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Breaking the Tradition: Exogamy Marriage in Tenganan village, Bali

Rompiendo la tradición: Matrimonio exógamo en la villa Tenganan, Bali

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RESUMEN:

En Tenganan Pegringsingan el matrimonio está muy cerrado porque los ciudadanos solo pueden casarse bajo endogamia. En contraste, el matrimonio exógamo está estrictamente prohibido. Cuando se viola esta prohibición, la novia y el novio están sujetos a sanciones adat. Las razones para aplicar la sanción adat al matrimonio de exogamia son: preservar la tradición, mantener el sistema de parentesco y el equilibrio. Los tipos de sanción adat son: bajo fianza y morales. Las implicaciones de las sanciones adat incluyen la no insurgencia, la falta de bienestar y la pérdida de los derechos.

PALABRAS CLAVE: Exogamia, matrimonio, sanciones adat, Tenganan, Bali..

ABSTRACT:

In Tenganan Pegringsingan, marriage is very close because citizens can only marry under inbreeding. In contrast, exogamous marriage is strictly prohibited. When this prohibition is violated, the bride and groom are subject to adat restrictions. The reasons for applying the adat sanction to the marriage of exogamy are: preserve tradition, maintain the lineage system and balance. The types of adat sanctions are: on bail and moral. The implications of adat limitations include non- insurgency, lack of well-being and loss of rights.

KEYWORDS: Adat sanctions, exogamy, marriage, Tenganan, Bali..

INTRODUCTION

Marriage is an individual act in society which means the transition from adult life to family life. It is one of the many events that go through the life cycle. Jaman (1998, p.42) said that in the life cycle of the Hindu community in Bali is believed to have four phases of life traversed from one phase to the others. The phases of human development start from brahmachari – a phase to undertake self-learning – move to grehasta – a phase to build a family – then continue to wanaprasta – a phase to develop spirituality – and finally end with bhiksuka (sanyasin) – a stage to complete spiritual journey by devoting life to the Supreme Power, Hyang Widhi, and separating oneself from the social and material bonds. In this regard, marriage is one of those phases which is exactly located in grehasta, the second stage of human life development.

According to Hindu religious teachings marriage is a form of yajña (holy sacrifice). In grehasta, a married couple designates their life to pursue dharma (good virtue), artha (material needs), and kama (pleasure), that is the enjoyment gained in the family according to religious teachings (Artayasa, et al, 1998, p.4-5). The purpose of marriage in the script of Manawa Dharma Sastra are to pursue: (1) dharma sampati (together husband and wife embodies the implementation of dharma); (2) praja (giving birth); and (3) rati (sexual pleasure and other satisfaction). In these three objectives, praja is essential for the family to give birth to good sons or daughters (suputra) to continue the family line. Balinese Hindus believe that a family with saputra will bring the family's ancestors to better reincarnation and finally to reach moksa (eternal unification to the Supreme God) (Suja, 1999, p.4-57).

Marriage is always performed by religious ceremonies witnessed by family and community members for its validity. Besides this, the validity of marriage is also assessed from the legal point of view since marriage

itself is a legal act that creates the rights and obligations to both husband and wife (Cahyono, 2002, p.12-13). In the socio-cultural context, there are two models of marriage, endogamy and exogamy models. Saderson, (2011, p.447-448) notes that exogamy is a cultural rule that forbids marriage in the fellowship of one's own group of persons, whereas endogamy is the preference of individuals to mate within their own group. Clayton (1975, p.45) suggests that there are two types of rules related to marriage: (a) endogamy which refers to rules prescribing that an individual must marry some one within a certain group; and (b) exogamy, which require that a person should marry someone outside of a certain group”.

The endogamous marriage model reflects the preferences of individuals in their own group. This model of marriage has been widely practiced in many societies and is used in various groups, one of which is a caste system in India that requires marriage to occur endogamically. In Europe, in the middle ages, the royal family married with other royal families. A similar tendency occurs in the United States in which blacks marry blacks, whites marry white, and Jews show a very strong preference for get married to his or her fellow Jews (Sanderson 1993, p.448-449; Andreski 1996, p.92).

Indeed, scholars of Bali Studies have been examining marriage in Balinese society, among others, Boon (1976), Duff-Cooper (1991) and Cresse (2008). Unlike the issues of cross-caste marriage, gender and property relations to marriage, the issues of endogamy marriage in Balinese society seems to be underexplored. Hence, this article aims to discuss the endogamy marriage in Bali by focusing on the adat community of Tenganan Pengringsingan, Tenganan Village, Karangasem District. This type of marriage is particularly interesting as it has been practiced for decades due to strong and respected customary law in the community that has shaped villagers' cognitive on what is considered ideal marriage within the village.

METHODOLOGY

This research is a qualitative social study. The study was conducted at Tenganan village. Tenganan village is one of the ancient villages in Bali which is located in Manggis District, Karangasem Regency. Tenganan village itself is around 2 hours from the capital city of Denpasar to the east. Tenganan village consists of three indigenous groups, namely Banjar Kauh, Banjar Tengah, and Banjar Kangin. Although it consists of three banjars, this Pakraman village has only one hamlet head, namely Tenganan Pegringsingan Hamlet. According to Gede Suardika as the hamlet head of Tenganan village (interview 30 July 2018) stated that the condition of the population in this village amounted to 211 families consisting of Banjar. Kauh 72 families, Banjar Tengah 50 families, and Banjar Kangin 89 families.

TENGANAN VILLAGE: ENDOGAMY AND EXOGAMY

Social relation of Tenganan community

Every human being will go through a life cycle which starts from infancy, childhood, adolescence, puberty, post-marital period, pregnancy, old age and death. One important transitional moment in the life cycle is the transition from adolescent to a married life. Marriage does not only regulate sex behavior, but it also serves several functions including: (1) giving the rights and obligations and protecting the children of their intercourse, meeting the human needs of a life partner, fulfilling the need for property, and (3) maintaining relationships between groups kinship (Koentjaraningrat, 1992, p.93-94).

Regarding the rights and obligations, many local communities, including Tenganan Community, rely on their customary law. It consists of a collection of norms containing legal precepts made deliberately by the community. Customary law is also seen as a reflection of the spiritual aspects of a society that are closely related to the social order of society which regulates the kinship system. Marriage in Bali is difficult to understand without understanding the kinship system. As Geertz (1959) puts that kinship is one of the seven essential plates that shape Balinese lives. Budiana (2008, p.11) states that Balinese Hindus embrace the patrilineal kinship system through which the role sons is very important both for his kinship and community. Unlike the patriarcal kinship model across Bali, Tenganan Pegringsingan is the only society in Bali that embraces bilateral kinship system. In the village, both son and daughter are entitled to be heirs. Rights and status between them are the same in the eyes of customary law.

Rights and duties Tenganan villagers

Surpha (2002, p.56-57) argues that every member of customary village (desa pakraman) has a set of obligations and rights. Such obligations may include: (1) to perform ayahan desa (labour for the village) in terms of renovating village temples, conducting ceremonies of dewayajña (offering to gods) and bhutayajña (offering to demons), and so forth; (2) to comply with the customary rules (awig-awig); (3) to maintain security and harmony; (4) to maintain the reputation of the village. The rights being a customary village member include the entitlement to express opinions in the meeting, to use the facilities belonging to the village, to seek assistance in performing the religious ceremonies or in the event of danger, and so forth. With the existence of a number of rights and obligations allow a krama to mutual support in reciprocity other kramas in the village.

Local institutions in Tenganan Pegringsingan Village consists of luwanan, bahan duluan, kliang desa, tambalapu roras, and pengeluduan. Luwanan is the highest institution consisting of six pairs serving as executive advisers. Bahan duluan/bahan roras is an executive body with decision making authority. Keliang desa is a body to undertake daily village administration. Tambalapu roras is the institution in charge of delivering orders kliang village (village chief). On the contrary, pengeluduan is a specific body to assist keliang desa in preparing religious ceremonies (Timur, interview 27 March 2018).

In Tenganan Pegringsingan, krama (adat members) are differentiated into three models. They are: krama desa, krama gumi pulangan, and kumi gumi. Krama desa is a full member of the adat village society because he can be appointed to occupy positions in the local institutions, is given the rights to participate in a sangkepan (meeting), get medical services, and to utilise village assets. Krama gumi pulangan is a krama who no longer has a status as a full member because he has been replaced by his married son. In contrast, krama gumi is a krama who has become a widower or widow. Krama gumi pulangan and krama gumi are not obliged to participate in local institutions, and sangkepan desa. Consequently, they are not entitled to the collective assets.

Decisions in the village are made through assemblies (sangkepan). Regularly, krama should attend assemblies at Bale Agung (a great building for holding meetings). Sangkepan is conducted not only to solve various problems in the village, but also to make decisions of its development (Sujaya, 2007, p.39-40). Kliang desa every night is required to conduct a village meeting with his committees at Bale Agung to discuss village matters. If the male kliang desa members cannot attend the meeting he could be represented by his wife. If there is an issue that could not be resolved through village meetings among kliang desa, the assembly will be conducted by inviting kliang gumi (Kliang Gumi is a position in Tenganan village that is mandated to represent its citizens who are no longer members of the village. This position consists of six members based on marriage seniority. Even though they are not members of the village, the role of kliang gumi is quite significant. They were consulted during the traditional village meetings, and were involved in religious rituals. Opinions are needed because they are not only considered as senior citizen, but also have experience and understand the various traditions of the community, and krama desabulu angkep (all adult members male and female). The attendees have an equal rights in making decision, and the issue may be decided through voting (Yudiana, interview March 27, 2018).

In the legal context, to preserve the integrity of customary law, every customary provision is given a sanction. If a krama (members) violates the awig-awig, he will be subject to adat sanctions. As many adat scholars have mentioned, for example Van Vollenhoven, Soepomo, and ter Haar, that without sanctions, awig-awig will have no authority to be obeyed by society as adat sanctions are a form of action or attempts to restore harmony including a spiritual balance due to the disturbance of adat violations (Dharmayuda, 2001, p.36-37).

Marriage tradition in Tenganan

Recently, marriage in Balinese society has become more open. Its openness is shown by that the fact that marriage does not only occur between caste, ethnicity, religion, but also nation. In contrast to this

tendency, the village of Tenganan Pegringsingan has retained its marriage tradition based on endogamy. It is embraced that through endogamy villagers are deeply bound by a conception rooted in traditional cultural values. Endogamy marriage also determines someone's status in the village. Without endogamy marriage, the married couple cannot be a krama desa. Krama desa is krama (residents) who have privileges in the Tenganan Pegringsingan pakraman village.

Before getting married, every youth in the village has to join village youth organizations, such as maajak-ajakan, metruna nyoman and seka daha. Maajak-ajakan is the association for newly rising adults both boys and girls before they can join metruna nyoman and sekaa daha. Metruna nyoman is a traditional youth organisation boys, while sekaa daha is the organisation for the girls. In both metruna nyoman and sekaa daha organisations, they are choached and trained by the village high figures on various matters, such as traditions, rules, norms, and religious ceremonies in the village. Through this process, they can gain knowledge and skills on the village matters including adat sanctions for committing exogamous marriage. Passing through this learning process they may next enter to the grehasta (married) period in which the bride and groom have understood the various traditions in his village. Hence, they will not be difficult to adapt to their spouses life, family, and society.

This marriage is crucial to the well-being of the newly formed family. In Tenganan Village, without endogamy marriage, practically village supports to pursue welfare will be absent such as utilizing village assets as well as others social and cultural supports. Therefore, welfare in Tenganan Village is pursued through endogamy. The welfare in this regard is not only in the form of rice, but also money derived from village-owned assets such as subak, income from tourism, paddy yields, and garden yields. The distribution of village supports is done routinely per month, and incidentally at the Ngusabha Sambah (Ngusaba Sambah is yajña (sacred sacrifice) which is addressed to God along with His manifestations which are carried out every year exactly to the fifth sasih (June). This Yajña is the biggest ritual in Tenganan Pegringsingan with the ceremony procession held for 35 days. Ngusaba sambah is carried out with the aim as a form of devotion and gratitude to God for His gift of protection, safety and welfare) ceremony. The amounts of supports are defined by someone's position in the local institutions. For those who serve as luwanan he/she will get the distribution of a 100 kg of rice every month, and a sum of 143 USD monthly. As Usabha Sambah she/he will receive a 300 kg of rice, and a sum of 214 USD. For members of Bahan Roras (Bahan Duluan/Keliang Desa and Bahan Tebanan) they will receive 100 kg / month of rice, 250 kg of rice and 179 USD at Ngusabha Sambah ceremony respectively. For Tambalapu Roras, they will receive 100 kg / month of rice, and for Usabha Sambah they will receive 250 kg of rice, and 179 USD. Finally, for the members of Pengeluduan, they receive 100 kg of rice monthly, and in addition will receive 300 kg of rice and 214 USD for Ngusabha Sambah.

However, for those who are involved in exogamy marriage will be sanctioned by adat rules of revocation of the status as a villager. Hence, they are not entitled to be a krama desa with the consequences that they lose their rights in Tenganan Pegringsingan including to occupy positions in the local institutional structures. In the text section, the issues on sanctions especially reasons to give sanctions and the forms of sanctions will be discussed in length.

SANCTIONS OF EXOGAMY IN TENGANAN

Reason of sanctioning Preserving tradition

In the context of the preservation of tradition that people cannot live without tradition even though they are not satisfied with their traditions. Tradition is the whole material thing and idea that comes from the past that is really still present today, has not been destroyed, discarded or forgotten. Viewed from the aspect of material objects, physical buildings such as palaces, temples, chariots and so on belong to tradition. In the context of aspects of ideas, thoughts and behavior is influenced and depicted the special meaning of the legitimacy of his past. In understanding the traditions, attitudes or mind orientations of material things and ideas derived from the past that are levied by people in the present. This attitude and orientation occupies a special part of the overall historical legacy and elevates it to tradition (Sztompka, 2008, p.69-74).

Maintaining social cohesion

Human in his life not only as an individual being, but also as a social being. In his capacity as a social being, human can not live in solitude without the help of others so that the attitude of help each other and solidarity is needed. This provides an obligation to pay attention to the needs of others. Koentjaraningrat (1992, p.55) states that every human who lives in society will be bound by a form of social unity because of the bond of territory or place of life. As a unity of social law, citizens usually have a feeling of unity that can manifest a sense of group personality.

Each group of people has certain ways of managing the relationship between life and life by not distinguishing a social life in small and large groups. The rules of life in society must be accepted by community members as a limitation. Free unlimited life is unknown in social life. Each member of the community feels bound in social life so that the necessary restrictions for the smooth life of society and the implementation of the interests of community members with each other. Awareness of the rules of living and binding in social life is a condition for the creation of an orderly, safe, and peaceful atmosphere of life (Team Compilers, 1989/1990, p.19-20).

Balinese people including Tenganan Pegringsingan pakraman village also want an atmosphere of orderly, safe, and peaceful life by being balanced with the surrounding nature. Balanced attitude is based on the awareness that the universe is the complexity of the elements that one and the other has a close relationship and establish a system of dignity. Dharmayudha and Çantika (1991, p.6) stated that traditional life in Bali is based on the value of balance which is manifested in two elements, namely (1) adaptation and trying to connect with natural elements and life around. (2) want to create an atmosphere of peace and tranquility among fellow creatures and the natural world of human life. Both elements are used as guidance of the Balinese community in all activities of his life. The values and principles of balance are perceived into the philosophical teaching of tri hita karana. In contrast, Kaler (1983, p.86) states that literally the word "tri hita karana" comes from the word tri, hita and karana. Tri means three, hita means good, happy, and, sustainable, while karana means causation or source of cause. So tri hita karana is the three elements that are the source because of the emergence of goodness. The three elements are always attempted to create the balance of the relationship between man and God, between human beings, and man with nature. In keeping the three balance is poured in awig-awig of pakraman village.

Projodikoro (2000, p.13-14) states that one's life can be expressed equally in society if it does not violate the law. An unlawful act leads to defilement in the body of society, and unrest in the balance of society. No matter how small a shock, will bring shock to the balance of society. A little bit of shock will affect the community as a whole. Wiana (2007, p.28-29) states that obtaining balance on earth is not easy because it seizes human potential. The frenzied balance of human life should be in accordance with the philosophical of tri hita karana. If man missteps, the balance will be disturbed. Krishna in the book of Bhagavagita states that happiness must be achieved with a firm, equal and balanced attitude in accepting the joys and sorrows in this life as stated in the sacred poem, "sukhamdhukam jayate" means to win with joy and sorrow. It can not be denied that many people fail in their lives because they can not maintain a balance of self, and forget in receiving success.

In the context of equilibrium, one of the ways used by the Tenganan Pegringsingan community is to apply adat sanctions to exogamy marriages. Violation of exogamy marriage results in disruption of balance not only with parhyangan, pawongan, but also palemahan. In the context of the parhyangan, a violation of the exogamic marriage is considered too courageous against the god Shiva manifestation of God in the Awig-awig. Awig-awig prior to use, dipasupati (blessed the magic power of Lord Shiva) so it has a sacred value and must be obeyed by society. If violated, awig-awig becomes contaminated resulting in an imbalance of its people. In the context of pawongan, violations of exogamy marriage cause community shock because the bride's and groom's behavior does not obey awig-awig. In the context of palemahan, a violation of exogamy marriage causes the environment to be polluted due to lethargy (dirty). Thus, the balance between

parhyangan, pawongan, palemahan can only be recovered by means of traditional sanction to the bride and the groom in the form of revocation of all rights. Without adat sanction Tenganan Pegringsingan remains polluted or disturbed by its balance because it has always been the subject of gossiping its own community (Sudi Astika, interview 5 March 2018).

FORMS OF SANCTIONS

Fine penalty

For Hindus in Bali, the term "adat sanctions" is more popularly known as "pamidanda". Windia (2003, p.29) states there are three types of pamidanda, namely arta danda, sangaskara danda, and jiwa danda. Arta danda is a fine in the form of material in the form of various objects that have economic value or in the form of money. The money is in the form of banknotes or Uang Kepeng. Sangaskara danda is a fine sanction in the form of performing certain ceremonies. This penalty is imposed because the deeds of its citizens are considered to cause a leteh (a condition that is considered sacred). The actions in question include theft, murder, issued dirty words, berate and sebagainya. The leteh caused is not only thought to be materially harmful but also causes a mental imbalance. The sanction of the custom of sangaskara danda is a prayascita ceremony (ritual ceremony) or pacaruan ceremony (sacrificial ceremony). The jiwa danda or atma danda is a sanction related to the soul of the offender. In ancient times those who violated the death penalty by stabbed with a keris or drowned in the sea. Today, however, the soul of the danda can be a thorough observer in front of village meetings.

Dharmayuda (2001, p.34-37) classifies the types of pamidanda into five kinds, namely (1) danda arta (sanctions in the form of money), (2) swing penunun kesisipan (perform certain duties in lieu of mistakes made), rerampagan (confiscation), (4) kadaut karang ayah (obligation for those who occupy the yard of the village), Importar lista (5) pangaskara (everything related to inner cleansing ceremony), (6) kasepekang (ostracized), and kanoroyang (excluded from adat). Among the various types of adat sanctions, adat sanctions against exogamy marriage in Tenganan Pegringsingan are sanctions of danda arta and kanoroyang sanctions. Sanctions of danda arta, nominal amount has been set on the paos 7 awig-awig Tenganan Pegringsing Village as follows:

Mwah tingkah i wong desa ika sinalih tunggal ngasampingang piyanak nyane, wiyadin nyama luh, mwah nyolongang kacolongan, pada tan kawasa, tka wnanng kadanda olih desa, gung arta 75.000 mantuk ka desa saungkul.

[And about one of the villagers letting their children marry out of the village, whether their daughters or their sisters or assisting / giving a chance, is completely forbidden, and fined by the village of 75,000, all submitted to the village] (Tenganan Adat Village, tt: 90).

The above quote indicates that the fine sanction to be paid by the parents of the bride in the form of original kepeng as much as 75,000 original kepeng money. Currently in Bali the original kepeng money per keteng (beans) costs 0.2 USD. Thus, the fine of arta dana that must be paid by the parents of the bride 16 USD.

As the times progressed, fine sanctions have changed. Changes indicated that the bride's parents no longer have to pay a fine of 16 USD, but 1.3 USD. This change is done with consideration of humanity. The bride and groom not only all rights are revoked, but also must pay a fine. With the revocation, practically the bride lost all her rights in Tenganan Pegringsingan Pakraman Village. On the contrary, kanoroyang sanctions constitute the lifting of all things-the bride rights of his village. Couple were ostracized and expelled from Tenganan Pegringsingan Pakraman Village. With kanoroyang sanctions, both bride and groom lose all their rights or are considered not citizens anymore (Lodri, interview 28 March 2018).

Moral sanctions

Any disruption or impact to the balance of life of individuals or persons as a whole in the order of law is regarded as a adat offense (Ter Haar, 2001, p.226). The adat offense is any deed or incident which is contrary to the harmony, order, security, sense of justice, and awareness of the community concerned either as a result of an act committed by a person, a group of persons or a customary committee himself. Acts that

violate customs are seen to cause shock and disturbance to the balance of the cosmos. Shocks can also lead to community reactions in the form of adat sanctions (Widnyana, 1993, p.6).

Lesqiller in his dissertation entitled "Het Adat Delectenrecht in de Magische Wereldbeschouwing" as quoted by Soeroyo Wignjodipoero explains that adat sanctions are necessary. Without the sanctions, the customs of disturbed magical tranquility can not be recovered. Adat sanctions are also intended to nullify or neutralize an unlucky situation aroused by a adat offense (Team Compilers, 2010, p.76-77). Sianturi (1986, p.30) states that adat sanctions have several functions, namely (1) as a means of coercion in order for a person or a citizen to obey the prevailing norms, (2) as legal norms to obey, and (3) as a legal consequence for a person which violates the legal norm. In line with the opinion of Sianturi, Çantika pointed out that adat sanctions can be used to restore to the state of trepti (order), and sukerta (tentram) ie the balance of sattyam (truth), siwam (decency), and sundaram (happiness) embodied into philosophy of tri hita karana (three causes of happiness) (Team Compilers, 2010, p.94-95).). Putra (2015, p.324-325) argues that sanctions need to be given to those who violate because without sanction, the sanctity and balance of the village can not be restored as before.

Among the above adat sanctions, the violation of exogamy marriage in Tenganan Pegringsingan is subject to kanoroyang customs sanction. Kanoroyang sanctions are the most severe moral sanctions in Tenganan Pegringsingan. Moral sanctions are inner sanctions of shame or guilt (sinful) (All-Barry, 2001, p.292). Covarrubias (2013, p.69) argues that moral sanctions in Bali carry a much heavier burden than corporal punishment, minor mistakes that result in fines, and the seizure of property, or the temporary suspension of society. Penalties for major errors vary between the frightening boycott of all village activities to the permanent exclusion, the complete expulsion from the village. One who is removed from his village is not allowed to enter other communities. He truly becomes a wasted man as a punishment that is much heavier than physical death for the Balinese mind because one is openly humiliated, kills himself.

Wayan Koti Cantika (Windia, 2008, p.50-51) states that there are two adat sanctions pertained heavily in Bali, namely kasepekang and kanoroyang sanctions custom. In the kasepekang adat sanction, a person subject to sanctions is still acknowledged as krama, but is excommunicated from various banjar / pakraman village activities. On the contrary, in the kanoroyang adat sanction, a person is not only excommunicated, but also regarded as non-existent. For its citizens who are subject to kasepekang adat sanction already considered heavy, let alone kanoroyang adat sanction. Krama, who sanctioned by kasepekang, its status is still recognized as karma adat, but it is placed outside the rule of law. That is, krama in question is not subject to adat law rules such as not getting notices (tan polih arah-arahan), not get kentongan (tan polih pasuwaran kulkul), and get no help from banjar. He also can still use the grave, but did not get the help of banjar service or pakraman village. On the contrary, in the kanoroyang adat sanction, the relevant status is no longer a citizen of pakraman village because it is not only ostracized, but also expelled from his village. Utomo (2017, p.125-128) argues that the act of defiling the inner atmosphere against the sanctity of the offenders must be subject to adat sanction in the form of obligation to hold a traditional ceremony, that is, a cleansing ceremony.

In the context of adat sanctions against exogamy marriage in Tenganan Pegringsingan, the result is not only felt by the couple, but also his parents. Parents of the bride each month must pay 0.14 USD to the village at the time of sangkepan. Although the nominal fine penalty is not much, but the inner burden is not inevitable during his life because of the fine sanction must be paid in front of the open village kratama sangkepan. By paying a fine, the bridegroom's family has an inner burden and a guilty conscience for the actions of his son for not obeying the values, norms and rules that apply in his community. The inner burden of the bride's parents and her family is also felt to be the subject of public gossip that her parents can not educate their child.

PLURALISTIC RULES OF MARRIAGE IN TENGANAN

Functionally, the custom created in a social system is intended to create an order social in society. According to Comte and Spencer, society is seen as a social system made up of interdependent parts of one

another (Poloma, 1992, p.25). Therefore, the customary institution as one of the existing structures in society is expected to provide a sense of security and comfort so as to create a harmonious society life.

Humans in social life need rules. Rules are needed to limit the attitudes, behaviors and deeds of man to one another. Free unlimited life is unknown in social life. Every society feels bound in a social life and they are in need of limitation in order to create an orderly, safe and peaceful life (Majelis Pembina Desa Adat Daerah Tk.I Bali, 1992/1993, p.19).

The Balinese community is governed by two substantially different and functional village organizations, namely pakraman villages and village official. Each of these villages has its own structure and function so that the community members' attachment to these two organizations is different. Liefcrinck (Dharmayudha, 2001, p.2-3) states that Pakraman village is a small republic with its own customary laws or cultural rules. Pakraman village also has a democratic government structure and has autonomy and has a distinctive characteristic, which is responsible for Tri Khayangan Temples (Pura Puseh, Pura Desa and Pura Dalem). In contrast, Swellengrebel points out that the village of pakraman, ie "village is often defined as a community of worship. An important part of its function does, indeed, lie in the religious field".

Goris (1954, p.59) argues that the traditional village or pakraman village in ancient Bali was called banwa or banua. Covarrubias (1986, p.56) states that adat villages are unity of a closed area or limited to ancestor worship and community administrative rules. Each traditional village is equipped with elements of the unity of the temple (shrine) as a binder of a village, namely Khayangan Tiga Temples (Pura Desa, Pura Puseh, Pura Dalem). In line with Covarrubias, Suputra stated that the pakraman village includes two things, namely the traditional village as a container, and customs as the contents of the container. Pakraman village as a traditional institution accommodates the social, cultural and religious activities of the Hindu community in Bali, whereas the customs are the living manners of the Hindu community in Bali which has become a community tradition as the nation's cultural heritage (Wisnumurti, 2010, p.175-176).

In the context of marriage, at the time of the kingdom in Bali must occur fellow caste itself. If marriages were made between men higher than their female counterparts, marriage ceremonies exhibited discriminatory treatment. The bride at the time of the marriage ritual is not directly coupled with the groom, but with a kris belonging to the groom or replaced with a house pole (scene) that has been decorated in the groom's dress (Hobart 1980, p.109-110). However, in recent decades, marriage in Bali tends to be more open. The openness is shown that marriages can be intercultural, interreligious, and different citizenship. The marriage does not only occur in ordinary marriage, but also the nyeburin marriage. Ordinary marriage is a marriage done where the wife entered the husband's family, while in the nyeburin marriage, the husband who entered the neighborhood of his wife (Sudarma, 2012, p.7).

Unlike Tenganan Pegringsingan Pakraman Village that marriage is very closed because marriage can only be done endogamically village among fellow citizens themselves. In contrast, exogamy marriage is a forbidden marriage even subject to customary sanctions. The adoption of adat sanctions in the marriage reflects the disenchantment in marriage because it deals with the values of humanity, religious teachings, and marriage laws in Indonesia. According to I Ketut Sudi Astika (interview, March 17, 2018) as a klian adat of Tenganan Pegringsingan states that the provision of customary sanctions against exogamy marriage is intended as a deterrent effect for those who violate it. With the application of adat sanctions, for the last ten years only two people have engaged in exogamy marriages. That is, residents of Tenganan Pegringsingan community very appreciate and obey the rules prevailing in his village including not violating the exogamy marriage.

The application of adat sanctions to exogamy marriage signifies a disenchantment in marriage. Wertheim (Wisnumurti, 2010, p.369) says that emancipation is related to the liberation of man from the natural world, the liberation of man from the self-imposed forms of mastery and slavery created by man himself, the human creative potential of the strangling structures of society especially of annihilation. The non-independence against exogamous marriage in Tenganan Pegringsingan is very much against the Law of the Republic of

Indonesia No. 39 of 1999 concerning Human Rights contained in Article 3, paragraph 3, and Article 4 as follows:

Article 3, paragraph 3, contains that everyone is entitled to the protection of human rights and basic human freedom without discrimination.

Article 4 contains that everyone has the right to life, the right not to be tortured, the right to personal freedom, thought and conscience, the right to religion, the right not to be enslaved, the right to be personally recognized and equality before the law is a human right which cannot be reduced in any circumstances and by anybody (Anonymous, 2016, p.4-5).

The above quote indicates that the application of adat sanction to exogamy marriage signifies the non-independence in marriage because marriage is very closed and its citizens are not protected by law.

CONCLUSION

Tenganan pegringsingan indigenous peoples are full of traditions of interbreeding marriage among their own indigenous people. This marriage is considered an ideal and respectable marriage model. In contrast, exogamous marriages are prohibited, and subject to adat sanctions. Sanctions are not only imposed on the couple, but also on their parents.

The reasons for adat sanctions on exogamy marriages are namely the preservation of traditions, maintaining the kinship system, and maintaining the balance. In the context of traditional preservation, adat sanctions are used to safeguard and preserve and preserve endogamy marriage as the most ideal, and honorable model of marriage. With the preservation of tradition, the authenticity of cultural elements, especially the endogamy marriage of fellow indigenous people is not extinct. In the context of kinship, adat sanctions are used to maintain and maintain the purity of the bilateral kinship system in the adat village. With this kinship, the two brides share equally in the eyes of the law that has the same rights as the heirs. In contrast, in the context of equilibrium, adat sanction in exogamy marriage is used to maintain the balance of tri hita karana, namely parahyangan, pawongan and palemahan. Exogamy marriage is considered to have brought public shocks so the balance of Tenganan Pegringsingan Pakraman Village is disrupted.

The form of adat sanction against exogamy marriage, namely sanction of fine and moral sanction. Associated with fine sanction, the groom's parents must pay some money to his village for the offense committed in the marriage. Conversely, in the context of moral sanctions, the groom and his parents are burdened inwardly because the marriage is a forbidden marriage. Violations of the marriage are also believed to bring the shake of society so that the groom and his parents during his life must bear the shame.

The customary sanctions on exogamy marriage indicate a disemancipation, no gain, and loss of all rights. In the context of non-divisiveness, marriage is so closed that marriage can only be done endogamically among its own indigenous peoples. Except for endogamy marriages, subject to adat sanctions. In the context of not getting welfare, the rule in this pakraman village except the people who make endogamy marriage among indigenous peoples themselves who can be a krama desa are entitled to receive welfare from the village. In the context of losing his rights, a violation of the exogamy marriage then all bridegroom rights are repealed by his village. Revocation of all his rights, consequently the bride has absolutely no right in his village or is not considered its citizens anymore.

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