

SOCIAL PATHOLOGY IN THE CUSTOMARY CONFLICT OF VILLAGE-OWNED LAND DRUWE (A CASE STUDY IN KUBU JUNTAL PAKRAMAN VILLAGE, KARANGASEM REGENCY)

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Abstract

Conflicts over village-owned land (druwe) in Kubu Juntal Pakraman Village, Kubu Sub-district, Karangasem Regency, tend to occur among the indigenous peoples (krama) since there is no written basis regarding the area measurement of the druwe land, as it is the right of the indigenous people (krama) in Kubu Juntal Pakraman Village. Based on the Regulation of the Minister of Agrarian Affairs and Spatial Planning/ the Head of Indonesian National Land Agency Number 10 of 2016, the village-owned land druwe is a communal right (shared rights of the village community), hence it fully belongs to the village and not to individuals. This study is conducted to understand, analyze, and interpret the phenomenon of social pathology in the customary conflicts occurred in the Pakraman Village of Kubu Juntal, Kubu Sub-district, Karangasem Regency. The method used in this study is descriptive qualitative with data collection methods in the form of observation, in-depth interviews, and document studies. The results obtained in this study show that there are several causes of conflict, including the selling of village-owned land druwe by the prajuru, no barrier of the druwe land, as well as the economic and education factors bringing the conflicts. The implementation of cultures such as “pada gelahang”, “matatulungan”, and “magibung” as the community integration, and strict regulations potentially resolve the conflicts occurred over the druwe land disputes.

Keywords: Social Pathology, Customary Conflict, Druwe Land, Bali.

INTRODUCTION

Human civilization cannot be separated from a conflict (Nulhaqim & Ferdiansyah, 2020). Conflicts occur all over the world, even in developed countries. They are still vulnerable and hold the potential for conflict, since basically, people's social life is tied to conflict (Putra, 2021:27). Conflicts arise from each individual and potentially disrupt stability in the society. Conflict may occur at all levels of society, from the individual level to groups and organizations. Humans as social beings need each other in their lives. The more frequent interactions between people, the greater the potential for conflict. Amran Suadi (2018:1) states that conflict is inherent, wherever, whenever, in every space and time of human life. Therefore, conflict is always alongside the human life. Conflicts inconsistently create commotion, demonstrations, or strong objections from the community, but even in silence and tranquility, conflicts may take place. The intensity of conflict occurred in the community, whether large or small, will lead to disputes. The only difference is which one is visible and which one is not. Conflicts include latent (hidden) and manifest (open) disputes (Putra, 2021:57).

According to Elly M. Setiadi and Usman Kolip (2013), one factor causing the community conflict is the difference of interests emerged from the urge to fulfill personal needs and desires. Such interests are individual. Individual satisfaction is achieved when the goals and interests are met. Conversely, if a person fails to achieve goals and fulfill their needs, it will bring conflicts. The above statement is similar to the Theory of Conflict presented by Simon Fisher (2010), taken from his thoughts from the Theory of Needs and the Theory of Identity. The Theory of Needs assumes that conflict is caused by the unfulfilled or hindered basic human needs, including physical, mental, and social needs (Setiadi & Kolip, 2013: 342).

In fulfilling the needs of life, humans have various ways and processes respectively. Conflicts won't be happening as someone fulfills their needs/interests without harming other parties. However, conflicts may be arisen oftentimes as someone fulfills their needs by weakening the opposing party without paying attention to the prevailing values and norms (Suadi, 2018: 197). Furthermore, conflicts possibly come to pass as a result of social identity process (identification, categorization, and discrimination) (Rosmanto, Hartanto, & Adiyanto, 2021). Identification occurs

in society and encourages grouping or categorization. The existed grouping in society creates intolerance. In Indonesia, the practice of religious intolerance has emerged in several areas, such as the 2015's conflict between Muslims and Christians in Tolikara, Papua (Umar, 2015:2). Apart from the social identity, cultural and economic conditions also determine the possibility of a conflict (Roebianto, Hikmah, & Putri, 2021:12).

The phenomena and conflicts explained above occur in the lives of Balinese people as well. Many kinds and variations of conflicts emerge in Bali, both manifest and latent. The scale of conflicts, whether large or small, including the traditional authorities such as traditional villages, is also prone to conflict in Bali. Conflicts in traditional villages may be happening between one traditional village and another, between a traditional village and residents, between one traditional village and another with various causes and factors, and in various intensities. Regarding the various phenomena of conflicts in Bali, Arjawa (2014) in his study states that these conflicts occur due to the inclusion of economic elements into cultural elements (traditions). There was a conflict over the use of a temple donation between the community and the traditional group managing the temple. The next one occurred between villages as studied by Karma (2018), discussing the dispute over the right of bengang coral which have no clear ownership status between the villages of Pakraman Tegallalang and Sapat. Conflicts potentially emerge in Bali, especially in the traditional villages of Pakraman, after the enactment of the Law of the Republic of Indonesia Number 22 of 1999 concerning the Regional Government of Bali as well as the implementation of the Bali Provincial Regulation Number 3 of 2001 concerning the Pakraman Village (Natalia, 2015:2).

Several conflicts of Pakraman village occurred after the law reformation are mostly caused by the arrogance of the Pakraman village towards its citizens. As written by I Gusti Ketut Arya Sunu, et al. (2014), the arrogance of Pakraman village creates a sharp barrier between the residents of Pakraman village and the multi-ethnic and multi-religious official village, thus disrupting the harmony and integration of Pakraman and the official village, as well as the Pakraman villagers with non-Hindu residents (Sunu, 2014:3). I Made

Yogi Mardika, et al. (2018) also reveals that the conflicts in Pakraman village are related to the transparency and accountability process of Pakraman village financial management, as seen through a case study in Pakraman Tejakula Village, Tejakula Sub-district, Buleleng Regency. The residents of Pakraman Tejakula Village demand the implementation of transparency and accountability principles by this non-governmental customary institution (Pakraman village), thus requiring administrative adjustments by the Pakraman village, by performing paruman in informing the financial accountability of Pakraman village (Mardika, Sulindawati, & Kurniawan, 2018:2). I Wayan Sudika, et al (2020) raises the issue of revitalizing awig-awig for the empowerment of the Pakraman village in Bali. This study discusses the need for revitalization of awig-awig in Pakraman village by adding substances according to the current issues/ problems, as the Pakraman villagers today are increasingly heterogeneous thus making it difficult to solve problems with awig-awig.

Things suggested by Sudika above cannot be applied consistently in anticipating conflicts in Bali. This is due to the reason that in traditional villages, not only involves the two existing institutions (Pakraman village and the official village), but also includes elements concerning the common property and ancestral heritage, the land. As Land has a social role and being the primary need in the community, it is certainly close to conflict due to the dispute for the existing natural resources (Abdullah, 2021:84). Land is one necessary thing in human survival, whether in the city or in the village, to build a residence or a place of business. The high community demand for land, in fact, is unproportional to the availability of land which tends to remain (static). Moreover economically, the land won't experience any decrease in price, even tends to increase from day to day (Windari, 2010: 2). Wahyu and Kiptah (2016) mention that generally, conflicts over land arise when there are strong parties want to monopolize the land, even though it is jointly owned (Wahyu & Kiptah, 2016:1).

Collectively owned land in Bali is called Tanah Druwe Desa (village-owned land). It is a land related to the Balinese customary law alliance and inherited by the Pakraman villagers from generation to generation. Druwe land can be used by the whole community (Aspriani, 2014: 3). The

village-owned land *druwe* is controlled by the customary communal of the Pakraman village, and managed by each individual and or one family in the Pakraman village (Rumiarta, 2014). *Druwe* land, which is given to each head of a family in the village community, is managed by the community to be used as a settlement by the Pakraman villagers. However, the ownership status and the legal rights of *Druwe* land are recognized as communal ownership rights and the Pakraman village is a legal subject according to the Decree of the Minister of Agrarian Affairs and Spatial Planning/ the Head of the National Land Agency Number 276/Kep-19.2/X/2017. Hence, there is no juridical basis regulating the area of the land which becomes the right of each Pakraman villager. This has led to the vulnerability of customary conflicts over the *Druwe* Land.

Although *Druwe* Land is a communal right, the protection toward the existence of indigenous peoples and their land rights is still a problem, especially in Bali areas (Arta, Suharningsih, & Qurbani, 2021:3) as occurred in Kubu Juntal Pakraman Village, Kubu Sub-district, Karangasem Regency. The above potential conflict is experienced by the community of Kubu Juntal Pakraman Village who obtained their customary rights by managing the village's *druwe* land and passed it down from generation to generation. The conflicts occur among indigenous peoples who occupy the village-owned land *druwe* with the ownership legally recognized as a communal right, thus the management of *druwe* land is carried out from generation to generation. Conflict arises due to the absence of an accurate reference to the land area measurement. Consequently, there is a risk of dispute among the communities (*krama*) over the village-owned land, which is the right not individually owned by the community (*krama*) itself. These kind of conflicts often occur in Kubu Juntal Pakraman Village, hence it becomes a social pathology in the community. The role of *prajuru* adat (the village authorities) is needed to resolve the conflicts by applying strict sanctions, thus the social pathology can be stopped.

Based on the empirical case regarding the conflict above, this study aims to understand, analyze, and at the same time interpret the social pathology in the customary conflict of village-land based *Druwe* in Kubu Juntal Pakraman Village, Kubu Sub-district, Karangasem Regency.

METHODS

This study applies a qualitative descriptive design with data collection methods including observation, in-depth interviews, and document studies. Qualitative descriptive is a term used in qualitative study in a form of descriptive (Yuliani, 2018:1). Hence, qualitative descriptive method can be interpreted as a problem solving process investigated by describing the current state of the subject and object of research, based on the facts appeared. Since it uses a qualitative descriptive approach, this study will describe various phenomena in the field, especially the social pathologies occurred in customary conflicts at the research location. In a qualitative study, in-depth interviews are highly substantial, therefore the selection of informants is the key in obtaining a valid and verified data. In this study, the informants are selected through purposive sampling by involving the customary village authorities (*prajuru*) and actors of the conflict (*pretators*) as the key informants. Whereas, some additional informants are taken from the community figures, selected purposively and continued with snowball sampling.

In the interview, several informants related to this study are being interviewed, including the customary village leader (*Bendesa adat*) and the *prajuru* who manage and understand about the *awig-awig* (rules in the village, also knowing exactly about the occurred customary conflicts), as well as the community figures. Community figures are important as informants since they are the role models and the mediators in handling conflicts in the village. Others are actors as the parties involved in the conflicts of the village; the supralocal government, in this case is the head or representatives from the sub-district; and also the district government, especially related to some agencies such as the Social Service, the National Unity and the Political Agency of Karangasem Regency.

To be able to get a valid data, the data is verified through the triangulation of sources, the persistence of observations, detailed descriptions, and trial testing through peer debriefing. Meanwhile, analysis of the data is accomplished through several steps including data collection, data reduction, data display, and then drawing conclusions.

RESULT AND DISSCUSION

By using a qualitative descriptive method as explained in the research method above, the results of the study is reported into three parts; 1) Presentation on the portrait of Druwe land conflict, 2) The meaning of the conflict based on the analysis of social pathology theory, and 3) Conflict resolution of the village-owned land druwe.

Portrait of the Druwe Land Conflict in Kubu Juntal Pakraman Village

According to the Panglingsir of Kubu Juntal Pakraman Village (2021), the village-owned land of Kubu Juntal Pakraman Village is originated from the eruption of Mount Agung in 1963 leading into a the chaotic condition of the indigenous people in Kubu Juntal Pakraman Village, thus requiring a re-regulation of lands by the community due to the disaster at that time.

After the post-disaster clean-up was completed, a part of the land was distributed to all the survivors to be used as house yards and agricultural fields to start planting crops. The other part of the land was used to build temples and graves, and later this land became the property of the village or what is called as the village-owned land druwe.

I Ketut Suardita, Bendesa Adat of Kubu Juntal, explained in the interview as follows:

“Manut saking tutur Bendesane dumunan, saparindik Tanah Druwe iriki kawaliang teken kramane apanga dadi nyujuk karang paumahan, ayahan desa, mivah palaban pura. Dugase ento ulian gununge makeplug, desane rata, tusing ada tatanduran, paumahan kramane ane maluan suba rata teken tanabe, raris kategesin buin teken prajurune adeng-adeng nganti sami pada pateh papolihanne.” (Interview result on September 21th, 2021).

In another name, the land used for farming, temples, and graves is known as the village fatherland (ayahan desa) and the land used as a residence is known as the house fields (karang paumahan). Up to this day, the indigenous people of Kubu Juntal Pakraman Village are mostly get living from managing the village fatherland by farming, as farmers. Apart from this, the community also establishes livestock business by raising some kinds of livestock, such as cows and pigs in their respective yards which are also the village-owned land druwe.

All of the krama negak (the community's head of family) at that time had received the distribution of druwe land evenly. However, along with the increasing number of pretisentana descendants of the krama negak, it demanded developments in the regulation of druwe land, thus all the krama negak got their rights fairly. Land not only has empirical value, but also has religious, socio-cultural, political, and defense and security values. Moreover, the nature of land tends to be static, yet the population is dynamic (continues to increase).

In the management of the village-owned land druwe by the indigenous peoples, there is a certain level of antagonism or deviant actions. This is as a result of individual or group incompetencies in controlling their greed to achieve personal desires. Sumartias, et al (2013) states that conflict in society is one thing that cannot be avoided. Thus, what needs to be known is whether the conflict is occurred or not, the level of intensity and violence, and the form of the conflict whether it is sharply contradicted or just different views (Sumartias & Rahmat, 2013). Conflicts emerged oftentimes in Kubu Juntal Pakraman Village are the disputes over the house fields, which is part of the village-owned land druwe. The conflicts arise with a variety of underlying backgrounds.

The following are some phenomena occurred based on the causes of conflict, types of conflicts, and the intensity of conflicts.

Druwe Village's Land Selling by Prajuru

Initially, Kubu Juntal Pakraman Village had four divisions of the village-owned land druwe, including the fatherland (ayahan desa) with an area of 61 HA, the village profit land of 4 HA, the temple (pura) profit land, and the house fields (karang paumahan) occupied by the residents. However, the wealth of the village was reduced due to the selling of the village assets/ the druwe land to the community, with a total of 58 HA fatherland being sold to the community for personal rights. This land selling was carried out by the previous prajuru, long before the current prajuru holding the position, without leaving any written evidence, the selling price amounted, as well as the reason of selling the land which remains unknown till this day.

I Ketut Suardita as the Jro Bendesa of Kubu Juntal, reiterates that the actual mechanism and valid reasons related to the selling of druwe land are unknown until now, since there is no selling

document left behind. This leads to various assumptions and speculations in the community and potentially causing conflicts among them as a result of the condition. 58 HA out of 61 HA fatherland were sold to the community at that time, evidenced by the location of the residents' settlements included in the village environment (Druwe land), yet with personally owned certificate. This land should belong to the village, but according to the recognition of the respective residents and the Panglingsir, it is confirmed that the fatherland is indeed been sold. Krama or the residents who occupies this area of 58 HA is called as krama seket kutus, referring to the residents with a private land certificate for the 58 HA area (Interview result on September 21th, 2021).

No Boundaries and Mapping of the Village-owned Land Druwe

The phenomenon of dispute over the land also occurs among the villagers occupying the druwe land. The druwe land of Kubu Juntal Pakraman Village occupied by karma is called as karang paumahan (the house fields). The form of housing in this village, especially in Karang Paumahan area, was rarely patented (*disengker*) at first, since the community assumed that neighbors were their closest relatives. They concerned on the limitation of communication and relationship between neighbors.

Considering the routines of the people living in Kubu Juntal Pakraman Village which are actually farmers, usually they always work together with neighbors that makes their kinship relations getting closer and eventually build the sense of "uncomfort" and "pada gelahang" (mutual possession). This ultimately becomes a boomerang or a problem for the indigenous people. This feeling actually creates a harmonious relationship between krama, but the danger is that if the boundaries between neighbors is violated, such as building a house by ignoring the neighborhood boundaries (usually the boundaries of karang paumahan between krama are ignored since *panyengker* is rarely built, and due to the feeling of "pada gelahang"). This kind of issue will become a time bomb eventually and the victim will feel so aggrieved, thus emerging the dispute over the karang paumahan which hold no basis of regulation.

Less Decisive Sanctions

Based on the observations regarding the actions of prajuru adat (the traditional authorities), they are barely seen intensifying the socialization related to the sanctions for violations over the awig-awig of the druwe land, and their space of movement is more focused on other matters, outside the druwe land affairs.

The observations are supported by the results of interviews conducted with I Nengah Lodra as the Panglingsir of Kubu Juntal Pakraman Village, that emphasizes the urgency of prajuru adat to disseminate sanctions as a warning to the villagers not to act arbitrarily without knowing what must be faced after violating the awig-awig. This shall be performed to avoid prolonged conflict or any violence emerged between krama. The issue of druwe land is very crucial. Within one year, there are always them coming pass to hold a dispute over the druwe land, as it is the place for the community to stand and carry out activities, as their high priority (Interview result on September 21th, 2021).

Economy Factor

Kubu Juntal Pakraman village is a dry and barren village, making it difficult to find any flowing water. This is an obstacle for the community in their daily activities, since they have to prepare water stocks, thus having no concern in the need of water. This encourages people to build wells to store a large amount of water in their homes by providing some space. Aside from the expansion of karang paumahan, the well has become a subject of dispute among the community. The well is passed down from generation to generation, thus there is no exact ownership recorded over the well.

Below is the pie chart regarding the community income of Kubu Juntal Pakraman Village:

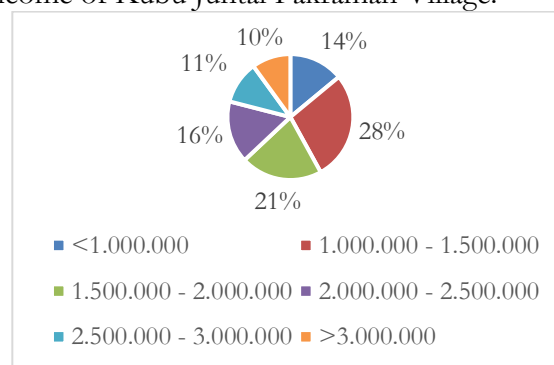


Figure 1. The Community Income of Kubu Juntal Pakraman Village

Based on the diagram above, the people major income range is at IDR 1,000,000 to IDR 1,500,000 with a percentage of 28%, while the lowest income range is at more than IDR 3,000,000 with a percentage of 10%.

Education Factor

The educational background of the people in Kubu Juntal Pakraman Village helps in providing an analysis over the causes of the occurred druwe land conflicts. The levels of education achieved by the community are elementary school graduates, junior high school graduates, high school graduates, as well as bachelor and master degrees. However, there are also those who take no formal education. The most taken education level is elementary school as many as 1,433 people, with percentage 32.76%. Meanwhile, the level of education slightly in demand is the bachelor (S1) and master (S2) degrees, only around 50 people, with percentage 1.14% of 4,374 people. Nevertheless, the number of people who hold no education is high, around 907 people with percentage 20.73% of 4,374 people.

Based on the data above, the education mostly taken by the community is elementary school, thus the understanding regarding the legality of the rights and the legal obligations of the indigenous peoples especially toward the druwe lands is very limited. It indeed makes it difficult to produce a solutive solution for the community, since appropriate observations and studies are required for the prajuru adat to find a proper problem solving or conflict resolution.

Issues on land are very actual from time to time. This is due to the increasing of population, the development of science and technology (IPTEK), the expansion of development programs, and the increasing demand for land as a place to live and invest.

Customary Conflict over the Druwe Land in the Perspective of Social Pathology

A study on social pathology has previously been conducted by Ashinta Sekar Bidari (2014) discussing the corruption phenomenon as a social pathology occurred due to the greed of officials by prioritizing their personal interests over the public interests (psychological aspects) as well as due to the absence of transparency. The same thing is also expressed by Akmal Saputra (2018) discussing about the Portrait of the Dolly Localization Gang in the Perspective of Social Pathology. In his

study, Akmal Saputra explains that the cause of prostitution in the Dolly gang community is the social aspect, coming from the thought of the people who think prostitution is a convincing and productive job, and is considered as natural by the surrounding community that makes the social norms to be neglected. His study also states that individual is the source of the problem completely. These two studies on social pathology have clearly succeeded in explaining the causes and the background of the emerging social pathology, as an infectious disease in society caused by individual factors and social aspects. However, it should be noted that the disease in society will continue to occur as it is allowed to and left behind. It will not end and will forever become a pathology. This study tries to examine several indicators of social pathology influencing the occurrence of the Druwe Land conflict, as follows:

Social Behavior

Behavior is the result of human experiences in all kinds and interactions with their environment manifested in the form of knowledge, attitudes, and actions. Behavior is the response or reaction of an individual to a stimulus coming from the outside or within himself (Notoatmojo, 2010). People's social behavior usually reflects their environmental conditions, therefore if a person's behavior deviates, the causal factors can be traced. Hence, apart from being caused by internal factors (self), other factor that may have a great influence is the condition of the surrounding environment.

In behaving, a person tends to consider more about the behavior patterns of family, friends, and neighbors rather than the potential impact following. They tend to ignore social norms to fulfill their wants, not their needs (Purwati, 2011:5). This indicates that the people of Kubu Juntal Pakraman Village will continue to experience conflicts over the druwe land due to the high intensity of the conflict, the amount of people doing it, and the low economic condition of the community. Furthermore, a person will not behave deviantly if the environment provides an example of a proper behavior according to the norms, and there is no concern regarding the economic condition.

Cultures

Culture, which is a blueprint for life or guidelines for the people's lives, is a generally accepted and comprehensive set of references in

dealing with the environment to fulfill the needs of community members supporting the culture (Syamaun, 2019: 82). In a culture, there are beliefs held by the adherents of the culture. Those belief ultimately form a system and develop the guidelines and habits in a society. This indicates that culture is a value system used as a way of life by its people. Culture will become a tradition in society if these beliefs are used as a reference in acting and behaving. Tradition is something that is difficult to change, since it is integrated with the people's lives.

Similar to the concept above, the people of Kubu Juntal Pakraman Village have the concept of Pada Gelahang, referring to the strong kinship established in the community due to a sense of shared destiny and the same economic conditions, encouraging people to have a high sense of belonging. For the example is the matetulangan habit when the traditional ceremonies and magibung traditions were still developing, it requires the community to communicate intensely. Hence, if the community experiences a conflict and faces with a problem, the prajuru will insist on mediation and turn the thing to the community to find the best resolution to the problems, considering that the community will need each other due to the ingrained concept of pada gelahang. This also becomes one of the obstacles in resolving the druwe land conflicts experienced oftentimes by the residents.

Modernization

The era of globalization and modernization is something that cannot be avoided by countries all over the world in various aspects of life. Modernization may also be interpreted as a fast process of a total change in society. Rejecting and avoiding modernization and globalization is tantamount to isolating oneself from the international community. This condition will certainly make it difficult for the country to establish relations with other countries. The inclusion of these two things has a positive and negative impact toward the country of Indonesia (Hasanah 2015).

Regulation

Every society in enforcing norms or awig-awig requires firmness, strength, and government intervention. Settlement through deliberation and consensus is a feature to the customary dispute resolution, thus may accommodate the interests of

the disputing parties with a beneficial result (Sudantara, 2009: 11). This type of conflict resolution is emphasized by the prajuru adat of Kubu Juntal Pakraman Village, applying it to the people involved in the customary conflicts over the land. The druwe land conflict resolved by deliberation and consensus (mediation) is still safe and causes no negative reactions in the community. However, the druwe land conflict will continue to repeat itself in the next few years unless there is a firm sanction. This should become a concern as the number of teenagers and children reaching 1,667 (the largest population is in Kubu Juntal Pakraman Village). Hence, the authorities, in this case is the prajuru adat, require to establish the pararem or awig-awig which regulates sanctions for the druwe land conflicts. It is for the reason that basically conflict resolution in traditional villages is conducted through customary institutions with the awig-awig mechanism (village regulations). The referred customary institution in this study is the prajuru adat.

Prajuru adat are figures respected by the community and the villagers (krama) or in other words, the villagers are more obedient to the order and saying of the prajuru adat rather than the police on duty (Dauh, Sukadana, Widyantara, 2020: 14). This makes the role of prajuru is highly needed in taking a firm action regarding the druwe land conflict. The biggest concern is that this conflict potentially become a ticking time bomb, even though the current situation is still safe, yet eventually it will become a massive conflict in the posterity era.

Resolution of the Druwe Land Conflict

The community of Kubu Juntal Pakraman Village is a customary law community with a fixed structure and customary administrators. According to Dahrendorf (1986), to resolve conflicts, there should be an enforcement on the agreement (consensus) on the values and norms applied in the society to reunite them. The conflict resolution model offered by Dahrendorf is the litigation resolution (law), non-litigation (negotiation, mediation, conciliation, and arbitration) resolution, and the customary institutions (Dahrendorf, 1986). In resolving conflicts, indigenous peoples tend to leave it entirely to the community figures. These community figures act as the judges/ breakers or

the mediators (Busroh, 2017:14). The customary conflict over the village-owned land *druwe* must be resolved based on the village's *awig-awig* and by the customary institutions to make everything clear. The customary land with communal right of indigenous peoples must also obtain an agreement from the indigenous peoples. Customary institutions include the institutions and rules applied by the indigenous peoples in creating an orderly, safe, and well-managed community life (Dauh, Sukadana, & Widyantara, 2020:1). Conflict prevention must also be established by increasing the implementation of laws and adjustments to the customary order, thus in implementing laws must also be fitted to the prevailing customary and *awig-awig*.

Article 1 of the Bali Province Regional Policies (Perda) Number 4 of 2019 concerning Traditional Villages in Bali states that the Traditional Village's *Prajuru* is the Traditional Village administrator who regulates the role of the village's *prajuru* (Traditional Village administrators) in seeking peace and resolving disputes/ conflict by customs. Thus it is obvious that in the effort to resolve disputes or customary conflicts, the *prajuru* takes a very important role in creating peace in the society. Conflict resolution in traditional villages is conducted through the customary institutions with the *awig-awig* mechanism (village regulations) (Sudantra, 2009:17). It is mandatory to have a set of binding and strict customary rules to be used as guidelines, references, and boundaries for the villagers (*karma*) to avoid behaving deviantly. It is especially regarding the sanctions over the conflict of *druwe* land that must be clearer and have a deterrent effect, to prevent the bad habit of the community in seizing other lands of the villagers (social pathology).

The following are the rules compiled to serve as guidelines to restrict the movement of indigenous peoples and avoid any land violation, as below:

The community is given the responsibility to pay for the needs of traditional activities carried out by *Pakraman Village*. The nominal amount of payment is according to the area of the *druwe* land obtained. The larger the land area obtained, the greater the nominal to be paid.

Promoting the payment of taxes over the land managed by the community. The nominal of tax

paid must be in accordance with the area of the *druwe* land managed.

Requiring the community to work together in conducting all traditional activities, such as cleaning and traditional ceremonial activities performed by *Pakraman Village*.

If the community violates the customary rules agreed upon by the entire village community, they must be punished with sanctions. Sanctions given to the community/ villagers (*karma*) can be divided into several levels, thus they can be classified according to the type of violation committed. For example, the first violation is given with an administrative sanction in the form of a fine, then subsequent violations are subject to a doubling of the fine, and so on. However, if the *krama* commits a major violation with several warnings as it is proven that they have taken the *druwe* land rights from other *krama*, they may be punished with severe sanctions, including the revocation of the *druwe* land occupied (the village fatherland and *karang paumahan*). This sanction is given alongside the sanction of *kasepekan* or having no permission to live in the *Juntal Traditional Village*.

In the dispute over the ownership rights of the *druwe* land, indigenous peoples absolutely gain weaknesses in proving their ownership rights since their control over the land is not supported by any written evidence (Amajihono, 2021). Thus, apart from promoting *awig-awig* as a binding regulations and limiting the acts of indigenous peoples, it is necessary to have a set of written rules regarding the village-owned land *druwe* (including the fatherland and the *karang paumahan*) managed by the community. It is to manage the villager respective land areas and be used as benchmarks as well as evidence once conflicts over the land ownership occurred. The village authorities or the *prajuru* may conduct mapping on the area of *druwe* land occupied by the residents, to measure and record the land area along with the name and address of the manager/ the *krama*. This mapping must be updated every time a family head dies and is replaced with his descendants who are responsible for all *krama* obligations that must be fulfilled.

CONCLUSION

The customary conflict over the village-owned land *druwe* in Kubu Juntal Pakraman Village, Kubu Sub-district, Karangasem Regency, occurred since there is no written basis regarding the area measurement of the land as it is the right of each Pakraman villager. Thus, the community (*krama*) justifies themselves in seizing the rights of other *krama* to fulfill their wishes and greeds, implicating the customary conflicts. Conflict over the *druwe* land is categorized as a social disease, since it often occurs in the community, which if left untreated potentially cause destruction to the community (Amran, 2017). Social pathology occurs not only due to the deviations of norms (*awig-awig*) committed by an individual, but also relates to the important role of the leader, in this case is the *prajuru adat*, in creating a firm and binding regulations and norms (*awig-awig*) on indigenous peoples (*krama*). Hence, the indigenous peoples (*krama*) become submissive, obedient, and able to carry out their customary obligations in managing the *druwe* land.

The recommendations offered to stop the conflicts and prevent social pathologies are through the Role of Traditional *Prajuru* which is expected to revise the *awig-awig* by including a strict and more assertive customary sanctions regarding the conflict over the *druwe* land, and conduct a mapping and area measurement of the *druwe* land managed by indigenous peoples (*krama*), thus a governing written basis may exist.

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