisata Bali. Sebagai daerah tujuan wisata unggulan, selain menarik karena memiliki keberagaman seni budaya, tetapi keberagaman warisan budaya. Pada umumnya, masyarakat dunia internasional lebih mengenal Bali karena keunikan dan keragaman seni budayanya. Sedangkan organisasi badan dunia "UNESCO", selain melihat Bali dari aspek seni budaya (seni tari dan seni tabuh), tetapi juga dari aspek warisan budaya. Hal seperti itu sangat menguntungkan Bali sebagai destinasi wisata dunia. Dikatakan demikian, karena media untuk memromosikan Bali tidak terbatas dari aspek seni budaya, tetapi juga warisan budaya.

Berbagai daya tarik wisata warisan yang unik dan menarik di Bali. Gianyar merupakan salah satu kabupaten di Bali yang terbanyak memiliki kekayaan warisan. Posisi warisan sebagian besar berada di Daerah Aliran Sungai (DAS) Pekerisan dan DAS Petanu, dan desa yang berada di antara kedua DAS tersebut, dan salah satu di antaranya desa Pejeng. Dewasa ini, hampir semua warisan budaya di sepanjang DAS difungsikan sebagai daya tarik wisata. Karena banyaknya jumlah warisan budaya, selain mengalamatkan Gianyar sebagai kota gudangnya seni budaya, juga kota warisan. Berawal dari penetapan tiga pura (tempat ibadah), yaitu: Pura Pegulingan, Pura Tirta Empul, Pura Mengening; sebuah situs, yaitu Gunung Kawi; dan dua buah subak, yaitu: Subak Kulub dan Subak Pulagan, sebagai warisan budaya dunia (WBD) oleh UNESCO (Government Of Gianyar, 2012: 6). Selanjutnya, sejak April 2017, Gianyar ditetapkan sebagai kota warisan (*heritage city*), sekaligus sebagai anggota *Organization of World Heritage City* (OWHC). Keberadaan seperti itu, dapat mengangkat martabat (*prestige*) Gianyar sebagai daya tarik wisata warisan di dunia internasional.

Di balik peluang besar merebut pasar untuk meningkatkan ekonomi masyarakat, tetapi terpaan arus budaya global menghadang upaya pelestarian nilai kesacralan warisan. Perlu dicatat, bahwa keberadaan warisan budaya khususnya di Bali, berbeda dengan daerah lain di Indonesia. Bagi masyarakat Bali, khususnya yang beragama Hindu, semua warisan budaya adalah benda sakral dan berfungsi bagi masyarakat lokal (*living*

monument). Sedangkan di luar Bali, memandang warisan budaya sebagai benda biasa (profan), dan tidak berfungsi bagi mayarakat di lingkungannya (*dead monument*). Karena terobsesi uang, dapat menggoyahkan sikap dan perilaku para penguasa Bali. Pura dan warisan budaya yang dikeramatkan, diberdayakan sebagai komoditas daya tarik wisata. Fenomena seperti itu tampak terjadi di Pura Penataran Sasih Pejeng, Gianyar, Bali.

Pura Penataran Sasih menarik dikunjungi para wisatawan karena keunikan warisan "Nekara Pejeng". Dikatakan unik, selain memiliki ukuran sangat besar, dan terbesar di Asia Tenggara (Calo, 2009; Bintarti, 1985; Kempers, 1956), bahkan di dunia (Raka, 2015:; Ardika, 2017: 31); juga tidak termasuk ke dalam tipe Heger I-IV sebagaimana nekara-nekara lainnya (Poesponegoro, 1984). Hal itu menyebabkan "Nekara Pejeng" lebih dikenal dengan tipe lokal Pejeng. Karena keunikannya, "Nekara Pejeng" yang disakralkan dan dipuja masyarakat lokal, diberdayakan sebagai komoditas daya tarik wisata, dengan alasan untuk peningkatkan ekonomi masyarakat lokal. Atas kebijakan yang diambil pihak penguasa lokal dan kelompok pendukungnya menimbulkan kontradiktif di kalangan masyarakat lokal. Di satu pihak yaitu penguasa lokal, memberi kebebasan ruang dan waktu bagi para wisatawan masuk ke ruang suci, hanya dengan membayar donasi. Di lain pihak, ada kelompok masyarakat yang memertanyakan kehadiran para wisatawan keluar-masuk ke ruang suci. Apakah mereka (para wisatawan) tidak dalam keadaan kotor (*menstruation*)? Sedangkan warga lokal termasuk umat beragama Hindu pada umumnya, tanpa diingatkan dan sadar sendiri, bila dalam keadaan menstruasi, tabu untuk masuk ke tempat suci (pura).

Metode Penelitian

Penelitian yang dilakukan memilih objek "Nekara Pejeng", yang saat ini tersimpan di Pura Penataran Sasih Pejeng, Gianyar, tepatnya di antara daerah aliran Sungai Pekerisan dan daerah aliran Sungai Petanu. Penelitian yang dilakukan terkualifikasi penelitian budaya dengan pendekatan kualitatif, dan jenis data yang dikumpulkan adalah data kualitatif. Dalam pengumpulan data dipilih metode: observasi, yaitu melihat dan mengamati langsung, untuk diketahui

bentuk, ukuran, pola hias, dan lain-lain. Wawancara, dengan cara snowboll, yaitu dari informan ke informan lain. Penambahan informoan akan diakhiri apabila terdapat indikasi bahwa tidak ada lagi variasi informan dan kategorisasi data telah jenuh. Studi pustaka, yaitu membaca literatur yang memiliki relevansi dengan permasalahan yang dibahas. Selanjutnya semua data yang telah terkumpul diolah dan dianalisis secara kualitatif deskriptif. Prosedur kerja yang ditempuh adalah menggunakan teknik tri anggulasi data, dan terakhir menarik kesimpulan.

Hasil dan Pembahasan

Kabupaten Gianyar termasuk salah satu kabupaten/kota di Bali paling banyak menyimpan warisan budaya. Posisi warisan basisnya di daerah aliran sungai (DAS) Pakerisan dan Petanu, dan desa di wilayah sekitarnya. Desa yang dimaksud adalah Pejeng dan Bedulu, yang dahulu sebelum zaman pemerintahan kolonial Belanda menjadi satu kesatuan wilayah. Karena Belanda sangat berkepentingan dengan urusan dinas, guna memperlancar roda kekuasaannya di Bali, maka diperkenalkan desa dinas (Parimarta, 2003: 7). Sejak saat itu Pejeng dan Bedulu terpisah secara kedinasan, tetapi dalam konteks ritual keagamaan, satu dengan yang lain saling berhubungan sangat erat. Artinya, dalam konteks sejarah masa lalu, Pejeng dan Bedulu menjadi satu kesatuan wilayah kerajaan, sekaligus sebagai pusat aktivitas agama dan budaya. Sumber yang menguatkan ke arah itu, dapat dirujuk hasil pengamatan seksama dilakukan Stutterheim terhadap warisan budaya di sepanjang DAS Pakerisan dan Petanu, yang secara keseluruhan dapat dikelompokkan menjadi 4 (empat) periode, yaitu berasal dari (1) periode Hindu Bali (abad 8-10 M), (2) periode Bali Kuna (abad 10-13 M), (3) periode Bali Madya (abad 13-14 M) dan (4) benda-benda yang waktu pembuatannya belum dapat ditentukan (Stutterheim, 1929). Periode yang terakhir ini merupakan masa akhir pemerintahan raja Bali Kuna "Astasura Ratna Bhumi Banten", yang ditandai dengan runtuhnya Bali ke tangan pemerintahan raja Majapahit (Mulyana, 1979: 145).

Bila menengok jauh ke belakang, bahwa di Pura Penataran Sasih Pejeng tersimpan warisan budaya yang jauh lebih tua

dan berasal dari masa beberapa abad sebelum Masehi. Warisan dimaksud adalah "Nekara Pejeng" (Poesponegoro dkk., 1984: 243), dan saat ini telah berumur 2000 tahun. Dengan demikian keberadaan warisan budaya di Desa Pejeng dapat mewakili dua jaman, yaitu jaman prasejarah dan jaman sejarah. Atau dengan kata lain, bahwa sejak jaman prasejarah sampai dengan runtuhnya Bali ke tangan Majapahit, Pejeng merupakan pusat aktivitas agama dan budaya. Semua kegiatan tersebut dapat berjalan dengan baik, tentu ada penguasa sebagai pengendalinya. Sebagaimana dikatakan Kempers (1956: 71), bahwa "Nekara Pejeng" merupakan benda suci yang sejak dahulu kala disimpan di Pura Penataran Sasih.

Suatu hal yang patut dicatat, bahwa dari sekian banyak jumlah warisan yang ada di Desa Pejeng, salah satu di antaranya paling menarik di antaranya adalah "Nekara Pejeng". Keberadaannya tidak pernah terlepas dari pandangan masyarakat lokal. Selain keunikan bentuk, ukuran, pola hias, dan tipe lokal (Pejeng)nya, tentu tidak kalah pentingnya fungsi yang diemban sebagai media pemujaan bagi masyarakat lokal. Tampaknya dari sejak nekara tersebut dibuat dan difungsikan sebagai media memohon hujan. Selanjutnya ketika memasuki masa pemerintahan raja-raja jaman Bali Kuna difungsikan sebagai kuil kerajaan (Kempers, 1956: 67), dan berlanjut sampai memasuki zaman pemerintahan kolonial Belanda. Pada kenyataannya, bahwa sampai dengan dewasa ini, "Nekara Pejeng" tetap dikeramatkan, dan dipuja sebagai perwakilan dewa yang bersthana di Pura Penataran Sasih. Bahkan di era pariwisata global ini, selain dikeramatkan dan dipuja warga masyarakat lokal, juga diberdayakan sebagai daya tarik wisata.

Pemberdayaan "Nekara Pejeng" Sebagai Daya Tarik Wisata

Pemberdayaan yang dimaksudkan dalam konteks ini lebih menekankan pada manfaat "Nekara Pejeng" di era pariwisata global. Selanjutnya manfaat, bila dikaitkan dengan eksistensi warisan budaya adalah bagian dari pelestarian. Menurut Undang-Undang Cagar Budaya (UU-CB) No 11 Tahun 2010, pelestarian mengandung arti melindungi, mengembangkan, dan memanfaatkannya (Kembudpar Dirjen Sejarah dan Purbakala, 2010: 5). Secara eksplisit, pelestarian merupakan suatu upaya

dinamis untuk mempertahankan keberadaan benda cagar budaya dan nilainya dengan cara melindungi, mengembangkan, dan memanfaatkan. Artinya, untuk menjaga kesinambungan keberadaan warisan dan nilai-nilai yang terkandung di dalamnya, bahwa ketiga aspek yang dimaksud hendaknya bergerak secara simultan. Selanjutnya diintegrasikan menjadi satu kesatuan utuh, saling melengkapi dan saling menunjang satu dengan yang lainnya. Dalam konteks ini, pembahasan lebih menekankan kepada pemanfaatan (pemberdayaan) warisan sebagai daya tarik wisata.

Implikasinya Di Bidang Sosial Ekonomi

Pemberdayaan warisan dalam konteks ini mengandung maksud sama dengan pemanfaatan, yaitu bagaimana memanfaatkan warisan untuk mendapatkan modal (uang). Tampaknya, faktor utama yang mendorong direvisinya Monumenten Ordonnatie 1938 keluaran Pemerintah Kolonial Belanda, bertolak dari potensi warisan sebagai sumber daya modal. Sebagaimana diketahui, bahwa di era pariwisata global ini, warisan memiliki nilai yang signifikan untuk industri pariwisata. Dikatakan demikian, karena pariwisata budaya merupakan industri terbesar di dunia dan pariwisata warisan budaya merupakan sektor yang paling pesat perkembangannya (Ardika, 2015: 6). Pariwisata Bali yang telah berkembang sejak jaman penjajahan dan bangkit kembali seusai zaman penjajahan Jepang tahun 1950-an sebagai bagian mendasar dari pembangunan kembali pariwisata (Vickers, 2013: 7). Pengaruh positif dari sektor pariwisata, khususnya dengan memberdayakan warisan sebagai daya tarik wisata adalah meningkatnya kehidupan ekonomi masyarakat lokal.

Sejak tahun 2010, perhatian itu lebih terfokus kepada persoalan upaya konkrit meningkatkan kesejahteraan rakyat sekaligus mengangkat peradaban bangsa menggunakan tinggalan purbakala (warisan budaya). Itulah misi sebenarnya dari penyusunan Undang-Undang Republik Indonesia Nomor 11 Tahun 2010 Tentang Cagar Budaya, dengan merevisi Monumenten Ordonnatie 1938 keluaran Pemerintah Kolonial Belanda. Berkaitan dengan pertimbangan kemanfaatan warisan, setidaknya ada 4 pertimbangan pokok DPR-RI ketika merumuskan Undang-

Undang Cagar Budaya, yaitu: *pertama*, dari sisi ekonomi, cagar budayaharus mampu meningkatkan kehidupan harkat kehidupan rakyat banyak; *kedua,* dari sisi tanggung jawab publik, pelestarian cagar budaya adalah "kewajiban" semua orang; *ketiga*, dari sisi peradaban, pelestarian cagar budaya harus membuka peluang upaya pengembangan dan pemanfaatannya oleh masyarakat; dan *keempat*, dari tata kelola negara, pemerintah "meringankan beban" pelestarian yang ditanggung meayarakat (Satrio, 2012: 17). Khususnya dipandang dari sisi ekonomi, upaya apa yang dapat dilakukan terhadap warisan budaya di Bali, khususnya warisan "Nekara Pejeng" dalam upaya meningkatkan kesejahteraan masyarakat.

Bali yang cukup banyak memiliki warisan, dan tidak hanya bernilai sejarah, budaya, dan ilmu pengetahuan, tetapi juga unik dan memiliki daya tarik. Bermodal keunikan dan daya tarik yang dimiliki, secara ekonomi dapat dimanfaatkan sebagai daya tarik wisata. Sebagaimana diketahui, bahwa pemberdayaan warisan budaya sebagai daya tarik wisata khususnya Pura Penataran Sasih telah dimulai sejak tahun 1990 (Raka, 2015: 216). Pura Penataran Sasih dengan daya tarik wisata "Nekara Pejeng", cukup banyak menarik kunjungan wisatawan, baik lokal maupun mancanegara. Perlu dicatat, bahwa sebelum perkembangan pariwisata pesat seperti saat ini, "Nekara Pejeng" telah banyak dikunjungi para peneliti asing, yaitu berawal dari Rumphius tahun 1705, Nieuwenkamp (Poesponegoro, 1984: 246), dan selanjutnya W F Stutterheim (1929, 1935); R Goris (1948, 1951/52); AJ Bernert Kempers (1956), dan yang lainnya. Artinya, "Nekara Pejeng" sudah dikenal para turis asing yang berprofesi sebagai peneliti sejak awal kedatangan pemerintah Kolonial Belanda di Bali tahun 1597 (Covarrubias, 2013: 30).

Sebagai daya tarik wisata, dengan diberlakukannya punggutan (donasi) masuk kepada setiap wisatawan yang berkunjung di pura Penataran Sasih, membuat warisan memiliki nilai ekonomi. Selain memberdayakan "Nekara Pejeng" sebagai sumber daya ekonomi (modal), halaman pertama (*jaba sisi*) pura juga dirombak dan dibangun kios dan warung di bagian pinggir barat; tempat parkir; dan pada malam harinya dijadikan pasar senggol. Dengan demikian, sumber pendapatan tidak hanya

terbatas dari donasi masuk ke ruang suci pura, tetapi juga dari pemberdayaan halaman depan pura. Semua modal (dana) yang masuk dapat dimanfaatkan untuk penataan pembangunan di Pura Penataran Sasih, seperti pembangunan/ pemeliharaan *palinggih*, penataan lingkungan pura, dan pura lain yang berstatus *kahyangan desa* di lingkungan Desa Pejeng, yaitu Pura Pusering Jagat dan Pura Kebo Edan. Secara ekonomi beban masyarakat dapat diringankan, karena masyarakat tidak dibebankan biaya pemeliharaan tempat suci. Artinya, sumber dana yang diperoleh dengan pemberdayaan "Nekara Pejeng" sebagai daya tarik wisata dan perombakan halaman depan tempat suci sebagai tempat parkir, pasar senggol, warung, dan kios, dapat dimanfaatkan untuk memperingan beban masyarakat. Selanjutnya, dana yang seharusnya dikeluarkan untuk pemeliharaan tempat suci dapat dimanfaatkan untuk memenuhi kebutuhan lainnya.

Implikasinya di Bidang Sosial Religius

Di depan telah dipaparkan bahwa keberadaan warisan budaya di Bali berbeda halnya dengan daerah lain di nusantara yang memandang bahwa warisan budaya tidak lebih dari benda biasa (profan). Sedangkan di Bali, warisan sangat disakralkan dan difungsikan sebagai media pemujaan bagi masyarakat lokal. Bila dipandang dari sisi peradaban, bahwa pelestarian cagar budaya harus mampu membuka peluang upaya pengembangan dan pemanfaatannya bagi masyarakat (Satrio, 2012: 17). Peradaban yang dimaksud dalam konteks ini, bahwa dalam pemanfaatan warisan budaya dengan tetap memperhatikan nilai luhur warisan yaitu sebagai benda-benda yang disakralkan dan dipuja warga masyarakat lokal. Tetapi yang terjadi di Bali, selain kaburnya batas-batas sakral dan profan yang disebabkan pariwisata (Salazar, 2006), juga para pemandu daya tarik wisata dan paramuwisata hampir semuanya mengabaikan amanat nilai luhur warisan. Selama pengamatan dilakukan di beberapa objek yang menjadikan warisan sebagai daya tarik wisata, belum pernah ada dilihat dan didengar para pemandu objek atau paramuwisata menanyakan keberadaan pribadi para wisatawan. Tentu tidak dimungkiri bahwa suatu ketika, ada saja di antara mereka yang masuk ke ruang suci

dalam keadaan kotor (menstruarsi). Sedangkan agama Hindu di Bali, melarang umatnya masuk ke ruang suci dalam keadaan kotor termasuk wisatawan. Keberadaan seperti itu, dapat membuat cemarnya tempat suci, dan tidak dimungkiri berimplikasi terhadap desakralisasi tempat suci.

Tampaknya upaya untuk mengantisipasi hal seperti itu telah dilakukan di setiap objek wisata warisan budaya di Bali. Para pemandu wisata di setiap objek dan daya tarik wisata, mewajibkan kepada para wisatawan yang masuk ke ruang suci mengenakan kain. Secara adat (tradisi) dapat diterima bahwa dengan mengenakan kain, para wisatawan yang masuk ke ruang suci telah sesuai aturan yang berlaku. Tetapi secara spiritual keagamaan, bila ada di antara mereka yang masuk ke ruang suci dalam keadaan menstruarsi dapat berakibat vatal, yaitu cemarnya tempat suci. Artinya, siapa pun mereka yang masuk ke ruang suci dalam keadaan kotor (menstruarsi), dapat membuat cemarnya tempat suci. Termasuk wisatawan yang sedang datang bulan (menstruarsi) tidak diperbolehkan masuk ke ruang suci, walaupun sudah mengenakan kain.

Fenomena seperti itu tampak di Pura Penataran Sasih. Para wisatawan secara leluasa diberikan masuk ke ruang suci guna melihat langsung "Nekara Pejeng". Cukup mengenakan kain yang disediakan pemandu objek dengan membayar donasi, tanpa pernah dipertanyakan, apakah di antara mereka tidak ada yang dalam keadaan menstruarsi? Pro dan kontra muncul kepermukaan menyikapi hal itu, yaitu antara pihak yang berkepentingan dengan uang (pihak pertama) dengan pihak yang lebih mempertahankan kesakralan pura (pihak kedua). Pihak pertama, lebih berorientasi ke budaya kapitalis yang menjadikan uang sebagai kekuatan sosial mereka (Piliang, 2011). Sedangkan pihak kedua, lebih menjaga ketahanan budaya asli, yaitu bagaimana menjaga kesucian pura ditengah-tengah terpaan arus budaya global. Selanjutnya, di antara kedua belah pihak yang berbeda paham, cukup banyak juga yang menjauh (abstain) dan memilih tidak berkomentar sama sekali. Tetapi sampai dengan saat sekarang ini, perbedaan paham masih terbatas pada tingkat ideologi. Artinya, secara umum warga masyarakat lokal menerima kebijakan yang diambil

pihak penguasa, sehingga membuat keadaan selalu tetap harmoni. Sebagai indikasi ke arah itu, bahwa berbagai kegiatan upacara keagamaan, pembangunan, dan lain-lain dapat berjalan dengan lancar dan damai.

Penutup

Bertolak dari paparan di depan, berikut disajikan simpulan dan sekaligus sebagai temuan, implikasi pemberdayaan warisan "Nekara Pejeng" sebagai daya tarik wisata, baik di bidang sosial ekonomi maupun di bidang sosial religius..

(1) Pemberdayaan warisan "Nekara Pejeng" sebagai daya tarik wisata, dan perombakan halaman depan pura untuk parkir, pasar senggol, kios, warung makan, sebagai unsur penunjangnya, dapat meningkatkan sumber perdapatan warga pengampu tempat suci. Dikatakan demikian, karena semua sumber dana yang masuk sepenuhnya dimanfaatkan untuk pemeliharaan tempat suci. Tidak hanya pemeliharaan Pura Penataran Sasih, tetapi juga pura lain di lingkungan Desa Pejeng yang berstatus *kahyangan desa*. Artinya, warga pengampu pura tidak lagi dibebankan biaya pemeliharaan tempat suci. Dengan demikian, biaya yang seharusnya dimanfaatkan membiayai pemeliharaan tempat suci, dapat dimanfaatkan untuk memenuhi kebutuhan lainnya.

(2) Pemberdayaan warisan "Nekara Pejeng" sebagai daya tarik wisata, diakui bahwa di satu sisi berhasil meningkatkan kesejahteraan bagi warga masyarakat pengampu pura. Tetapi di sisi lain, hal tersebut dapat menyebabkan kaburnya batas-batas nilai sakral dan profan; selanjutnya dengan adanya perombakan terhadap halaman depan (*jaba sisi*) tempat suci menjadi ruang parkir, kios, warung, dan pasar senggol, tentu semuanya itu berujung pada desakralisasi tempat suci.

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POWER BEHIND HARMONY: A CRITICAL ETNOGRAPHY ON THE RELATION BETWEEN CHINESE AND BALINESE ETHNICS AT PUPUAN VILLAGE, TABANAN BALI

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Abstract

The relation between chinese and the community of Pupuan Villlage, Tabanan, Bali is harmonious as shown by amalgamation marriages and their participation as members of the local *Desa Pakraman*. This article analyzes the power relation behind the harmony. There are three problems to be discussed in this article: why do the two ethnics live harmoniously?; how is the dynamics of power behind the harmonious relation in Pupuan village?; and what does the educational model that is applied by the two ethnics look like when it is seen from the ethnopedagogic perspective? The data were collected through in-depth interview, observation, and documents study and were analyzed by interactive analysis model using social social theory.

This article concludes that the harmonious interethnic relation occurs because of the roles of power and capital that are played by the two ethnics. The dynamics of power behind the harmonious relation is dynamic and fluid, in terms of religious, political, sociocultural, and socioeconomic aspects. Meanwhile, the ethnopedagogical education model developed uses various media such as social organization, social activities in the form of ngayah and ngoupin, traditional games, story telling (mesatwa), and cultural ritual in public spaces.

Keywords: Power, Harmony, Critical Ethnography, Relation between Chinese and Balinese Ethnics, Ethnopedagogic, Pupuan village

Introduction

Pupuan village is one of the old villages in Pupuan district, Tabanan, Bali. Demographically, this village has the population of 3265 (851 households) and this includes 113 Chinese (Pupuan Village Monograph, 2015). Although this Chinese ethnics is a minority

group, the relation between the two ethnics is harmonious. The Chinese ethnics in this village practice almagation marriage, which is not common in contrast with endogamy practice among the Chinese in general (Vasanty 1987: 351-370). In addition, they also do rituals like the Balinese ethnics and have shrines of Hindu nuance like *sanggah kemulan, pelinggih Jro Gede*, and *Taksu* and they also become members of the desa pakraman in Pupuan village.

This harmonious relation is very paradoxical compared to what happens outside Bali, as seen in some cases when the Chinese ethnics got discriminative treatment which ended in physical violence (Purdey, 2013: 255-256). This paradoxical phenomenon inspired scholars to investigate, especially in the form of research on the Chinese ethnics in villages which is still scare (Habib 2004: 1- 13). This research becomes important and interesting to be done at present since there is a sympthom of national disintegration and the delicate nature of the nation's unity, which becomes a national issue now.

The study of the harmonious interrelation in Pupuan was done with the focus on why the Chinese and Balinese ethnics can live side by side harmoniously, what the dynamics of power behind the harmonious relation looks like , what the educational model applied by the two ethnics look like in creating a harmonious relation.

Review of Literature

A study on Chinese ethnics with various problems they face as diasporic ethnic in various regions in general and in Indonesia in particular have been done by many scholars,especially in the areas of economic centres in which they work as merchants and in urban industries (Habib, 2004: 1-8). Meanwhile, studies of Chinese ethnics in villages are still rare. In Bali, there are a few studies on Chinese ethnics such as Geriya (2008), Sujiati Beratha, et al (2010). In addition, there are also some scholars who investigated Chinese ethnics outside Bali such as Charles A. Copple (1994), Hari Purwanto (2005), and Jemma Purdey (2013).

Geriya (2008: 26-44) describes intensively the meaningful contribution and synergy for the dynamics of local, national as

well as universal cultures civilizations. The method used was descriptive qualiative method using anthropological analysis. Substantively, Griya holds the opinion that the interrelation between Chinese and Balinese in Bali is extensive, and intensive based on the principles of reciprocity, aculturation and tolerance. It is also explained in this work that the parallel and similar characteristics have encouraged the integration of the two ethnics in cultural aspect.

Sujiati Beratha et. Al. (201)) in their book *Dari Tatapan Mata ke Pelaminan Sampai di Desa Pakraman: Studi tentang Hubungan Orang Bali dengan Orang Cina di Bali* discusses the harmonious relation between Chinese ethnics in three locations: Baturiti village, Carangsari village and Padangbai village. This study is different from the present study in its aim and   study location although both study the existence of Chinese ethnics. Apart from this, the study gives insights to the writer   in   understanding   in depth the multicultural life and interethic marriages as well as their implications in interactions in the field.

Charles A. Coppel (1994) entited Tionghoa Indonesia Dalam Krisis, discusses the historical background of the Chinese ethics problems and how the problems developed and how the Chinese ethnic communiities in Indonesia accommodate themselves with the ups and downs of the national politics. In addition, it also looks at some other things about Indonesian Chinese who are the prisoners of their ethnic past history. According to him, as a minority ethnic group, but a relatively rich group through unbalanced trading activities, they caused antipathy from their Indonesian competitors, The chinese are very influential in economic sector and often have agreements with the rulers. However, when anti-Chinese prejudice breaks out and when a conflict of interest continues then there will be a dilema in which if they are too intimate with the rulers this can bring about a danger for themselves when the government falls.

Coppel's work is comprehensive and it is about the emergence of some problems of the Chinese ethnics (the Chinese ethnic crisis) in Indonesia. His approach employed temporal (historical) approach, since the presence of the descendents of Chinese ethnic

immigrants who spread over Indonesia (diasphora). How the rulers have treated the chinese ethnics since the colonial time until the post-independence period is also the subject of discussion in this work. The exposition is very different from the present study, since this present study is limited in locality and substance. However, Coppel's work is very useful for the writer, in tracing he dynamics of the life of the Chinese etnics in Pupuan village, which is also not free from the policies to which they have been subjected since their arrival at Pupuan village, both in the pracolonial era (kingdom era) and the post-independence era.

Hari Poerwanto (2005) in his book *Orang Cina Khek dari Singkawang* discusses the proposal of assimilation to overcome the Chniese ethnic problems in Indonesia, the history of hinese ethnics in Indonesia, Chinese ethnic problems in Indonesia in relation to national assimilation and integration, the migration of the Chinese ethnics to Kalimantan since the colonial era, and the assimilation of the Chinese ethnics in Singkawang. Poerwanto's work has a very clear focus in Kalimantan about the life and the history of the presence of the Chinese ethnics in Singakwang as well as the proposal made to overcome the problems of the Chinese ethics in Indonesia through assimilation.

Different from this, this study substantively is limited to the locality aspect, in which it was done only in a village in a the hinterland, that is, Pupuan village. However, Poerwanto's work helps the writer very much especially in relation to the historical tracing of the presence of the Chinese ethnics in Pupuan village , especially and of course it cannot be separed from the presence of Chinese ethnics in Indonesia in general.

Jemma Purdey (2013) in his book *Kekerasan Anti Tionghoa di Indonesia 1996-1999*, discusses the relation between Indonesian and Chinese, the minority in the middle, the spreading of dissatisfaction, the increase of anti-Chinese sentiment, climax, representing and remembering, and change of regime and transition. Purdey's work is of course different from the that the writer did, since Purdey focussed more on violence suffered by Chinese ethnics done by the non-Chinese ethnics, is a reflection of disharmony, while the present study discusses an interethnci harmony between

Chinese and Balinese in Pupuan village up to the time this work was conducted.

In addition to the works mentioned there are still many monumental works from scholars that discuss the presence of Chniese ethnics in Indonesia and overseas with all of the problems faced by them in foreign lands, such as Suryadinata (1986. 1988. 1999. 2002), Hadi (2009), Wirata (2000), and Yuda (2014). However, the results of library search proves that there has no research which has discussed the subject using critical ethnography to see the relation between two different ethnics but form the relation developed a harmony. Although some works touched on and selected the same location, the studies were very positivistic and the background or the formulatonof the problems were different. In addition, from the library search, it was found that there is no further discussionon the development of a harmonious relation between two ethnics with different cultural backgrounds in Pupuan village, which uses cultural studies and critical ethnographical approach.

Research Methods

This study used descriptive qualitative method with critical ethno-graphic approach in the Cultural Studies perspective (Spradley, 2006). The data were collected through in-depth interview with public figures from the two ethnics in Pupuan whom were regarded knowledgeable about the problems being studied, which included head of Pupuan village, *Bendesa Adat* (traditional custom leader) of Pupuan, chairman of Karang Semadhi Organization from the Chinese ethnics, chairman of *Sekaa Truna-Truni* (Balinese youth organization), and public figures. Direct observation was made to Pupuan village environment, the shrines of the two ethnics in Pupuan village, rituals, and other social activities that took place in the location of study. Meanwhile, the documents study was done by finding sources like monograph and profile of Pupuan village, and other documents in various places to strengthen the data needed. After the data were collected they were analyzed using interactive analysis model (Milles and Huberman, 1992) with the help from critical theory to produce a critical ethnography.

Some theories used were Bourdies Practice Theory (1984, 1986, 1990, 1991, 1992), which in principle says that ther is capital games (economic, social, cultural, and symbolic) which also cause the development of a harmonious life. Therefore, Bourdieu's theory is important to analyzed data which are related to the reasons why the Chinese ethnics and the local community of Pupuan can live side by side in harmony. Meanwhile, Foucault's Power/ Knowledge Discourse (1980; 1997) in general pinpoints that power is everywhere and those who have knowledge have power. On the basis of this theory, in relation to Pupuan village there is a power game, which causes the dynamics in the interaction of the two ethnics. Thus, Foucault's theory is useful too for analyzing data on the development of dynamics in the relation between both ethnics in Pupuan. In addition, Habermas education theory (1971); Mukhlison, 2014) which stresses the importance of a communication to settle various problems by negosiation and dialogue by agents/ actors among the interest parties to find consensus. This theory is also useful for analyzing data that are related to ethnopedagogic education model. Beside these main theories, other theories were also used such as Gramci's hegemony theory (1968), which was also relevant and this theory was used eclectically. Furthermore, the result of data analysis which was presented descriptive-qualitatively with inductive model as the distinctive feature of Cultural Sudies and was supplemented with the explanative power or critical argumentative power of Critical Social Theory.

The Relation between Chinese Ethnics and Balinese Ethnics in Pupuan Village

The results showed that various reasons that cause Chinese ethnics and Balinese ethnics in Pupuan village can live side by side in harmony are the presence of power game and capital game played by Balinese ethnics and Chinese ethnics so that both conform to or obey the regulations contained in *Tri Hita Karana (THK)* which was used as the guide of conduct by all the local community members (*krama*) in such a way that the members feel that they are being protected and oriented toward a harmony. Similarly, the two

ethnics use social capital by developing and maintaining local wisdom values about fraternity (*penyamabrayaan*) which is used as the pillar to actualize sense of belonging, respect, tolerance which are oriented toward the development of a harmonious relation.

Social and symbolic capital game between them causes an increasingly matured and more strongly protected fraternity, through intermariage (amalgamation) in Pupuan village to develop an increasingly intimate tie (in groupness) and the fraternity becomes more intensive. Thus, each group tries to prevent conflicts which can occur to maintain the harmonious relation. With the use of capital game played by the two ethics to win the contests in the effort to maintain the position of each group causes them to make their best to make a balance between both of them so that the condition becomes balanced and this is the starting point in developing a harmonious life.

The statement above parallels to what Mr. Made Sukarya (65) who happens to have a Chinese ethnic decendent wife, who says that

> " Since I married Cik Etjap (his late wife) the relation with my wife's family has developed quite well. Similarly, every time there is a joy and sad event the people from my wife's family always come amidst the family who holds the feast or ritual and the reverse is also true."

The quote from the interview indicates that the social capital and symbolic game between the Balinese family and the Chinese family to maintain a harmonious relation by paying a visit to each other and by helping each other when there is a feast both in happiness and sorrow to make their relation closer with each other (*penyamabrayaan*). Consequently, they try to prevent misunderstanding which can cause a rift in their relation. Hence, all parties try to conrol themselves to maintain a good relation to actualize a harmonious life althought they come from different ethnics.

The development of the feeling of being on the same boat due to the historical experience of the two ethnics in Pupuan village encourages the agreement to live side by side in peace (harmony)

and to commit themselves to develop the village together, since Pupuan is regarded by them as their land of birth and their belonging. Similarly, the external party's role , both the central government and the local government cannot be ignored, since they have interest in developing peace (harmony) in the society so that some regulations were issued such as Local Government Regulation No. 3/2001 on *Desa Pakraman* (Surpha, 2012) with the hope that social law and order (harmony) can be developed in the society.

The consequence of the capital game played by the two ethnics and the participation of the external parties in playing the power and other capitals is the dynamics behind the interethnic harmonious relation in Pupuan village. This dynamics is dynamic or fluid and inseparable from social, economic, cultura, and political (power) dynamics which occur locally and nationally. The dynamics that occur in the location of study is caused by the game of power and knowledge (symbolic capital) as explained in Foucault's Power/ Knowledge Theory and Bourdieu's Practice Theory so that it can be seen in various aspects such as religion and belief, that is as the consequence of power (spiritual) capital game by Balinese ethnics and Chinese ethnics with their economic and social capital game. Thsse capital games which are played by both ethnics cause the dynamics of power, among other things , in that aspect to be able to influence each other (hegemony), in the sense both ethnics can keep their strength equal to each other, that is, the Chinese with their economic and social capital in which they are stronger than the Balinese and the latter with their spiritual and symbolic power, in which they are stronger than the former.

As a fact of hegemony between two ethnics, based on the result of interview with "Bendesa Adat Pupuan", Mr. I Wayan Meling (65) and Mr. Ketut.Anta Wijaya (46), the leader of Karang Semadhi Tionghoa ethnics, as follows:

> "When Tionghoa ethnics called as '*nyame medelodan*" by Balinese ethnics make traditional ritual (*ngodalin*) in their temple created by *tukang banten (serati)* from Balinese ethnic appropriate with the condition of the ritual and asked *Pemangku* from Balinese ethnic presented those *upakara* with gave *"sesari"* as thankfulness."

Based on this quote from the interview, it can be understood that there is capital game between ethnics in Pupuan village to win the contest between themselves, that is, Balinese ethnics with the power (spiritual) and symbolic capital can influence (hegemony) the Chinese ethnics by selling offerings to the latter, in which the commercialization of ritual, where *tukang banten* (offering maker) gets a reward in the form of money. Similarly, the priest (*Pemangku*) who leads the ritual also gets a reward or "sesari" (money) in a greater amount than that he receives from the Balinese who holds the same or the same type of ritual. Hence, it can be said that the Chinese ethnics with the economic and social capital can influence (hegemony) Balinese ethnics, since the Chinese can hold their activity by giving some money. The hegamony causes the dynamics of power in the religious aspect as described above.

In the political aspect, it is clear enough that there is a power game from the government as reflected in various regulations/policies made and applied by the government (authority) both by the local government and the central govenment with their authority in which they can play their power capital,as reflected from the historical facts of the various policies issued in the form of acts which are binding all the citizens. The policies made can always bring about dynamics in the social interaction, especially in the use of local (Balinese) language and a hegamony also occurs with symbolic capital (knowledge) they possess toward the Chinese ethnics in such a way that the latter in their social interaction always use *sor singgih basa* (appropriate speech level) and this causes them to learn Balinese to inteact with their social environment.

In addition to the use of Balinese, the dynamics of interaction between the Chinese ethnics and Balinese is seen in the socio-economic aspect, especially the contest in acquiring natural resources and human resources by using strengths (capital) possessed by each ethnics in Papuan village. The Chinese ethnics who have stronger economic and socail capitals can win the contest with Balinese ethnics so that economically/socially the Chinese ethnics up to present is stronger than the Balinese. However, the Chinese

ethincs are not arrogant but always cooperate with Balinese by asking Balinese to work in their plantation and by inviting them to work in their shops. In this way, the dynamics in the relation between the two ethnics in Papuan village runs quite smoothly.

In an effort to create and maintain a harmonious relation between the ethnics in Pupuan village, then in the ethnopedagogic perspective, the education model to be developed and practices by the two ethnics is through communication or dialogue with the social environment according to Herbamas' theory of communication which urges the developmen of communication at any time to overcome the deadlock in the interethnic relation in Pupuan village. As the consequence, in the field there are varous means that are used to develop the local wisdom values, which include social organizations such as *sekaa Truna-Truni* and *Karang Teruna* (youth organizations). In addition, social activities can also be used through *ngayah* (voluntary work) and *ngoupin* (helping) model, traditional game model, *mesatua* (story telling), and cultural ritual media in public places.

The example of social activity of "ngoupin" and "ngayah' are like what the late bendesa adat (traditional custom leader), Jro Raka (56) and Ketut Anta Wijaya (46), a descendent of Chinese ethnics say as follows.

> " ... when there is an event , whether it is a sad or happy one, for example a death or a wedding, both ethnics come, preparing the funeral or help with the preparation of facilities for the wedding. In the mean time, at the time of *"pujawali"*, both members of the ethnic groups come to help ("*ngayah"*) to the temple to make media for *upakara pujawali*."

Based on the results of interview the two ethnics develop local wisdom values such as cooperation mutual help, making the relation closer, tolearance, all of which go parallel to the human nature as social creature (*homo socialis*) who cannot live alone without any help from other people so that it is important to interact with others. This runs parallel to Tri Hita Karana teaching and Buddism which in principle teach harmony in human life in the society.

All of the means are effective enough to be used to develop local wisdom values, such as togetherness, mutual help, and fraternity. Hence, the means are used to educate by transforming local wisdom values in order that they can be practiced in the social life in the effort to actualize a harmonious life in Pupuan village.

Conclusions and Suggestions

In the light of the study that was conducted there are some conclusions which can be made and some findings found. *Firstly*, the development of the harmonious relation between Chinese ethnics and Balinese in Pupuan village is caused by interests, power and capital game played by both ethnics, the prioritizing of tolerance, mutual respect, and equality in diversity. Thus, the community of Pupuan village can actualize the motto Bhinneka Tunggal Ika (Unity in Diversity) and multiculturalist doctrine in their social life. So, the harmonious life in Pupuan village, Tabanan Bali between the chinese and Balinese ethnics can be actualized due to the presence of positive orproductive power game as stated in Foucault's power/ knowledge discourse theory.

Secondly, the very dynamic and fluid dynamics in the interethnic relation in Pupuan village is the consequence of power game from the internal parties and the external parties (national) to participate in creating the desired   situation and condition, that is, the development of stability in social life toward a harmonious life that can be maintained in the pluralistic society. In maintaining the existence of each ethnics in Pupuan village there is always a contest in the same arena to win resources or positions by playing with the capital, as stated in Bourdieu's theory to win the contest. However, with the local wisdoms that both ethnics have through their agencies, they negotiate and hold dialogues (develop communication) as stated in Habermas' theory which causes the condition in Pupuan village remain conducive (harmonious). Thus, in the conext of the dynamics of power it can be stated that hegemony that occurs between the two ethnics is not only in one direction,as stated in Gramsci's theory of Hegemony, that is the majority influences the minority

(hegemony). But the finding shows that the hegemony is in two directions, that is, sometimes Balinese ethnics influences the Chinese ethnics in a certain aspect and sometimes, the reverse, the Balinese ethnics is influenced (hegemony0 by the Chinese in the economic sector. Thus, there is a kind of balance (power of balance) between the two ethnics in managing their respective existence to develop a harmony.

Thirdly, the ethnopedagogic education model practiced in the effort to maintain an interethnic harmonious life in Pupuan village uses various means (media) which are regarded to be effective to develop local wisdom values in the location. The various media found in the field among other things are social organizations such as *sekaa taruna teruni* and *karang taruna*; *ngayah* and *ngoupin* social activities, traditional games, story telling (*masatua*), and cultural ritual in public spaces. Through the media all parties can develop their awareness that to live in togetherness , *menyamabraya*, full of tolerance and mutual respect is an ideal life which has to be the key to a harmonious life with the social environment.

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FINANCIAL MANAGEMENT MODEL ON HOUSEHOLDER BASED ON GENDER IN IMPLEMENTING YAJNA

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Abstract

Financial management effectively and efficiently determine the welfare and happiness of individual households. Policies that allow the 60% financial aid for village ceremonies can be used to indicate the gender roles are very important in the implementation of yajna. Gender roles are regarded as determining the effectiveness and efficiency of financial management in implementing yajna. Yajna implementation is not only determined by the amount of money in rupiah size (material) used in yajna, but also influenced by gender roles in using money in doing yajna. The purpose of this research was to determine and analyze the model of financial management of individual households based on gender in executing of yajna. This methods study used a descriptive approach. Data was collected by survey of the number of households in the area of Bali. Data analyze technique was used comparative test. Research shows effective financial management model and efficient evidenced by the gender roles in implementing yajna. Implementing of yajna not only determined by the amount of money used in it's executed, but also gender roles in managing finances effectively and efficiently.

Keywords: management, finance, individual households, gender, yajna.

I. INTRODUCTION

The development of an increasingly modern human civilization raises social, economic, and cultural changes in human life. Cultural change has also occurred in the dual role of gender. The role of Balinese society, especially the increasingly complex gender. In addition, the demands of increasingly modern needs, along with the development of information technology and the fulfillment of the needs of instantly causing a shift in behavior in the lives of individuals. Even some of his yad decision makers have also shifted from patrilineal to matrilineal. One such phenomenon can be shown by the results of research (Aryaningsih, 2010), the decision makers funding of small businesses in Bali is dominated by gender.

Changes in gender social, economic and cultural behavior in Bali are also inseparable from dual roles, as domestic role and career woman role. The role of women is seen from the Hindu culture, including the role of wife, the role of mother, the role of social interaction, the role in religion (yajna). The emergence of domestic conflicts is often due to ineffective financial management and uncertain budget changes. This is caused by gender roles in religious factors, especially the ceremony is dominating start preparation of facilities and infrastructure, the implementation, until the closing ceremony (nyimpen), without a clear budget calculation yajna. The understanding of society is seen from the norm of buadaya about yajna can be done with three approaches, that is about tatwa or philosophy of religion, moral or ethics, and upakara or ceremony. Yajna concept impelentasi from the view of Hinduism and in economic activities, related economic theory can be measured from three activities, namely the activity of creating / producing, distributing and spend or consume.

On the other hand, some of his yad views should be done sincerely. According Sukarsa (2009), routine ceremony conducted in Bali as much as 108 times during the year (from wuku sinta to Watugunung back again Sinta to Watugunung). If in the year 2003 KK in Bali are Hindu as much as 688,281 KK, then for making "canangsari" will require interest as much 21,482,65 ton and "busung" as much 37,966,27 ton a year. This requirement is only

for routine mebanten needs such as kajeng kliwon, fencing love, full moon tilem, tumpek, saraswati, pagerwesi, galungan. If added to other ceremonies such as the temple in the temple of three, the heaven of the universe, temple geginan, temple and others, this need will swell 2 or even triple.

For the execution of yajna (ceremony) in Bali, can be seen from the availability of adequate finance as a concrete need and sincerity of offerings as a mirror of abstract needs. Research conducted by (Sukarsa, 2005) the amount of yajna in the form of ceremony conducted by the community in Bali about 105 days in six months. From the observation result to the group of society classified from their livelihood, namely: (1) the middle-class society group down to the yajna depending on the results obtained, (2) the employee group mentions yajna budget depends on the magnitude of the ceremony, (3) Budget ceremony.

Another study conducted by Sukarsa (2005), the Hindu community in Bali issued income for ceremonial purposes as much as Rp. 2.650.000, - per household per year. This amount is only 10.54% of its revenue. The average number of household members is 4.8 people. Total per capita income per year Rp.5.244.167, - From this empirical data ceremonial activities conducted can result in economic activities in Bali to about Rp.1, 823 trillion per year. This value exceeds twice the budget for revenue and expenditure of one of the richest districts in Indonesia in 2006. The biggest expenditure is made when maintaining good relationship between human and human as much as Rp.4, 7 million a year. This good relationship is formed by mutual help of fellow relatives or neighbors and relatives. The relatively small Bali has no natural resources like other areas (Sumatra, Kalimantan and Sulawesi), so to preserve the life of Balinese people, it is necessary to explore the economic potential of the society into a creative industry. Thus the role of gender in efficient and effective financial management in beryajna is expected to impact on social activities, unique culture can increase tourist visits and market purchasing power.

II. RESEARCH METHODE
The approach of this research is a collaborative approach between

Qualitative and Non-Reactive approaches. Quantitative approach uses data of documentation of research result, while non-rekatif approach conducted unstructured interview, where informant unconsciously have been interviewed, so that primary data result very real and experienced directly. The data collection method is accidental sampling with characteristic of informant of hindu Bali society that is encountered. Data were analyzed by descriptive analysis and arranged in structural model.

III. RESULT AND DISSCUSSION

The Role of Gender in Implementing of Yajna

Gender is a set of behavioral roles, activities, and attributes deemed appropriate for socially constructed men and women in society. Gender is not natural, but it is the process of believing how men and women should act, act, and act in accordance with social and cultural requirements. The manifestation of Yajna in Bali as one of the gender roles. Yajna for adults is an act, behavior, and words that are done with sincerity without causing harm to others. Yajna as a sacred victim which is based on the tri frame of Hindu religion that is tatwa, ethics and moral. Each Yajña that wishes to be created must meet the criteria contained in the Vedas, it is intended that the yajña is qualified Śāttvam, since only the quality of the yajña Śāttvam that can deliver the person who holds the yajña attains unity with Brahman, as the yajña foundation corresponds to Manavadharmasastra, VII .10, namely: Iksa; The goal to be achieved through the yajña must be clear, Sakti; Must be adjusted to the level of ability possessed, both the quality of human resources, as well as funding, not to leave the debt. Village; Tailored to the place where the yajña will be performed, local wisdom (local genius) must be respected so there is no impression of coercion; Situation or state of the region, the community should also be concerned so that the yajña is effective and efficient and beneficial positive. Tattva; Should refer to the religious literary terms of both Sruti, Smrti, and Nibandha.

In addition to the above, in order for the yajña to be qualified in improving the welfare and happiness of mankind, the attribute of yad is: Śāttvam which must meet the standards / qualities as set out in Bhagavadgītā, XVII. 11-14. Sraddha; Yajna done with confidence

and steadfastness of heart. Literature; Yajna in accordance with the literary guidance, Gita; In yajna there are songs of praise to Hyang Widhi, Mantra; there are prayers of idol worshiped to glorify Hyang Widhi, Lascarya; Done with full awareness and sincerity, Daksina; Giving reverence in the form of rsi yajña to Sang Sadhaka (pandita / pinandita), Annaseva; Enthusiastically and sincerely comforting each guest with healthful, spiritual and healthful food and drink, Nasmita; No element of show or "jor-ron". Asta iswaryanya / eight characteristics that accompany every human life. They are: Dahram (Wisdom), Sathyam (Truth and loyalty), Pasupati (sharpness, intellect), kama (Pleasure), Eswarya (leadership), Krodha (anger), Mrtyu (envy, jealousy, revenge), Kala (strength) . That is eight characteristics possessed by every human being, as a driving force to carry out activities, in living the wheel of his life.

Related to the manifestation of yajna with the guidance of three religious framework in the life of society in Bali can be proved by interview result with some informant as follows:

1) Yajna through tatwa can improve the sense of calm the learning process is conducive to focus and students can make changes in self-behavior / instrokpesi.

2) Yajna through the ceremony can increase the value of individual satisfaction to achieve prosperity and happiness.

3) A common prayer done in formal education will be able to shape the child's habits into ethical discipline. The message of an educator needs to be conveyed by emphasizing belief, sincerity of results and sincerity.

4) Yajna can be built through changes in attitudes and behaviors better, recognize the differences of customs between religion and fellow creatures, and grow of tolerance individual in social community

5) Yajna in life is all life activity carried out seriously, based on science and lived by every human being. Expenditures for yajna can not be measured by the amount of money.

6) Yajna in the form of ceremonies carried out with appreciation, the direction of the clear offerings and sincerity of heart, and

not done with a sense of competition, emotions and prestige, "*God never ask*". The money spent on the ceremony is not determined by the amount of money.

7) Yajna in the form of ceremonies in some district places in Bali is very different between the city and village and differentiated urgency yajna.

The ceremony made in the city does not distinguish between the size of the bebantenan, but in the village, the ceremony for the formation of ceremonies can be done by the community, while the ceremony is considered to contain high magical meanings made by special people. The spending of money for small ceremonies can be done by the general public, while spending money for larger ceremonies is done by a special person. Where gender economic activity is associated with the eight characteristics (Astaa iswaryanya) that accompany each life of the people.

Figure A. Pregembal

Figure B. Banten Otonan

Figure C. Hiasan Janur

The comparison of interviews with religious literature guidelines in Bali that the implementation of yajna as in the form of yajna picture A, B.C not enough just known and understood it, but must be accompanied by pengayatannya, practice in the form of everyday behavior and the most important society. The intensity of prayer, prayerfulness, making upakāra will increase the attitude, morale and behavior towards a better and true quality of life in accordance with Dharma rules. Because each Upacara and Upakāra is a translation of the teachings of religion and has the essence of self-study, in organizing life and life, so that it can pursue the main goal of this birth, namely "Mokshartam Jagadhita" (welfare and happiness), Banten is the fruit of thought means complete thinking And clean. When deeply experienced, banten is a manifestation of a complete thought based on a sincere and holy heart. Brought a banten that will be witnessed tangible beautiful, neat, festive and unique symbols, beginning from clean, sincere and sacred thoughts. The form of banten has high meaning and value contains deep philosophical symbolism. Banten is then used to convey a sense of love, devotion and love.

Money and Yajna

The use of money in yajna does not vary much with the function of money in economic transactions. There are three functions of money used for transactions, for vigilance, and for speculation. The velocity of money in yajna sector in Bali is very high per day minimum 3 M. For example offerings canang Rp 3000 / day x 1000.000 people. Yajna activities in this sense will be able to create job opportunities / economic opportunities. Thus, people with low incomes will also be able to do yajna. From the description above can be made the cycle of money, yajna, and human activity to realize kemjahterannya can be described as follows.
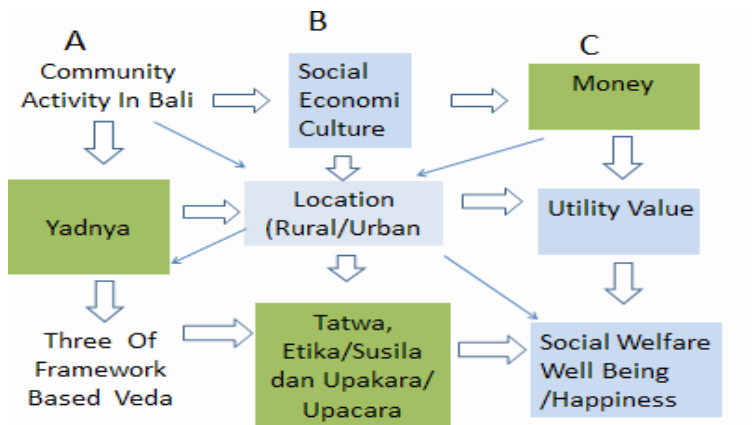
Figure 2. Cycle of money, yadnya for social welfare

Figure 2 above shows that Balinese society activity is philosophically always related to socio-economic and cultural aspects. The three aspects are also inseparable from the environment of the village or city and in the utilization of financial (money). In addition, the activities of the Balinese community are based on yajna. Yajna concept is also guided by the three hindu religious framework in an effort to achieve prosperity and happiness.

IV CONCLUSION

The activities of the Balinese community are well developed because they are based on three Hindu religious frameworks, Tatwa, Ethics and Susila. In realizing yajna the role of social, economic and cultural aspects can not be separated, and also in the use of money. The village and urban environment also play an important role in realizing yajna. The value of individual satisfaction can be realized from yajna, so that welfare and happiness can also be achieved.

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of human life on this earth, to maintain mutual harmony with each other.

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THE ARTICULATION OF THE LIFESTYLE IN COMMUNITY AFTER PEOPLE SOLD THEIR LANDS AT KUTUH VILLAGE, SOUTH KUTA COUNTY

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1. INTRODUCTION

Notes notary (2016) indicates that between 2011-2015 95 residents in Kutuh sold their lands. Relating to this, Bali Post (5 February 2008) reported that with the rapid development of tourism in Kutuh village because the presence of famous Pandawa coast investors has many to purchase lands in Kutuh village. In same reason, community lands Kutuh village have been sold to investors with relatively cheap price in 1990, so approximately 3.000.000 rupiah per are. Now land price in Kutuh village has reached about 175.000.000 rupiah per are.

Originally these lands were used about dry agricultural lands dry, and land owner farmed secondary crops of nuts, corn, and tubers as fermented cassava trees and fermented cassava creeper. Thus, it can be seen that socio-economic status of residents in Kutuh before sold their land are farmers, namely farmers in Kutuh village. Of course their aims for selling land were to obtain money, and these money were used to purchase many in market which were needed to fashionable lifestyle.

So there are two possibilities, who does not only differ but also conflict on another lifestyle of people in traditional Kutuh village. Based on these situation, so important problems must be researched and examined. It are the lack of knowledge about their lifestyle as residents in the community of Kutuh village which was originally farmers but now they lives in modern lifestyle even the era of postmodern. This problems must be researched and examined, not just to increase knowledge about various things

relating to these problems but also must be thought which can be useful, good theoretically and practical.

As people have more convenient lifestyle in farmers village or former farmers village, former farmer village, so community of Kutuh village, South Kuta could become mix or hybrids. This means that their lifestyle not only show typical their tradisional community, that is but also have modern characteristics. It is strong if associated Alleged it looks to dialect; that modernity is tradisionality and tradisionality is modernity. The levels of in the lifestyle tradisionality and modernity were closely seem to relate with choice of each parties which concerned that might change according to era development. This is in line with the idea ibrahim (2011: 12-13) as follows.

> ". It turns out to choice lifestyle, and we make many choice in model life style which were offered in society, and the result struggle from ourselves in search identity and sensibility us with environment in which we live".

Along these lines, it can be said that mixed or hybrid lifestyle can be resulted from effort of person or group which concerned with two elements lifestyle, namely traditional and modern. In this context the term of articulation was knowned that science study is one key term. In the term articulation of cultural study the importante of was re-put in these terms as the part of glossary, and Chris Barker has called it was as cultural studies (2013: 68). And loaded on the dictionary cultural study (2014: 12) also written by Barker. Simply sead, in this the term articulation can be defined as an effort to unite two different things and that has necessarily not connection. Hence, based on allege above, one problem which need to be focus of this study is the way of community in Kutuh village articulate their lifestyle. This is important to know that weight of dimented tradisionality and modernity in the lifestyle in community of Kutuh village.

Based on these reasons it has been mentioned to exposure on the background above, so we want to examine formulation of problems in this research and how the people articulate lifestyle

after sold they lands in Kutuh village?

2. RESEARCH OBJECT

To know articulation of peopl's lifestyle after sold their lands in Kutuh village, and governmental care policies. And to know how to make govermental and/or village regulations concerning in sold lands in Kutuh villagers because avoid luxury lifestyles, especially in society member who still own their lands.

3. RESEARCH METHOD

This study was conducted with a method of survey and field observation to peoples lifestyle after sold their land. The used methods is purposive samplings, namely by determine key informantions and next with the snowball methods, namely to acquire data and much information from after research. An instrument used interviews. From the results of interviews, key informants and other informantions analyzed with descriptive form.

4. DISCUSSION

After sold lands in the Kutuh village the lifestyle in community, obviously will be explained with eclectic (social practice theory, theory of consumerism, and the theory of modernity). It was described bout the clothing patterns, eating patterns, patterns of free time, ownership of transport, means and the condition of the dwelling house architecture and places of worship.

Modern society is experienced a shift in the distribution of social prestige. The social prestige or prestiges can be manifested in various ways. The social prestige not only realized in various symbolic physical, for example, how to dress, or how to variety of attributes which attached to someone, but the appointment of individual's status can be seen in the non physical symbols, for example the selection of places to eat, shopping, recreational areas, brand clothes which are worn, worship places and homes, as well as mastery of technology, the means of transport means can show the status of a person.

1. Pattern of Clothes

At the beginning of the research of non-verbal com—munication, Ruesch Kees proposed to examine the messages of objects in everyday life as language objects (1956). However, in the field of non-verbal communication, limited largely to the message body. In consumer culture, the body expressed means of enjoyment. Consumer culture allows without shame posting the human body. Clothing, according to Featherstone is designed to celebrate the human body form "natural", a sign with contrast to the 19th century when the clothing designed to hide the body (Featherstone, 1992:177). From the interviews conducted with Ketut Karing from Banjar Petangan as follows:

> Many member at current community in are using trendy kebaya as which are woman's clothing, these become more fashionable, transfaran and wear short sleeves, use cloth with slightly higher or seem. Given the custom in dressing these wears to the temple is the characteristic of Hindus in Bali, gracefully if someone does look to the temple with the clothing in such way and use the Tuck purse in her shawl to save money and mobile. But it's good if someone went to the which intended to present themselves to the Hyang Widi Wasa with clean and polite clothes as well as in accordance with the teachings that were in the order to religion and culture (interview, April 16, 2017).

Figure 1. The difference in the patterns of clothing to the temple past and present
Documents: Mutria, 16 April 2017

From the above statement, it is said that during this time, many customary fashion how to dress to the temple is not in accordance with existence of standard. And there are irregularities against the dress to the temple, it is certainly negative affect. Now the community should follow the development mode of dress, but only implemented in the reception ceremony or attendance of wedding ceremony. To dress them is no fixed rule. However of course the prayer in the Temple must be dressed decently mode and not transparent. Not only is the dress, from the arrangement of the hair must be neat. As for the Brocade outfit is now experiencing a lot of modifications and it must be only used when the party.

Mantra (1996:1-2) suggested, that globalization is unavoidable symptom, but Crump also opens an opportunity. Globalization has brought huge advancement and fundamental changes in the life of Balinese people, particularly Hindus, namely the occurrence of clash of cultures. In the context of his appearance in the fashion phenomenon of the indigenous tample for Hindus.

2. The pattern of Food

Packed in traditional societies is simply the activity of chitterlings to life. Or in their hierarchy, Abraham Maslow said about most basic needs of human beings, i.e. physical needs. The actual meaning of eating in any modern society has same with the meaning of traditional society that is to live. But in further development, eating is an activity that is full of meaning. When the fact of eating is not just a tool of subsistence, then packed is a self-actualization tool. (Susanto, 2001:37-38).

About 1980, Kutuh village was the agricultural village of many people were dry land farmers but with development of tourism around 2011, in Pandawa Beach many people comberted their occupation in tourism places such as hotels, villas, golf course, restaurant, Manager of the Pandawa beach, and selling. And the diet of the people ever change from the traditional to the modern. In the interview with Mr. I Nyoman Camang as Secretary of Village Kutuh as follows:

Just like other villages in Nusa Dua area, before people knew know

tourism, their life were very difficult from now. Used regularly ate yams, drained then cooked. But around 1980 young. They replacemend for rice, vegetables, unlike now young children follow how westernized food come with the globalization of tourism in particular Kutuh village (interview, December 29, 2016).

Figure 2. Traditional food and modern food
Documents: Mutria, November 16, 2016

From the interview above it can be said that the people in the Kutuh village has undergone modernization of food. Because that traditional patterns changed with the tourism in the Kutuh village and now many people eating patterns of western food as shown in Figure 2. They go to buy pizza and McDonald's restaurant.

In the century of globalization the most fundamental social change a change to the direction of consumer society that creates consumer culture and lifestyle of consumerism. Jean Baudrilard wrote that, in the consumer society characteristic consumer society occurred the shift of logic in consumption, logic needed toward the

logic of passion, that is how consumption of food goes beyond mere biological needs fulfillment, toward the fulfillment of the needs of the signs (Baudrilard, 2015:74). People no longer consume value to products, such as food but the value of his mark.

3. Pattern of Leisure

In era postmodern society, people generally spend time more populate variety of hedonistic activities and rekreatif more expenditure funds than producing things, or mind skepticism activities. In era of postmodern society, people spend time often with leisure activities, people go out to sight seeing: They go to attractions, malls, clubs, foreign countries, and so on (Simon, 2006: xiii). In era of postmodern society, at school holidays or just extended vacation, time people undoubtedly always awaite, and at that time it was not surprised if almost all over the trip distingtions are filled with people spend who want to their time with varieties of pelesir activities. With interview Mr. Nyoman Camang as Secretary of Village in Kutuh said that:

> Before sold the their lands at the community had not many pelesires at the long holidays or school holidays, they spent their time in the village onlys but after sold their land it was become they change staid at the hotels just how it feels, if they staid at the hotels, they shopping, went to sight seeing they made group tour to Tirtayatra with the their vacation (interview 23 January 2017).

Figure 3. A walk to the mall, to the sight seeing to Tirtayatra and various Temples in Bali Document: Mutria, January 23, 2017

From the description above it can be said that never people had not leisure such as go to the malls or to sights seeing to Tirtayatra in out of region before sold their lands, but after they sold their land, people had leisures at school holidays or long holidays out of their village.

In this time it can be devidet people with different social classes. If the lifestyle and behaviour of people develop, usually their consumption become more superflous and wasteful as symbol of their classy status. The excessive consumer behavior performed with magnifiant prestige of themselvet which want to show that they are in different class. According to Veblen, leisure class spenders to wasts money, time, manpower, and enjoy high status and prestige (Veeger, 1985:105-106).

4. The Possess of Transport

From the needs of increasingly complex, and stylish lifestyle, people want to own vehicles as transport means. The possess of vehicle is no longer merely from reason as supporting tools of daily activities, but also as lifestyle, especially in the possess of two-wheeled vehicle or four-wheeled vihicle, namely motorcycles and cars. The possess of motorcycle or car as trendy lifestyle give the thes possess advantage to the dealer or automotive industry. The motivation doesn't limit to consumer needs, but also as lifestyle and it is resulted that increase people's demand. The phenomenon like this happened in society of Kutuh village, village people sold

their lands and they used many to buy proceeds vehicles such as motorcycles and cars. Based on interviews conducted with cheaf in district of Kaja Teak I Nyoman Jartha said as follows.

> After most people in this village sold their lands, and could bought their cars, and after it's then renovated places of worship, homes, or vice versa. There are the men who possess 3 cars in their house, but (Imaging) simple car Fund is not rented out only for private course (interview, November 16, 2016).

Figure 4 ownership of the means of transport
Documents: Mutria, November 16, 2016

Based on the above description about cars and motors for the Kutuh village community is the possess of cars and motors no longer from needs of transport means, but it has more than of it. If we saw the history of the car industry which originally developed at United States and car become as culture for the people. The car was a symbol..

With the development of mass media in society it influenced to the development of consumption. The technology becomes symbol of progress, so anyone who utilizes this technology, think him progresse. Further, it was described that the meaning of technology become status of the individual in modern society. Marx also noticed that other than meaning of symbol of progress, technology has also become status symbol for the wearer. This is more of symbolic significance in order to the inherent in the technology. Technology will imply all the symbols or signs of status that can be displayied to wider audience (Martono, 2014:216)

5. Architectural Style of Home Temples and Houses

At large buildings or traditional architecture in Bali, they are always filled with ornate carvings, equipment as well as the awarding of colours. The motif contains some senses or expressions of the beautiful of the symbols and the submissional communication. The forms of motive types in fauna also serves as a ritual symbols which shown in sculpture (Harya, 2014). Based on interviews with Ketut Subrata said that:

> The houses and home temples in Kutuh village community have undergone the change from traditional to modern or postmodern. these changes happened about 2011 when with the existence of the tourist Pandawa beaches of the some people in Kutuh villagers sold their lands from reasons such as Cremation ceremony, renovating home temples, or to buy the cars (interview, December 29, 2016).

Figure 5. Houses and traditional, modern or postmodern
Document: Mutria, December 17, 2016

If you saw pictures home temples above, it were Bali houses in this time. It is very different from traditional Balinese houses,

these are not used symbols of traditional Balinese house style. Now these buildings has been become mode-fashion or trendy for buildings, and in Bali characteristic of traditional Balinese buildings are yet disapeared. In picture there are above tipical Balinese houses were Balinese house with touch of minimalist style, then automatically tipical Balinese houses were already disaperead from village. Good views of building forms, materials, ornaments of buildings, even the layout of the building are very different from traditional Balinese house.

The result of changing pattern especially influence for the development of Bali, where the development of modern era influences for Balinese house and become more and more modern, so use of traditional Balinese symbols architecture become the hallmark of traditional Balinese house.

From the results of this interview, the interviewr said that they chose luxurious lifestyle at Kutuh village sfter sold their lands, but most of them followed the modern trend and the social prestige of the luxurious lifestyle due to changes from traditional to modern, and even into postmodern. The change society at this times has been presented above. In conditions of transitional community, still comvined to traditional lifestyle and were affected by of modern trait. It is ppears that traditional lifestyle had already changged to gone postmodernis, in fact it can be shown that the traditional lifestyle gradually had fad due to postmodernis wich continue to evolve. This conditions are very worryed, especially for whom sold their lands, but they got little money because they had only narrow lands, and if they want to continue these trens as social prestige and luxury lifestyle, they would be plunged into the abyss of poverty.

These their lifestyle must be needed amount of money which they had and in the tourism environment strong their desire to search their identity and sensibility trend of the times and the social prestige of the luxurious lifestyle without thinking about their future, and they shall fall into the abyss of poperty. But for those who have the amount of money because of careful thought about their future, they will be able to follow the times, they still follow the luxury lifestyle because every person has different

options at the moment which he has a lot of money. People like this will be spared from the abyss of poverty. When they have a lot are money human behavior usually definited which they want to live, this is reflected in Kutuh village community which is located in environmental of tourism.

5. CONCLUSIONS
1. Conclusions

In summary now five lifestyle patterns are changing from traditional to modern, and postmodern. And auther in discussion above indicated that the articulation of the lifestyle in community after sold lands in Kutuh village is very different, they follow the trend of this times and luxury as social prestige, otherwise they feel marginalized because their living environment become luxury style in communities, it are strongly influenced by the environment of tourism with versatile luxury.

But the impact gave them who have only a little money from the results of sold their lands, they will become into the abyss of poverty. And vice versa for those who have a lot of money and can arrange for his luxurious lifestyle, they will still exist follow the times. In outline the process of articulation lifestyle in communities after sold their lands in Kutuh village are depended on the weight or dimensions of tradition and modernity, as well as capability of Kutuh villagers to follow the lifestyle of luxury.

2. Suggestion

It will needed more awareness such as government policy, along with making regulations in the form of Perda and/or awig-awig of village about the restriction of sale lands, so that Kutuh villagers spared from luxury lifestyle in the form of socialization in order not to fall into the abyss of poverty especially for people on low incomes including after sold their land in community.

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RITUAL BAYAR SAUT SEBAGAI BENTUK PERGULATAN IDEOLOGI KEBERAGAMAAN UMAT ISLAM DI DESA LUWUK KANAN KECAMATAN PAYAWAN KABUPATEN KATINGAN KALIMANTAN TENGAH

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ABSTRAK

Budaya Lokal (local wisdom) merupakan kekayaan budaya yang sangat berpengaruh pada sikap keberagamaan masyarakat di Indonesia. Salah satu terlihat dalam sikap keberagamaan umat Islam di desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah, yang masih mempraktekan ritual animisme sepert upacara bayar saut (sebuah tradisi yang dilakukan secara turun temurun oleh suku Dayak Ngaju, sebagai upaya untuk membayar janji kepada mahluk gaib yang telah membantu kehidupannya baik dalam mencari rejeki maupun dalam penyembuhan penyakit). Tradisi bayar saut ini dilakukan sesuai dengan perjanjian yang telah disampaikan kepada mahkluk gaib (Sahur Parapah/Gaduhan). Dalam pelaksaanya dipimpin oleh seorang pisor (orang yang disucikan dalam umat Kaharingan). Hal ini menjadi sangat menarik untuk dikaji karena dalam pelaksaanya sarat dengan pergulatan ideologi keberagamaan sehingga menimbulkan proses saling mempengaruhi, negosiasi yang terwujud dalam pola sinkretis, konflik dan pola-pola lain yang sulit untuk didefinisikan, dengan memfokuskan permasalahan pada (1) bagaimanakah bentuk pelaksanaan ritual bayar saut di desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah ? (2) bagaimanakah bentuk pergulatan ideologi keberagamaan dalam pelaksanaan upacara bayar saut di desa Luwok Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah, (3)Bagaimanakah implikasi pergulatan ideologi keberagamaan umat Islam terhadap pelaksanaan upacara "bayar saut" dan keberagamaan umat di Desa Luwok Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah

Guna mendapatkan data yang valid tentang Fenomena pergulatan Ideologi keberagamaan yang terjadi dalam upacara bayar saut di desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah dikaji dengan menggunakan teori fenomenologi

dan teori hermeneutik. Dari hasil penelitian disimpulkan bahwa bentuk ritual "bayar saut" yang dilaksanakan oleh umat Muslim di Desa luwok Kanan disesuaikan dengan janji yang telah dilakukan dengan mahkluk halus (Sahur Parapah/Gaduhan). Pergulatan dalam bentuk ritual nampak dalam perluasan penggunaan binatang korban seperti sapi. Pergulatan ini berimplikasi terhadap bentuk pelaksanaan upacara bayar saut dan sikap keberagamaan umat islam di desa luwuk kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah.

Kata Kunci: Upacara Bayar Sawut, Ideologi keberagamaan, Budaya Lokal

A. Pendahuluan

Indonesia sebagai negara kepulauan, dilatari oleh berbagai budaya yang beraneka ragam baik dalam bentuk adat istiadat, keyakinan, budaya, kesenian dan masih banyak yang lainnya. Perbedaan-perbedaan ini berimplikasi terhadap keanekaragaman budaya yang mewarnai prilaku masyarakat dalam kehidupan sehari-hari. Salah satunya nampak dalam dialektika agama dengan budaya lokal (*lokal wisdom*) yang membentuk varian-varian baru yang menjadi ciri khas keberagamaan masing-masing daerah.

Clifford Geertz (1960), meneliti tentang kehidupan keberagamaan orang Islam di jawa, dan membagi Islam ke dalam tiga varian yaitu Islam Abangan, Priyayi, dan Santri. Islam Abangan dan Priyayi adalah sebutan bagi mereka yang masih menjalankan agama yang bersumber pada Rakyat, yang diwarnai oleh animisme dan hanya di permukaanya saja yang terpadu dengan Islam. Dalam prakteknya mereka yang digolongkan Islam Abangan dan Priyayi masih mempraktekkan keyakinan kepada Roh leluhur, mahkluk gaib dengan melakukan berbagai ritual bersaji sebagai persembahan. Sedangkan Islam Santri adalah mereka yang dianggap taat dalam menjalankan syariah Islam.

Berbeda dengan Clifford Greertz, Kontjaraningrat (1994) membagi Islam Jawa menjadi dua varian yaitu: Islam Jawa yang bersifat sinkretik dan Islam Puritan (Santri). Islam Sinkretik yaitu Islam yang dianggap kurang taat syariah karena masih mengabungkan antara unsur-unsur keyakinan pra-Hindu, Hindu,

dan Islam. sedangkan Islam Puritan (Santri) adalah mereka yang lebih taat dalam menjalankan syariah namun begitu masih dipengaruhi oleh keyakinan-keyakinan animisme dan dinamisme, dan Hindu-Budha.

Sebagaimana halnya keberagamaan masyarakat Islam Jawa, keberagamaan umat Islam di Desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah juga masih dipengaruhi dan mempraktekan keyakinan-keyakinan animisme dan dinamisme seperti melaksanakan ritual bersaji. Fenomena ini nampak dalam pelaksanaan upacara *"bayar saut"* sebagai bentuk ritual bayar janji kepada mahkluk gaib (*Sahur Parapah*/*Gaduhan*) yang dianggap memiliki kekuatan supernatural dan senantiasa menjaga dan membantu mereka dari segala gangguan baik yang bersifat tidak baik dan juga membantu mereka dalam mencari rejeki.

Fenomena pelaksanaan upacara *"bayar saut"* oleh masyarakat Islam di desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah, sepintas terlihat biasa-biasa saja, namun sebenarnya kalau dilihat dengan pengamatan yang lebih mendalam disinilah terjadi pergulatan-pergulatan yang sangat serius antara ideologi Islam dengan orientasi pemujaan yang terpusat hanya kepada Allah dengan ideologi budaya lokal (*lokal wisdom)* yang masih mempraktekan animisme dan dinamisme. Pergulatan ini menimbulkan proses saling mempengaruhi, negosiasi yang terwujud dalam pola sinkretis, konplik dan pola-pola lain yang sulit untuk didefinisikan.

B. **Pembahasan**
1. **Bentuk dan Pelaksanaan Ritual *"Bayar Saut"* yang Dilaksanakan oleh Umat Islam Di Desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah**

Ritual *Bayar Saut* merupakan tradisi Suku Dayak Ngaju yang masih bertahan hingga saat ini. Ritual *Bayar Saut* adalah ritual yang dilaksanakan untuk membayar janji yang telah diucapkan kepada Roh gaib (*Sahur Parapah/gaduhan)* karena telah membantu dan memenuhi apa yang menjadi keinginan mereka. Roh gaib (*Sahur*

Parapah/gaduhan) adalah manifestasi *Ranying Hatalla Langit* dalam bentuk mahkluk gaib yang memiliki kekuatan supernatural yang bertugas membantu kehidupan umat manusia. Roh ini merupakan peliharaan dalam keluarga yang diwariskan secara turun temurun.

Silo (Pisor yang biasanya memimpin upacara *bayar saut*) mengatakan bahwa tidak semua orang memiliki keberuntungan memelihara *Sahur Parapah/gaduhan*, bagi yang beruntung akan didatangi langsung oleh roh gaib ini melalui mimpi. Begitu juga dalam pewarisannya roh gaib ini memilih sendiri siapa yang ingin dia ikuti. Bagi mereka yang memelihara Roh gaib (*Sahur Parapah/gaduhan*) disamping mendapat perlindungan secara langsung, dapat juga secara khusus meminta bantuan sesuai yang diinginkan, seperti jika ingin bepergian jauh agar dijaga dan dihidarkan dari marabahaya, agar dibantu dalam mencari rejeki, dijaga dari gangguan orang jahat atau mahkluk jahat dan masih banyak yang lainnya. Masih menurut Silo jika yang memelihara Roh gaib (*Sahur Parapah/gaduhan)* ingin meminta bantuan secara khusus, maka dia harus memanggil mahkluk gaib peliharaanya ini dengan memakai beras tawur (beras yang telah dibangkitkan jiwanya melalui mantra-mantra), Beras tawur kemudian ditaburkan dibarengi ucapan doa dengan menyampaikan maksud, tujuan kedatangan, sambil mengucapkan janji akan memberikan sesaji sebagai bentuk ucapan terima kasih jika Roh gaib *Sahur Parapah/gaduhan* ini bersedia membantu. Jika permintaan mereka telah terkabulkan maka sesuai janji harus menyediakan sesaji sesuai yang telah dijanjikan, jika tidak maka Roh gaib (*Sahur Parapah/gaduhan)* bisa marah dan justru berbalik menganggunya. Tradisi bayar janji inilah dalam masyarakat Dayak Ngaju di desa Luwok Kanan Kecamatan Payawan Kabupaten Katingan disebut sebagai upacara *"bayar saut"*.

Pelaksanaan Ritual *Bayar Saut* berpedoman pada kitab suci Panaturan. Seperti yang dikatakan Kencong (dalam Tesis, 2006: 31) bahwa setiap ritual yang dilakukan oleh umat Hindu Kaharingan sampai saat ini selalu berpedoman pada konsep ajaran *Bawi ayah* dan *Raja Uju Hakanduang, Kanaruha Hanya Basakati* yang diperintahkan oleh *Ranying Hatalla Langit* untuk turun kembali mengajarkan keturunan Raja Bunu mengenai ajaran berumah tangga,

bermasyarakat, dan ajaran yang menyangkut upacara dan upakara dari tingkat yang paling kecil sampai pada tingkat yang terbesar. Sebagaimana bunyi Panaturan pasal 41 ayat 2, yang bunyinya:

> " Amun kalute ampin kakare taluh handiai, huang pambelum anak esun Raja Bunu mijen Pantai Danum Kalunen, ije jadi uras nalingau kakare ajar RANYING HATALLA, te RANYING HATALLA hamauh ayak nyahuan Raja Uju Hakanduang, Kanaruhan Hanya Basakati, uka hadurut nanturung Lewu Telu Kalabuan Tinggang, Rundung Epat Kalehulun Talawang"

Yang artinya:

> Memperhatikan keadaan kehidupan anak cucu Raja Bunu yang hidup di Pantai Danum Kalunen , yang telah banyak melupakan ajaran RANYING HATALLA, oleh sebab itu RANYING HATALLA berfirman dan memerintahkan Raja Uju Hakanduang Kanaruhan Hanya Basakati agar segera turun ke Lewu Telu Kalabuan Tinggang, Rundung Epat Kalehulun Talawang"

Pasal 41 ayat 2 kitab Suci Panaturan sebagai mana di atas memberikan petunjuk kepada *Raja Uju Hakanduang, Kanaruhan Hanya Basakati*, agar segera turun ke *Danum Kalunen* (alam semesta) untuk mengajarkan kembali umat manusia (keturunan *Raja Bunu*) berbagai ritual kecil hingga yang besar sebagai jalan untuk mendekatkan diri dengan Ranying Hatalla Langit dan seluruh manifestasinya, dan sekaligus sebagai sarana untuk meminta bantuan jika diperlukan.

Salah satu bentuk ritual yang juga diyakini sebagai ajaran dari *Ranying Hatalla Langit* melalui *Raja Uju Hakanduang, Kanaruhan Hanya Basakati* adalah upacara /ritual *bayar saut.* Dalam pelaksanaanya ritual "*Bayar Saut*" disesuaikan dengan janji yang telah diucapkan kepada Roh gaib tersebut. Jika yang dijanjikan dengan mengorbankan babi atau sapi maka ritual ini tergolong besar, tapi jika yang dijanjikan hanya ayam maka ritual ini tergolong kecil. Dalam pelaksanaanya ritual besar menurut Silo harus mendirikan banguna kecil sebagai tempat menyimpan sesaji yang disebut bangunan "*palangka*" dan "*sapundu*" untuk tempat mengikatkan binatang korban.Seperti salah satu ritual *bayar saut* yang dilaksanakan oleh Bapa Teguh salah satu anggota masyarakat di Luwok Kanan.

Bangunan *palangka* didirikan di dalam rumah sedangkan *sapundu* didirikan di luar rumah (alaman rumah) seperti nampak dalam gambar di bawah:

Gambar 1: Bentuk bangunan palangka yang didirikan di dalam rumah sebagai tempat menyimpan sesaji yang akan di bawa ke muara sungai sebagai persembahan kepada Saur parapah/ gaduhan

Gambar 2: Bangunan Sapundu yang didirikan di luar rumah untuk mengikat hewan korban

Jika upacara yang dilaksanakan kecil dengan mempersembahkan ayam maka cukup hanya menggunakan nyiru atau nampan. Seperti nampak dalam gambar di Bawah:

Gambar 3 : Perlengkapan upacara Pakanan Sahur Parapah dalam tingkatan kecil

Upacara bayar saut dipimpin oleh seorang Pisor/Basir (orang yang disucikan oleh umat Hindu Kaharingan). Tatacara pelaksanaan ritual bayar saut diawali dengan Menawur dengan menaburkan beras yang sudah dibangkitkan jiwanya melalui doa-doa sehingga diyakini dapat menjadi perantara untuk menyampaikan atau mengundang para Dewa Dewi, Malaikat dan Sahur Parapah agar berkenan hadir untuk menjadi saksi dalam upacara, dan juga menyampaikan latar belakang dilaksanakannya upacara *bayar saut* seperti nampak pada gambar di bawah:

Gambar 4: Pisur/ Basir sedang melaksanakan upacara tawur mengundang para dewa dewi, malaikat dan Sahur Parapah berkenan hadir untuk menjadi saksi dalam upacara.

Kemudian dilanjutkan dengan Hasaki Palas (penyucian) sarana dan prasarana upacara dengan menggunakan *"tampung tawar"* dan *"parapen"* . Untuk menghormati para dewa dewi, malaikat dan Sahur Parapah yang ikut hadir menyaksikan ritual maka semua keluarga menari " *Mengajan*" yaitu menari dengan mengelilingi sarana dan prasarana upacara menggunakan

Gambar 5 : Para keluarga menari " *mengajan*" dengan menggunakan seledang mengelilingi sarana dan prasara upacara.

Kemudian sebagai puncak acara keluarga secara bergantian mempersembahkan binatang korban dengan cara menombak sapi korban hingga mengeluarkan darah dan mati. Darah keluar dan menempel di tombak oleh Pisor dioleskan ke kening keluarga yang melaksanakan ritual sebagai bentuk pembersihan diri (*hasaki Palas*) agar terhindar dari hal-hal yang bersifat tidak baik., seperti gambar di bawah:

Gambar 6: Salah satu anggota keluarga yang melaksanakan upacara
sedang mempersembahkan sapi korban dengan cara di tombak.

Sedangkan darah yang terjatuh di tanah oleh masyarakat yang memiliki anak kecil dan belum menginjak tanah juga dijadikan sebagai pembersihan diri bagi si anak (*hasaki palas*) agar nantinya pada saat bisa berjalan dan mulai menginjakan kaki di tanah terhindar dari hai-hal yang tidak diinginkan. Setelah sapinya mati kemudian dibersikan dan dagingnya sebagaian untuk persembahan dan sebagaian lainnya untuk dibagi-bagikan kepada masyarakat sekitar. Daging yang akan dipersembahkan kemudian dimasukan kedalam bangunan palangka untuk kemudian di bawa ketempat kediaman mahkluk gaib itu tinggal sebagai bentuk persembahan. Seperti upacara "*bayar saut*" yang dilaksanakan oleh bapa teguh persembahan dibawa ke hulu sungai Kasongan karena sesuai petunjuk dari dukun disanalah *gaduhan* beliau tinggal.

2. **Bentuk Pergulatan Ideologi Keberagamaan Umat Islam dalam Pelaksanaan Upacara "*Bayar Saut*" Di Desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah**

Sebagaimana desa umumnya di Kabupaten Katingan yang

hidup dalam pluralitas agama, masyarakat di Desa Luwok Kanan juga hidup dalam pluralitas agama. Ada tiga agama yang dianut oleh masyarakat di Desa Luwok Kanan, yaitu Hindu Kaharingan, Islam, dan Kristen Protestan. Masing-masing agama hampir memiliki prosentasa penganut yang sama dan hidup membaur satu dengan yang lainnya. Mereka memiliki ikatan darah persaudaraan yang dekat, bahkan hampir seluruh keluarga di Desa Luwok Kanan hidup dalam pluralitas agama tapi mereka senantiasa hidup berdapingan secara harmonis. Tetapi keharmonisan dan kerukunan yang sepintas terlihat dipermukaan, tidaklah begitu adanya karena melalui lebih mendalam teryata terjadi berbagai pergulatan terutama dalam mengaktualisasikan keberagamaanya. Salah satunya adalah pergulatan Ideologi agama Islam dalam pelaksanaan tradisi "*bayar saut*".

Perbedaan ideologi dalam agama Islam dengan tradisi *bayar saut)* sebagai budaya lokal (*local wisdom*) telah menjadikan upacara " *bayar saut*" sebagai orientasi pergulatan yang sangat serius antara ideologi Islam dengan orientasi pemujaan yang terpusat hanya kepada Allah dengan ideologi budaya lokal (*lokal wisdom*) yang masih mempraktekan animisme dan dinamisme. Pergulatan ini menimbulkan proses saling mempengaruhi, negosiasi yang terwujud dalam pola sinkretis, konplik dan pola-pola lain yang sulit untuk didefinisi. Diantaranya nampak dalam:

a. Pewarisan Tradisi Memelihara Mahkluk gaib (*Sahur Parapah/ Gaduhan)*

Islam sebagai agama monotheisme yang mendasarkan ideologinya pada kitab Alquran dan Hadits dalam dogmanya hanya mengakui adanya realitas tunggal (*monotheisme*) sebagai penguasa alam semesta yaitu *Allah*, dan *Muhamad* sebagai utusan *Allah*. Realitas Allah sebagai paham monotheisme tercermin dalam dua kalimat syahadat yaitu " *ašhadu 'al lā ilāha illa l-Lāh "*artinya : Saya bersaksi bahwa tiada Ilah selain Allah, dan juga dalam kalimat "*wa 'ašhadu 'anna mu'ammadar rasūlu l-Lāh"* artinya saya bersaksi bahwa *Muhammad* adalah <u>rasul</u> (utusan*) Allah*.

Ajaran Islam menurut Muti'ah (2009:16) terpusat dalam konsep tauhid, suatu konsep sentral yang berisi ajaran bahwa Tuhan adalah

pusat dari segala sesuatu, dan manusia harus mengabdikan diri sepenuhnya kepada-Nya. Konsep tauhid ini mengandung implikasi dokrinal lebih jauh bahwa tujuan kehidupan manusia tak lain kecuali menyembah kepada-Nya. Dokrin bahwa hidup harus diorientasikan untuk mengabdikan kepada Allah inilah yang merupakan kunci dari seluruh ajaran Islam. Dengan kata lain, di dalam Islam, konsep mengenai kehidupan adalah konsep yang teosentris dan humanis, yaitu bahwa seluruh kehidupan berpusat kepada Tuhan, tetapi tujuannya adalah untuk kepentingan manusia sendiri.

Islam dalam ajarannya sangat melarang adanya penyekutuan Tuhan (Allah) dengan sesuatu yang lain. Penyekutuan Allah dengan sesuatu yang lainnya digolongkan sebagai perbuatan syirik dan pelakunya dikatakan sebagai musyrik. Ada banyak dalil dalam Islam yang melarang adanya penyekutuan Allah, dalam Surat Luqman ayat 13 disebutkan bahwa:

> "*Dan (ingatlah) ketika Luqman berkata kepada anaknya, di waktu ia memberi pelajaran kepadanya: "Hai anakku, jangan kamu mempersekutukan Allah, Sesungguhnya mempersekutukan (Allah) adalah benar-benar kezaliman besar". (QS. Luqman:13).*

Sebagaimana bunyi Surat Luqman ayat 13 diatas, Luqman menekankan untuk dijadikan pedoman bahwa Islam sangat melarang segala perbuatan yang dianggap menyekutukan Allah dengan mahkluk ciptaanya dan perbuatan seperti itu dianggap kezaliman besar. Berbeda dengan dogma-dogma agama yang termuat dalam kitab suci Islam, fenomena keberagamaan yang ditunjukan oleh umat Islam di desa Luwuk Kanan masih tetap memegang teguh adat tradisi yang berlandaskan pada keyakinan animisme seperti memelihara *Sahur Parapah/ Gaduhan*. Hal ini dilakukan bukan karena mereka tidak memahami ajaran-ajaran dalam agama Islam, tapi lebih dikarenakan adanya rasa takut untuk meninggalkan tradisi keluarga yang telah diyakini secara turun temurun. Hal ini dikarenakan adanya keyakinan bahwa jika tradisi ini tidak dilanjutkan akan membawa kesialan dalam keluarga sebagai akibat gangguan dari mahkluk gaib tersebut. Gangguan tersebut seperti sakit yang berujung kematian, atau terkena musibah yang dapat menguras harta benda sehingga

mereka jatuh miskin. Keyakinan ini juga diperkuat cerita-cerita masyarakat yang mengkaitkan antara berbagai kejadian yang menimpa tetangga di sekitar mereka dengan peristiwa penolakan mereka untuk meneruskan tradisi keluarga tersebut. Sebagaimana yang disampaikan oleh Ernawati (41 th) dan Yapin (45 th) yaitu:

> " Dulu ada di desa kami ni jua seorang Haji, juga memiliki Sahur Parapah/ gaduhan. Orangnya kaya dan orang terkaya nomor satu di kecamatan payawan sini. Tapi yaitu begitu dia meninggal ngak ada anaknya yang mau meneruskannya akhirnya satu-satu anaknya sakit, ada yang kecelakaan bahkan ada yang meninggal dan hartanya kini habis dan kehidupan mereka saat ini sangat memprihatinkan "

Apa yang disampaikan oleh Ernawati (41 th) dan Yapin (45 th) di atas merupakan salah satu cerita yang beredar di tengah-tengah masyarakat yang diyakini kebenaranya oleh masyarakat di Desa Luwok Kanan yang membuat mereka takut untuk meninggalkan tradisi tersebut.

Cerita yang disampaikan oleh Ernawati (41 th) dan Yapin (45 th) diperkuat lagi oleh argumentasi Bapa Teguh salah satu umat Islam yang masih mempertahankan tradisi keluarga. Dalam argumentasinya Bapa Teguh megatakan bahwa dia memilih meneruskan tradisi tersebut setelah anaknya Teguh dan Istrinya hampir meninggal karena diganggu oleh Roh Gaib (*Sahur Prapah/ Gaduhan)* yang dipelihara Datuknya dulu. Dalam argumentasinya Bapa Teguh memberi beberapa alasan yang membenarkan keputusannya itu, seperti (1) Mahkluk Gaib yang diyakini sebagai *Sahur Parapah/ Gaduhan* tersebut bukanlah jin atau setan melainkan adalah Roh Halus atau teman yang tidak kelihatan yang bertujuan membantu dalam kehidupan manusia. (2). Dalam keyakinan Islam juga diajarkan tentang percaya (iman) kepada Malaikat yang dijadikan oleh Allah melalui cahayaNya (nur) salah satunya yaitu malaikat Mikail yang ditugaskan oleh Allah untuk menurunkan hujan dan membagikan rejeki, (3) Keyakinan itu merupakan tradisi Suku Dayak yang telah ada sejak dulu dan harus tetap dijaga kelestariannya.

Dari beberapa alasan yang disampaikan oleh Bapa Teguh, menunjukan bahwa bapa Teguh sebagai umat muslim Dayak berusaha memahami ajaran Islam dari sudut pandang adat

kebiasaan Suku Dayak Ngaju. Sehingga Bapa Teguh memahami dan menginterpretasikan ajaran-ajaran agamanya secara lebih dinamis dan mengaktualisasikan keberagamaanya secara terpadu antara ideologi agama dengan tradisi lokal yang wajib untuk dia pertahankan.

b. Pegulatan dalam Bentuk Ritual

Ritual sebagai asfek upacara dalam agama merupakan pengejawantahan dari ajaran-ajaran yang termuat dalam kitab suci ke dalam bentuk praktek-praktek nyata ditengah-tengah masyarakat. Dalam prakteknya masing-masing agama memiliki ritualnya masing-masing sesuai petunjuk dalam kitab suci. Seperti halnya Umat muslim mendasarkan ritualnya pada kitab suci Alquran dan hadits. Ritual dalam islam merupakan ibadah yang dilakukan dengan jalam sholat. Elsutha (2013:45), kata *sholat* berasal dari bahasa arab yang berarti doa, sedangkan dalam hukum Islam (*syariah*) disebutkan *sholat* adalah rangkaian ucapan dan perbuatan yang dimulai dengan takbir dan diakhir salam. Berdasarkan sifatnya umat Islam membedakan ritualnya menjadi dua yaitu (1) ritual yang sifatnya rutin, yang dilaksanakan secara berkala dan (2) ritual yang sifatnya insidental, yang dilaksanakan pada waktu tertentu saja. Ritual rutin adalah ibadah wajib yang dilaksanakan secara berkala.

Ritual rutin dalam ajaran Islam merupakan ritual yang wajib hukumnya harus dilakukan diataranya adalah (1) *Sholat* lima waktu yang terdiri dari *sholat shubuh* (2 *raka'at)* yang dilaksanakan sebelum matahari terbit yang dilaksanakan sebelum matahari terbit sekitar pukul 04.00 – 06.00, *sholat Zhuhur* (4 *raka'at*) dilaksanakan pada siang hari sekitar pukul 12.00 – 15.00, *sholat askar* (4 *raka'at)* dilaksanakan pada sore sebelum matahari terbenam sekitar pukul 15.00 – 18.00, *sholat magrib* (3 raka'at) dilaksanakan setelah matahari terbenam sekitar puku dan 18.00-19.00, dan *sholat isya* (4 *raka'at)* dilaksanakan pada malam hari sekitar pukul 19.00 – 04.00. selain solat lima waktu, *sholat* Jum'at yang dilaksanakan wajib setiap hari Jum'at setelah matahari tergelincir. (2) *sholat insidental* adalah *sholat* yang dilaksanakan pada hari-hari tertentu, seperti : (1) *sholat jenasah* (*sholat* sebagai ibadah jika ada umat Islam yang meninggal), (2) *sholat dhuha* yaitu *sholat* yang dikerjakan pada pagi hari sebelum

sholat rutin dilaksanakan, (3) *sholat tahajjud* yaitu *sholat* yang dilakukan pada malam hari.

. Selain mengajarkan tentang ritual yang benar dan wajib dalam Islam, juga diajarkan tentang perbuatan syirik dan dianggap sebagai dosa yang tidak terampuni sebagaimana bunyi Surat An-Nisaa ayat 48, yaitu:

> "Sesungguhnya Allah tidak akan mengampuni dosa syirik, dan Dia mengampuni segala dosa yang selain dari (syirik) itu, bagi siapa yang dikehendaki-Nya. Barang siapa yang mempersekutukan Allah maka sungguh ia telah berbuat dosa yang besar. (QS. An-Nisaa:48)

Ada dua jenis syirik dalam ajaran Islam yaitu syirik besar dan syirik kecil. Yang tergolong sebagai syirik besar adalah memalingkan suatu bentuk ibadah kepada selain Allah, seperti berdoa kepada selain allah atau mendekatkan diri dengannya dengan penyembelihan korban atau nadzar untuk selain Allah, baik untuk kuburan, jin atau syaitan, atau mengharap sesuatu selain Allah, yang tak kuasa memberikan manfaat maupun mudharat.

Syirik besar menurut Islam itu ada empat, diantaranya: (1) Syirik Do'a yaitu di samping dia berdo'a kepada Allah Subhanahu wa ta'ala, ia juga berdoa kepada selainNya. (2) Syirik Niat, keinginan dan tujuan, yaitu ia menunjukkan suatu ibadah untuk selain Allah Subhanahu wa Ta'ala. (3) Syirik Ketaatan, yaitu mentaati kepada selain Allah dalam hal maksiyat kepada Allah. (4) Syirik Mahabbah (kecintaan) yaitu menyamakan Allah dengan yang lainnya dalam hal kecintaan. Sedangkan sirik kecil ada dua, yaitu: (1) Syirik Zhahir (nyata), yaitu syirik kecil dalam bentuk ucapan dan perbuatan. Dalam bentuk ucapan misalnya, bersumpah dengan nama selain Allah. (2) syirik khafi (tersembunyi), yaitu syirik dalam keinginan dan niat, seperti *"riya"* (ingin dipuji orang dan *sum'ah* (ingin didengar orang) dan lainnya.

Berbeda dengan petunjuk yang ada dalam kitab suci Alquran dan hadits, umat Islam di Desa Luwuk Kanan Kecamatan Payawan memperlihatkan fenomena keberagamaan yang lain yaitu masih tetap melaksanakan ritual bersaji '*Bayar Saut*" yang mengarah kepada keyakinan animisme dan dinamisme, karena

dalam ritual *bayar saut* yang dilaksanakan oleh umat Islam di Desa Luwuk sama sekali tidak terdapat ritual sholat atau pembacaan doa-doa Islam. bahkan sepanjang pelaksanaan dipimpin oleh Pisor (orang yang disucikan dalam agama Hindu Kaharingan). Namun ada hal menarik sebenarnya terjadi dalam ritual *Bayar Saut* sebagai bentuk negosiasi antara ideologi Islam dengan budaya setempat, yaitu dipakainya sapi sebagai penganti babi oleh umat Islam dalam persembahan ritual *bayar saut*, walaupun menurut Medi salah satu mahasiswa Sekolah Tinggi Agama Hindu (STAHN-TP) dalam mantra tawur sebenarnya tidak ada tawur untuk sapi yang ada hanya untuk ayam dan babi (wawancara tgl. 20 Mei 2017).

Disamping negosiasi dalam hal hewan korban, negosiasi juga terjadi dalam bentuk simbol-simbol keagamaan seperti pakaian. Pakaian wajib yang harus dipakai pada saat sholat sebagai bentuk ritual dalam Islam seperti sejadah, jilbab untuk perempuan ditinggalkan dengan menggunakan pakaian adat Suku Dayak Ngaju.

3. **Implikasi Pergulatan Ideologi Keberagamaan Umat Islam Terhadap Pelaksanaan Upacara "Bayar Saut" Di Desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah**

Dialektika Ideologi agama Islam dalam ritual *"bayar saut"* sebagai tradisi masyarakat Dayak Ngaju di Desa Luwuk Kanan Kecamatan Payawan Kabupaten Katingan Kalimantan Tengah, secara tidak langsung berimplikasi terhadap:

1. Ritual *bayar saut*

Dijadikanya ritual *bayar saut* sebagai orientasi pergulatan dalam keberagamaan umat Islam di Desa Luwuk Kanan mendorong terjadinya berbagai negosiasi telah memunculkan adanya pergeseran dalam pemahamanya, seperti:

a. Terjadinya pergeseran orientasi tujuan ritual. ritual *bayar saut* yang dulunya dilakukan oleh Suku Dayak Ngaju adalah ritual bersaji yang bertujuan untuk membayar janji kepada roh gaib yang diyakini sebagai manifestasi Ranying Hatalla langit yang ditugaskan untuk menjaga dan membantu kehidupan manusia. Oleh umat islam dipahami sebagai ritual pemujaan yang

ditujukan kepada malaikat Mikail yang diberi tugas oleh Allah untuk menurunkan hujan dan membagikan rezeki.

b. Terjadinya perluasan dalam penggunaan hewan korban, yang dulunya hanya menggunakan ayam atau babi, oleh umat muslim babi diganti dengan sapi.

2. Keberagamaan Umat Islam

Implikasi pergulatan ideologi keberagamaan Islam terhadap ritual *bayar saut* sebagai salah satu tradisi lokal Suku Dayak Ngaju di Desa Luwok Kanan nampak dalam:

a. Sifat keberagamaan yang cendrung mengarah kepada paham keberagamaan yang Pluralisme, yaitu sikap keberagamaan yang ideal karena mengklaim kebenaran dan keselamatan dimiliki oleh semua agama dan hanya berbeda dalam memahaminya. Sikap keberagamaan ini teraktualisasikan dalam prilaku keseharian yang cendrung toleran, terbuka.

b. Praktek keberagamaan yang masih melaksanakan ritual-ritual yang berbau animisme dan dinamisme, seperti pemujaan terhadap roh halus, dan roh leluhur.

4. **Kesimpulan**

Ritual *Bayar Saut* adalah ritual yang dilaksanakan untuk membayar janji yang telah diucapkan kepada Roh gaib (*Sahur Parapah/gaduhan*) karena telah membantu dan memenuhi apa yang menjadi keinginan mereka. Roh gaib (*Sahur Parapah/gaduhan*) adalah manifestasi *Ranying Hatalla Langit* dalam bentuk mahkluk gaib yang memiliki kekuatan supernatural yang bertugas membantu kehidupan umat manusia. Bentuk pelaksanaan Ritual *"bayar saut"* dimulai dengan menggundang Dewa-Dewi, Malaikat, dan Sahur Parapah untuk hadir menyaksikan upacara, Pembersihan Sarana prasarana upacara (*hasaki palas*), menari bersama (*mangajan*), mempersembahkan hewan korban dengan cara ditombak, mengantar sesaji untuk persembahan.

Pergulatan ideologi keberagamaan Islam dalam Ritual *bayar saut* nampak dalam penggunaan sapi sebagai penganti babi sebagai hewan persembahan, dan tidak digunakannya simbol-simbol dalam agama Islam selama perayaan berlangsung seperti penggunaan sajadah dan jilbab bagi perempuan dalam Islam

Implikasi pergulatan Ideologi agama Islam terhadap tradisi ritual *bayar saut* berpengaruh terhadap bentuk pelaksanaan ritual yang mengalami pergeseran sebagai bentuk negosiasi antara Ideologi Islam dengan tradisi lokal. Sikap keberagamaan umat islam yang cendrung menunjukan paham keberagamaan pluralisme.

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THE IMPACT OF GLOBALIZATION ON CULINARY WORLD TINUTUAN (MANADO PORRIDGE) FROM THE GARDEN TO THE WORLD OF TOURISM

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I. Background

Indonesia's enchanting natural wealth, is a social and economic capital for its people to develop and utilize it to form an activity that can improve the standard of living and well-being. The results of the creative industry become a commodity that the world counts as a strong attraction in the world of tourism, because of the style or variety that each producer of the creative industry has. The diversity of art and culture of the nation creates an abundance of treasures that attract the interest of the world community and resulted in the creative world's creative world becoming more existent, supported by the globalization of the impact of globalization in various sectors of life increasingly led to various innovations one of which is in the culinary field.

Globalization in the field of Science and Technology is able to transform various image of society in one culinary product, thus giving birth to a creativity that impact from the original only traditional type of food, made without considering the economic value because it will only be consumed by a particular community group, or just a family dish Into a culinary product that is destined as a food for culinary tourism destinations.

North Sulawesi and Manado as its capital, is a unique city, where its inhabitants consist of various ethnic such as Tionghoa, Arab, Minahasa tribe as indigenous people of Manado city, so the process of calculating between local ethnic and immigrant is inevitable, but their tongue Will say in manado dialect "pe tuh tuh Tinutuan kang" ("It's so good Tinutuannya"). Probably only a group of people who do not like it because they may be from a group of individuals who do not like vegetables, but most of the

group of children to adults and seniors will find Tinutuan menu as a delicious and very popular food.

Creative economy in the end lifting the culinary world into its category, creating a new atmosphere in the culinary world in the city of Manado, so that Tinutuan huts arose even cafes that provide Tinutuan dish menu as a dish of choice, and often the world of tourism in the city of Manado known as 3B , One of B is Manado Porridge which is another name of Tinutuan.

II. Discussion
Industrial Creative

Can be interpreted as a collection of economic activities related to the creation or use of knowledge and information. The creative industry is also known by other names Culture Industry (especially in Europe) or also Creative Economy The Ministry of Trade of Indonesia states that the creative industry is an industry derived from the utilization of creativity, skills and individual talents to create welfare and employment by generating and exploiting the creative power and creativity of the individual. The birth of the term Creative Industry was first used by the Australian Labor Party in 1997, then in 1998 the Department of Culture, Media and Sport in the UK where the department conducted the first analysis of the economic impacts of the creative sector. More on the Creative Industry is an industry whose main elements are creativity, skill, and talent that has the potential to improve welfare through the offering of intellectual creations.

Creative industry consists of providing creative products to customers and supporting creative value creation in other sectors that are indirectly related to customers while their creative products have short life cycles, high risk, high margins, high diversity, high competition and easy to imitate. Alvin Toffler Alvin Toffler, author and former editor of Fortune magazine, once predicted three waves in human civilization. The waves are grouped into: (1) The first wave is the agricultural era, (2) the industrial era, and then (3) the information age, but the prediction does not end here. The next wave is foretold towards the creative era.

The creative era is characterized by the development of

creative industries that use individual ideas and skills as the main capital. So, the creative industry no longer rely solely on large capital and production machinery. According to John Howkins, in his book The Creative Economy, people who have ideas will be stronger than those who work with production machines, or even the owner of the machine itself. In Indonesia itself, the creative industry began to grow and gain attention. According to data from Creative Industry Mapping Study 2007 from the Ministry of Trade of RI, the role of the creative industry in the Indonesian economy is significant. The contribution of the creative industry to GDP in 2002-2006 averaged 6.3 percent and absorbed 5.4 million workers. As reported Also by Republika Online (10/5), further Minister of Industry, M.S. Hidayat, creative industry sector growth continues to be pushed and is in the range of 7 percent per year. In fact, M.S. Hidayat estimates Indonesia's creative industry will be able to compete with South Korea in 2019, then, what exactly is the definition of the creative industry? What sectors are included? . The creative industry is further defined as: as an industry derived from the utilization of creativity, skills, and individual talents to create welfare and employment through the creation and utilization of the creative and creative power of the individual. The definition, the government then divides the creative industries into 15 subsectors namely:

1. Advertising: advertising services, including the production of advertising materials, public relations campaigns, etc.
2. Architecture: deals with building design services, construction cost planning,
3. Market of art goods: trading of original, unique, and rare items through galleries, auctions
4. Handicrafts: related to the creation of products from craftsmen who are not mass produced.
5. Design: related to the creation of graphic design, interior design, product design, industrial design,
6. Fashion: related to clothing design creations, footwear designs, and other fashion accessories.
7. Video, film, and photography: video production, film, and photography services, including distribution process.

8. Interactive games: computer and video game creation that is entertainment, educational,

9. Music: creation / composition, performance, reproduction, and distribution of sound recordings.

10. Performing arts: show production content, eg opera, theater music, drama, dance,

11. Publishing and printing: writing content and publishing books, magazines, newspapers, journals.

12. Computer and software services: computer services, data, software,

13. Television and radio: event content creation, content transmission, station relay

14. Research and development: the discovery and application of science and technology.

15 .Culinary

The development of creative industries in Indonesia is managed by the Ministry of Tourism and Creative Economy (Kemenparekraf). The Ministry works through the Secretariat General, Directorate General of Tourism Destination Development, Directorate General of Tourism Marketing, Directorate General of Creative Economy Based on Culture Art, Directorate General of Creative Economy Based on Media, Design and Science and Technology, Inspectorate General and Tourism Resources Development Agency and Creative Economy . Business in the creative industry is still wide open for business actors in Indonesia. The richness of Indonesian culture and traditions can still be explored to be developed, but requires high creativity. "The creative industry is a business activity that focuses on creation and innovation. The creative industries are still potential to be cultivated, and Indonesia is rich in cultures and traditions that can be a source of creativity, "said Director General of Small and Medium Industry (IKM) Euis Saedah at the opening of the exhibition" Indonesia

Culinary Tour As One Of Travel Attractions In Indonesia

Humans are referred to as social beings ie where humans can not live alone but always want to live side by side with others, this is why people always live in groups. The group dwells in

different places, with different environments forming a specific pattern and characterizing or becoming the identity of the group. One of the specific characteristics of a human group is food.

Art culinary is a part of culture, culinary refers to the richness of traditional food varieties, foods, snacks and drinks that refers to the identity of certain regional and ethnic groups. (Koentjaraningrat, 1996; 103) Proceedings of the International Conference on Tourism and Heritage Management (ICCT 1996), Yokjakarta, Indonesia. There is a great diversity of food consumed as a result of the different environments in which the group lives, the diversity concerning the basic ingredients available, the process of processing food to the patterns and ways of consuming the food.

Culinary in Indonesia is also a strength for the people of Indonesia to increasingly spread its charm on the State and Domestic Tourists. Each region in Indonesia has the distinctiveness of both taste and form, from the materials of local wealth that is processed in an interesting way too. World Tourism will be more vibrant with the presence of culinary features, not even rare culinary of a tourist destination is also a lure for tourists to return to visit it.

Tinutuan the Manado Porridge From the Garden Food to the Tourism Culinary

The city of Manado is known as Bunaken Island, as a surge for the Surves and lovers of the sea world, there is also the Kasih Hill located on Kanonang Hill where religious harmony is illustrated by the existence of various places of worship built adjacent. Gelepak

Hot water containing sulfur is in place in Bukit Kasih. Believed to be a repellent of skin disorders, and various forms of interesting souvenirs, while for culinary choices very much variations.

One of the famous culinary in Manado city is Manado Porridge, by Manado people called Tinutuan is a mixture of various kinds of vegetables, no

meat, so this food can be a social food between community groups in Manado. So this food can be a social food between community groups in Manado. Tinutuan is usually served for breakfast and various complementary dishes such as and tastes intriguing

According to history

Initially, the Tinutuan was created because the economic condition of the people in Manado was very bad, due to war or some upheaval in the past, and finally only picking vegetables around the house to be cooked with a mixture of rice, sweet potatoes or corn to create Manado porridge. Whether or not the creation of manado porridge is really important is how easy it is to make a simple but healthy and nutritious meal. This food is usually also served nike cake, sambal roa (rica roa, dabu-dabu roa), skipjack fufu or smoked tuna, corn and tofu cakes. Tinutuan can also be served mixed with noodles or with red bean soup and Manado people call it brenebon. There is another type of display that is mixed with Tinutuan noodles called Miedal. Tinutuan usually served in the morning or also served at the feast of thanksgiving.

At Etymology The word tinutuan is unknown origin.

Since when tinutuan become food typical of Manado city is not known clearly, besides maybe just mention of Manado's Typical Food as a reward at "Tuan Tuan" which has been to this campaign Manado Typical Food at the National level as the existence of

Regional Product, As well as Food Gudeg is famous as a typical food Jogyakarta people, but very unfortunate, if up to the national level People are more familiar with this food TINUTUAN called "Manado Porridge". Some say that tinutuan has been busy trading in several places in the corner of Manado since 1970, others say that since 1981 has been used as the motto of Manado City since the leadership of mayor Jimmy Rimba Rogi and vice mayor Abdi Wijaya Buchari period 2005-2010, replacing the City motto The previous Manado is Wisdom.

Food Terminology TINUTUAN is a mixture of various types of vegetation and other ingredients that consist of Rice, Corn, Cassava, Pumpkin, Kangkung Vegetables, Spinach, Onion Leaf, Gedi Leaf, Basil Leaves, Sere Trunk, Turmeric Leaf and Pandan Leaves, Salt , And added Fish Cakalang.Maka Meaning of Food TINUTUAN for Manado people is Mixed. As Manado itself speaks not a representative of a Minahasa tribe but a city with populations of different tribes such as Java, China, Sangihe, Arabs united in Multiculturalism.

Ideology: TINUTUAN is a symbol of willingness to mix, and this is the teaching to be conveyed that the people of Manado City honestly want to say that they are an open society and not awkward to mingle to anyone, regardless of the fact that many differences between them , The structures of society in various shades of language, culture, and religion are a harmonious mixture to fill life, while the philosophy contained in the tinutuan namely: From the

eyes down into the stomach, a process that occurs if see the real CERIN obviously this culinary shows various sources -The source of Vitamins contained in it, from the basic ingredients of a variety of nourishing plants, in this tinutuan perceived with the identity of the Manado people the most basic is the will to accept mixing and differences openly and make the mixture of the difference into a delicious food And Can be received by the stomach.

Tinutuan as one of the icons of Tourism city of Manado

The phenomenal development, from ordinary food, evolved into a high-value food. Tinutuan is not only a food village, or food served to meet the desire of togetherness, but now a culinary attraction for tourists who visit the city of Manado

Tinutuan which was originally sold in small food stalls, and can be found almost in various corners of the city, with varying prices, appearances modified to give birth to tinutuan with a new mixture, such as Tinutuan Gedi leaf special, complete vegetable Tinutuan, and Midal (campuraTinutuan And Wet Noodles). In the course of time Tinutuan increasingly known as a healthy and kosher culinary, so that its presence can be accepted by tourists in various circles. The intervention of Manado City Government through the local Tourism Office in 2004 (some say in mid 2005) made Wakeke area, Wenang Subdistrict, Manado City as a special food tour location of Tinutuan. Lined stalls specializing in selling Tinutuan with various variations, there are some kiosks who then woo bamboo music to enliven the atmosphere, the strains of Minahasa typical songs as well as Manado pop songs become lively. Wakeke area becomes jammed by car park and the positive impact is the life of the economy of the community around the area of Wakeke Area, because then it stood mini hotels, for tourists, parking attendants,

tukang Koran who also participated in peddling merchandise. Of course, the price of Tinutuan has changed drastically, from the original range of RP 10,000, can be priced up to Rp 20.000, corncakes and fried tofu, and Nikepun cakes will be much different with the price of home tinutuan stalls, Roa fish sauce or tomato sauce is an element The peoples who are in demand by the Tinutuan eater, do not recognize the fluctuation of the price of expensive and normal chili commodities, chili sauce or dabu-dabu accompanying Tinutuan will be Spicy nuance, and apparently that is one of the interesting parts of the audience Tinutuan so that for beginner lovers will experience the sensation of the outside Ordinary.

Tinutuan Planned To Be a Culinary Icon of Indonesia

Ministry of Tourism and Creative Economy (Kemenparekraf) planned tinutuan or manado porridge, North Sulawesi, entered as the icon of Indonesian traditional culinary. "We are planning tinutuan enter the culinary icon, but for that must be through accurate analysis from the experts to get the food criteria," said Director General of Tourism Marketing Kemenparekraf Esthy Reko Astuty in Manado, Tuesday (12/2/2013). Esthy said that the typical food of Manado which is now entered the traditional Indonesian culinary icon food, namely Klappertaart. He also hopes tinutuan will follow. The advantage with the inclusion of food or beverages as traditional Indonesian culinary icons, Esthy said, the food is worthy presented at an international event or meeting, such

as APEC and others.I.

III.Globalization, Science and Tourism VS Tinutuan

Globalization encourages the power of Science and Technology to further hegemonize all the joints of life, penetrated into the world of tourism which certainly can not be separated from the world of culinary. A culinary committee from one area will be very fast and easy to access either through the media of the Internet, culinary programs on TV stations that are now very keen to showcase tour programs where culinary is the main attraction for the viewers.

Not infrequently tourists visit a tourist destination because it just wants a culinary tour only. As one of the tourism culinary icons of Manado, Tinutuan is unique because tourists can not pack it as souvenirs, especially if it comes from another island or city, because the appearance and taste will not be delicious if eaten when the porridge condition is still hot and Vegetables are still fresh, making it profitable for the tourism world of Manado city, local and foreign tourists will more and more come to visit, if they want to eat this special culinary.

Some American tourists, Korean writers who have brought to Wakeke central Manado porridge center always express their admiration for the delicious Tinutuan, savory Nike typical cakes, and special spicy flavor from Roa fish. The strength of all the flavors is certainly not easy to forget, and become a charm for tourists to come back and taste the Tinutuan taste and delicious.

IV. Close

Tinutuan or known by people outside the city of Manado as Manado porridge, is expected to compete with the culinary that was first known by the public. The distinctiveness of healthy leaf spices and colorful vegetables (Red Spinach, Kale and Gedi Leaves Green and White Onion Bread), do not forget the aroma of basil leaves that arouse the taste. The Yellow Color of Pumpkin (known in the Minahasa dialect as Sambiki), Corn and White Ubi and rice, is a beautiful composition to look at and enjoy.

The obstacle that exists today is the increasingly expensive

price of vegetables that exist, whereas Minahasa earth is a supplier of vegetables is very fertile. Scarcity of vegetables often occurs in the summer, so vegetable prices soar almost unattainable. This obstacle is often complained by the culinary traders, especially Tinutuan, because then Tinutuan dish is incomplete vegetables, or the number of food stalls Tinutuan closed, even if there is even the price is not reached by the buyer, and consequently is the sluggish sales, decreased income Tinutuan traders. It is better if the vegetable planting is encouraged specifically to supply basic materials Tinutuan, the use of yard should also be a special attention for Agricultural Extension, so that other residents can benefit from its activities, and equitable economic growth can be felt by all levels of society with the Tinutuan as one Icon Tourism city of Manado.

The positive activity appreciated by the market is the spirit for the people of Manado city, to be more creative in using their leisure time and home yard, through a special planting system that does not require extensive land, such as utilizing Polybag, paralon, used bottles for planting, To be always proactive in his duties. Thus the appointment of Tinutuan into one of the icons of Tourism will affect the various sectors of Manado city life.

Do not Forget the Manado's Turtle or Puree, healthy and delicious and halal food. If you are on holiday to Manado city, enjoy the sensation of various sambal and side dish accompaniment Tinutuan, you will miss it and looking forward to time to return to Manado city. Finally, Tinutuan's great hope as a culinary can be a creative industry and its benefits can be felt by all levels of Manado city community.

V. Conclusion

Manado Tinutuan / Porridge is a traditional food of the people of Manado city which eventually became one of the icons of Tourism in the city of Manado. Manado community and government hand in hand to lift Tinutuan / Manado porridge to be better known by both local and foreign tourists, and eventually become national food parallel to other cities in Indonesia.

Tinutuan has a huge opportunity to lift the national level, because from the point of taste and its benefits are not inferior

to other national foods, but often its position displaced by other snacks in the city of Manado such as Klapertart (packaged beautiful made from basic ingredients milk, flour Maezena , And young coconut, making it easy to carry as souvenir), Cakalang abon can also be packed with attractive containers and practically brought as souvenirs and other snacks, which are easily handmade because the packaging is safe and can be carried in travel. Tinutuan is a food that must be eaten in the heat, and can not be taken out of the area, so not all tourists know him.

As a food that has been promoted to Tourism Icon in Manado city, the manufacture of Tinutuan / Manado porridge involves other sectors in the production process such as Agriculture, Hospitality, Parking, Artist, Musical Instrument Producer, all become a strategically arranged unit and proper management so that Into an industry that can absorb labor As a part of the creative industry in culinary field, Tinutuan requires a skillful hand touch and intelligence to aim for a more global market share, its flavor should be maintained, and the incessant promotion that can lift Tinutuan / Manado porridge into an extraordinary culinary icon, which can attract interest Tourists to taste and finally make it a desire to enjoy when visiting the city of Manado.

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Recently, there is more need to better understand connectivity problems because of the world with rapid globalization. We are witnessing the story of the movement of people around the world because of economics and conflict, war and so on.

It's really time for scientists to experience connectivity problems in this globalized world.

Bali is in a strategic place, as a hub of neighboring countries like Australia and Southeast Asian countries, has become a good place to understand the problem in terms of movement of people and ideas.

I hope through this international conference will give you a scholarship to discuss connectivity in particular. I do hope this conference will stimulate new ideas for us in order to understand the recent phenomena on connectivity in globalised world.

I Made Mangku Pastika
GOVERNOR OF BALI

As the Rector of Warmadewa University, I was also concerned to express gratitude to all parties who have provided positive support, both material and spiritual towards the achievement of the International Conference.

This international conference bringing together more than 100 participants from across the world will explore the global connection in the world; share ideas and comments so that it will be fruitful for all of us and the ideas presented by the speakers will enrich our viewpoints and understanding on the development of social sciences and humanities studies.

I am sure as the conference progresses there will be many opportunities to learn one another as well as to develop new collaborations and partnership for the future good of the region.

Prof. dr. I Dewa Putu Widjana, DAP&E.Sp. Park
Rector of Warmadewa University