

**IMPLIKASI YURIDIS PEMBERLAKUAN PERATURAN DAERAH PROVINSI BALI NOMOR 4 TAHUN 2019 TENTANG DESA ADAT DI BALI***JURIDICAL IMPLICATIONS OF ENFORCEMENT OF REGIONAL REGULATION OF THE PROVINCE OF BALI NUMBER 4 OF 2019 REGARDING TRADITIONAL VILLAGES IN BALI***Iswantoro\*, Faiq Tobroni**Progam Studi Ilmu Hukum Universitas Islam Negeri Sunan Kalijaga Yogyakarta  
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**\*) Korespondensi:**

E-mail: iswantoro@uin-suka.ac.id

**Abstract:** this study aimed to analyze the juridical implications of enforcing the Regional Regulation of the Province of Bali Number 4 of 2019 and the reconstruction of the renewal of regional regulations regarding traditional villages in Bali. This study used normative legal methods with statutory and conceptual approaches. The study results showed that the juridical implications of enforcing the Bali Province Regional Regulation Number 4 of 2019 were contrary to Government Regulation Number 38 of 2007 because it explicitly contained provisions regarding religion which should be the central government's authority. Bali Provincial Regulation Number 4 of 2019 created discrimination because it prioritized certain religious groups. Reconstruction of the renewal of regional regulations regarding traditional villages in Bali could be carried out by internalizing the *tri hita karana* concept, including *palemahan*, *pawongan*, dan *parahyangan* in the substance of regional regulations regarding traditional villages in Bali.

**Abstrak:** kajian ini bertujuan untuk menganalisis implikasi yuridis pemberlakuan Peraturan Daerah Provinsi Bali Nomor 4 Tahun 2019 serta rekonstruksi pembaruan peraturan daerah tentang desa adat di Bali. Kajian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan dan pendekatan konseptual. Hasil kajian menunjukkan bahwa implikasi yuridis pemberlakuan Peraturan Daerah Provinsi Bali Nomor 4 Tahun 2019 yaitu bertentangan dengan Peraturan Pemerintah Nomor 38 Tahun 2007 karena secara eksplisit memuat ketentuan tentang agama yang seharusnya menjadi kewenangan pemerintah pusat. Peraturan Daerah Provinsi Bali Nomor 4 Tahun 2019 menimbulkan diskriminasi karena memprioritaskan kelompok agama tertentu. Rekonstruksi pembaruan peraturan daerah tentang desa adat di Bali dapat dilakukan dengan menginternalisasikan konsep *tri hita karana* yang meliputi *palemahan*, *pawongan*, dan *parahyangan* dalam substansi peraturan daerah tentang desa adat di Bali.

**INTRODUCTION**

Regional regulations with religious nuances are considered to have violated national legal order. The violations in question include issues related to the authority of local governments in regulating religious affairs. Essentially, local governments do not have the authority to enact regional regulations with religious content, as religious affairs fall under

the jurisdiction of the central government and are not part of the local autonomy matters (Mangunsong, 2014). The inconsistency between the spirit of religiously nuanced regional regulations and the spirit of inclusivity upheld by higher-level regulations has become one of the key issues in maintaining national legal order. The substance of religiously nuanced regional regulations contradicts the content

of higher-level regulations. Such regional regulations create exclusivity for certain religious groups (Putra, 2019). Religiously nuanced regional regulations have the potential to cause national disintegration, as each region competes to enact regulations based on the majority religion in that area (Sholeh, Yunus, & Susilowati, 2016). The legalisation of religiously nuanced regional regulations has the potential to cause national disintegration as it violates the national legal order.

Religiously nuanced regional regulations can be found in the Province of Bali. The substance of Bali's regional regulations is explicitly based on Hinduism, the majority religion in the region. These religiously influenced regulations have never received criticism from the public, as they align with the local customs and traditions. Such regulations give the impression that they do not generate polemical implications for religious life. The positive perception of these religiously nuanced regional regulations is supported by several studies indicating that they do not pose problems in the context of national unity and governance.

The regional regulations of Bali Province have been able to foster interreligious harmony, despite granting special recognition to a particular religious group. This is demonstrated by the willingness of minority groups to comply with the regulatory patterns established by the majority, thereby forming a means of conflict resolution (Ahmad, 2016). Religious harmony in Bali is also reflected in the compliance of newcomers with the regulations established by the local community (Karim, 2016). Shared interests among different religious groups can help create a conducive community environment (Sumarjo, 2018). Interreligious harmony can be fostered through a shared perspective of living peacefully and showing mutual respect for one another (Arimbawa, 2021). The religiously nuanced regional regulations of Bali Province have been accepted and acknowledged by all groups, thereby contributing to the creation of a conducive community environment.

Previous studies conducted using a legal culture approach did not identify problems with the existence of several religiously nuanced regional regulations in Bali Province, as they tended to justify what had already become customary. A dissertation on legal study, published in the form of a book titled "*Peraturan Daerah Bernilai Agama di Aceh dan Bali* (Religious-Based Regional Regulations in Aceh and Bali)", written using a normative approach, presents a different perspective regarding the existence of such regulations. The study suggests that religiously nuanced regional regulations do not pose an issue when viewed through the lens of the majority's legal culture (Murdoko, 2019). Religiously nuanced regional regulations in Aceh and Bali present problems when viewed from the perspective of the hierarchy of laws and regulations.

This study focuses on the issues surrounding the existence of regional regulations that give special treatment to certain religious groups. The problems posed by religiously nuanced regional regulations can be examined in light of the national legal order within the framework of regional autonomy. This study addresses several key issues, including the legal implications of the implementation of Bali Provincial Regulation Number 4 of 2019, as well as the reconstruction and reform of regional regulations concerning traditional villages in Bali.

## **METHOD**

This study employs a normative legal method using a statute approach and a conceptual approach. The normative legal analysis is conducted by examining legal rules from an internal perspective, with the object being legal norms. The statute approach is used to review all regulations related to the initiation, formation, and implementation of the law. The conceptual approach is used to examine doctrines, principles, and concepts within the legal sciences that are relevant to the legal issues at hand.

The data sources in this study are categorized into two types: primary and secondary legal materials, both obtained through literature review. The data is analyzed qualitatively by seeking the truth based on the values or quality of the data collected. Data

analysis is conducted by examining the legal relevance of the collected data to elaborate on the concepts or theories in this study.

## RESULTS AND DISCUSSION

### Juridical Implications of the Enforcement of Bali Provincial Regulation 4 of 2019

Textually, none of the regional regulations of Bali Province explicitly mention Hinduism in their titles. However, Hindu religious values are explicitly embedded in the substance of these regulations. Several regional legal products contain provisions that grant special recognition to a particular religion, including: Bali Provincial Regulation Number 5 of 2005 on Architectural Requirements for Buildings, Bali Provincial Regulation Number 16 of 2009 on the Regional Spatial Plan of Bali Province for the Years 2009–2029, and Bali Provincial Regulation Number 4 of 2019 on Traditional Villages in Bali.

Regional regulations concerning traditional villages (*desa adat*) in Bali have undergone several revisions. The most recent regulation is Bali Provincial Regulation Number 4 of 2019, which replaced the previous regulation that used the term *desa pakraman*. Prior to 2019, *desa pakraman* was regulated through Bali Provincial Regulation Number 3 of 2001, which was later replaced by Bali Provincial Regulation Number 3 of 2003. Bali Provincial Regulation Number 4 of 2019 aims to complement the regulation of *desa pakraman*, thus introducing in 2019 the terms *desa adat* and *desa pakraman* as representations of customary law communities (*masyarakat hukum adat*) in Bali.

Bali Provincial Regulation Number 4 of 2019 is a revision of Bali Provincial Regulation Number 3 of 2001 concerning *desa pakraman*. The provisions regarding Desa Pakraman were previously amended in 2003 through Bali Provincial Regulation Number 3 of 2003. Bali Provincial Regulation Number 4 of 2019 serves as an effort to refine the concept of traditional village (*desa adat*) and to establish the necessary structures to ensure the continuity of its implementation within the community. Bali Provincial Regulation Number

4 of 2019 contains religiously nuanced substance, even though it regulates matters concerning traditional villages (*desa adat*). The internalization of religious teachings in regional regulations is commonly found in Bali Province, as local customs and culture are deeply intertwined with the teachings of Hinduism (Hadi, 2021). Balinese customs and the teachings of Hinduism form an inseparable unity in the lives of the Balinese people.

The substance of Bali Provincial Regulation Number 4 of 2019 is not significantly different from previous regulations, as it prioritizes communities that adhere to the Hindu religion. This indirectly implies that only Hindu communities have a role in managing traditional villages (*desa adat*). Article 8 paragraph (2) of Bali Provincial Regulation Number 4 of 2019 classifies residents living within traditional village areas into three categories: traditional village members (*krama desa adat*), temporary village members (*krama tamiu*), and non-members or outsiders (*tamiu*) (Kantriani, 2018). *Krama desa adat* refers to Hindu community members who are *mipil*—that is, officially registered as members of the traditional village (*desa adat*). *Krama tamiu* refers to Hindu individuals who are not *mipil* or not officially registered as members of the *desa adat*. *Tamiu* refers to individuals who are neither *krama desa adat* nor *Krama Tamiu*, meaning they are non-Hindu and not registered as members of the *desa adat*. The classification of community members in Bali Provincial Regulation Number 4 of 2019 is based on Keputusan Pesamaan Majelis Desa Pakraman Provinsi Bali Nomor 050/KEP/PSM1/MDP BALI/III/2006.

Krama Desa Adat are the residents who are given top priority in the development process through the regulation of *desa adat*. The objectives of regulating *desa adat* are outlined in Article 3 paragraph (1) letters d, f, g, and i of Bali Provincial Regulation Number 4 of 2019. The regulation aims to encourage the initiatives, movements, and participation of *krama desa adat* in developing the potential and assets (*padruwen*) of *desa adat* in order to achieve collective welfare. Additionally, it seeks to improve both the quantity and quality of services for *krama desa adat* to realize public welfare, strengthen their sociocultural resilience, maintain social unity as part of national resilience, and empower *krama desa adat* as active agents in development.

The classification of residents within *desa adat* has created social segregation. The main factor contributing to this social segregation is the institution of *desa pakraman* (Paturusi, 2016). Bali Provincial Regulation Number 4 of 2019 accommodates only residents categorized as *krama desa adat* as subjects of development, while becoming a *krama desa adat* requires adherence to a specific religion. This contradicts the principle of equality before the law, as everyone has the right to participate as a subject of development. Democratic practices should aim to foster equality and harmony among both *krama desa* and *krama tamiu*. Laws and regulations that prioritize certain religious groups can threaten interreligious harmony, as they have the potential to trigger horizontal conflicts (Suacana, 2015). The substance of a law or regulation must be in synergy with established legal principles. The alignment between the content of a regulation and legal principles serves as a key parameter in determining whether the regulation is democratic or not.

Bali Provincial Regulation Number 4 of 2019 structurally outlines several implementing bodies (*apparatus*), including *prajuru desa adat*, *bendesa adat*, *sabha desa adat*, *kerta desa adat*, *pecalang desa adat* or *jagabaya desa adat*, *yowana desa adat* or *taruna desa adat*, *krama istri desa adat*, *sekaa*, *majelis desa adat*, *paruman desa adat*, and *pasangkepan desa adat*. The exclusivity toward a specific religion is evident in the structure of the concept of *Majelis Desa Adat*, which represents a union (*paslikian*) of traditional villages at the provincial, regency/city, and sub-district levels. Article 1 point 24 of Bali Provincial Regulation Number 4 of 2019 states that these implementing bodies, operating in a hierarchical manner, have duties and authority in practicing customs and traditions that originate from Hinduism. The *Majelis Desa Adat* holds a very strategic position, as it is authorized to supervise the implementation of *desa adat* governance led by the *bendesa adat*.

Positions in *desa adat* can be obtained by individuals who meet the established requirements, one of which is having a specific religious status. *Krama desa adat* will lose the facilities granted to them if they convert from Hinduism to another religion. The rights and

obligations of *krama desa* will automatically be revoked if they change their religion, including the right to occupy the *karang desa* land (Suadnyana & Gunawijaya, 2020). The facilities as *krama desa* are associated with the obligations to the Hindu religion (Suryawan, 2018). *Krama desa adat* in several traditional villages will receive *karang* land, and in return, they have specific obligations toward the temple (*pura*). For example, if a disaster occurs at the *pura*, *krama desa adat* are obligated to spend the night (*mekemit*) at the temple (Widawan, Erviantono, & Bandiyah, 2017). Such obligations do not apply to *krama desa adat* who do not receive *karang desa* land (Yoga, Suwitra, & Sukadana, 2021). Converting religion is equivalent to the withdrawal from membership in the *desa adat* on a spiritual level, thus freeing oneself from the bond of the three temples (*kahyangan tiga*), although one is still required to participate in *sekala* activities.

Religious-themed regional regulations have become a phenomenon that cannot be separated from the reform policy. The reform era is marked by the freedom for regions to develop their own local characteristics. The regional autonomy policy has paved the way for each region to develop its potential and strengthen its independence. This is reflected in the large number of regional regulations aimed at managing their own affairs. The establishment of *desa pakraman* or traditional villages is a form of regional autonomy as outlined in Article 18B of the 1945 Constitution of the Republic of Indonesia.

Regional governments have several authorities to regulate their own affairs, except for matters that fall under the jurisdiction of the central government. Article 2 of Government Regulation Number 38 of 2007 on the Division of Government Affairs between the Central Government, Provincial Regional Government, and Regency/City Regional Government states that central government affairs cover several aspects, including foreign policy, defense, security, judiciary, national monetary and fiscal matters, and religion. This indicates that religious affairs are under the authority of the central government. However, in practice, many regions attempt to create religious-

themed regional regulations to strengthen local identity. Bali Provincial Regulation Number 4 of 2019 is one such example of a regional regulation governing religious matters. When examined more closely, the existence of Bali Provincial Regulation Number 4 of 2019 may pose a problem as it could disadvantage certain religious groups.

Religious-themed regional regulations have implications for the formation of *awig-awig* as a legal product of traditional villages used to regulate community life. *Awig-awig* is a legal product of *desa adat* that is binding for the members of the village community (Sudantra, 2018). The purpose of *awig-awig* is to maintain order and security within the traditional village environment (Yasmini, 2019). *Desa adat*, according to Bali Provincial Regulation Number 4 of 2019, have four areas of autonomy: the creation of their own laws, self-governance, self-security measures, and the implementation of their own judiciary (Fauziyah, 2022). These authorities can be exercised as long as they do not violate the constitution and are in line with the development of the times and the principles of the Unitary State of the Republic of Indonesia.

*Awig-awig*, which should aim to maintain order and security, instead creates discrimination against certain religious groups. One of the most discriminatory *awig-awig* can be seen in the *awig-awig* concerning *bakso* (Paramita, Dwiatmaja, & Damayana, 2015). *Bakso krama Bali* is a symbol that *Bakso* sold in Bali is different from *bakso* sold by outsiders, such as those sold by Javanese people (Jayanti & Gusti, 2008). A *desa adat* in Klungkung issued an *awig-awig* stating that *bakso* made by the Balinese is considered more *sukla* or more blessed than Javanese *bakso* (Rozi, 2016). Javanese *bakso* is made from beef, which is considered sacred by Hindus. The slogan *sukla* carries another problematic meaning in the midst of a pluralistic society, as it signifies sacred, clean, and not leftover (Samiyono, 2013). This phenomenon shows an attempt to impose religious matters into public affairs, while on the other hand, there are individuals trying to dominate the economy in the name of religion.

The authority of *desa adat* to create *awig-awig* raises its own problems due to the lack of control over the *awig-awig* that are made. *Awig-awig* need to be restricted to prevent violations of the rights of others, both religious rights and other socio-economic rights. Discrimination by the majority group is also found in one of the *awig-awig* in Kedonganan Beach, Bali, which regulates the prohibition of work for non-Hindu people during the Nyepi Day celebration. The *awig-awig* prohibits people from going to sea during Nyepi, both Hindus and non-Hindus (Widyastini & Dharmawan, 2013). This is not entirely the fault of the *adat* village, as the same prohibition is also included in a circular from the Governor of Bali Province.

The *awig-awig* that regulates the prohibition of work for non-Hindu people during Nyepi indirectly shows the coercion of adherents of other religions to follow the rules of the majority religion. The prohibition of other religious groups from exercising their rights under the pretext of the interests of one particular religion needs to be reconsidered. This is in line with the concept of the state, which states that Indonesia is not a religious state but a state that guarantees all religions the right to practice their teachings (Wiranata & Marzuki, 2018). Restrictions on religious activities for followers of certain religions, as well as other activities such as economic and social activities, must be carried out proportionally and not based on domination.

The exclusivity of certain groups theoretically has the potential to threaten harmony in society. The results of the study conducted indicate the presence of harmony due to the tendency of majority dominance. This kind of harmony can persist because of binding factors, one of which is Hindu culture, which has values of togetherness for the community, as well as economic interests to unite society. The relational patterns between Muslims and Hindus are divided into two: associative and dissociative. The associative pattern refers to harmonious relations with forming elements such as historical factors, economic interests, and integration factors

(Lawalata, Arjawa, & Kamajaya, 2021). The dissociative pattern refers to disharmonious relations triggered by factors such as economic jealousy, lack of understanding of Islamic teachings, communication issues, and the strong traditions that prevail in Bali (Fahham, 2018). The dissociative pattern should be avoided to prevent gaps between the majority and minority groups.

Harmony born from the dominance of the majority can persist if the minority group is able to adapt to the culture of the majority. This is evident from the harmonious relationship between Muslims and Hindus, which was formed because Muslims, as a minority group in Bali, responded positively to Hindu customs and culture. The response from Muslims can be categorized into three types: adaptation, imitation, and self-adjustment. These adaptive strategies become a very dialectical communication medium (Segara, 2020). The minority group adapts by using the local language and following traditions, customs, and architectural styles in accordance with the majority culture to maintain harmony.

The harmony within the dominance of the majority is a result of the Bali Provincial Regulation No. 4 of 2019. Ethnic or minority groups must make many adjustments to the dominant group in the area (Rohmawati & Baharun, 2019). The dominance of the majority as an effect of Bali Provincial Regulation No. 4 of 2019 does not recognize the existence of indigenous Balinese Muslims, one of which is found in the Islamic village named Kampung Loloan in Jembrana Regency. Kampung Loloan has been inhabited by indigenous Balinese Muslims for hundreds of years (Sabarudin & Arif, 2019). Indigenous Balinese Muslims are stigmatized as migrants due to the segregation of the population in Bali.

Harmony within the dominance of the majority is influenced by the involvement of the Islamic community at the core level in the administration of adat villages. The Islamic community, which has long settled in Bali, plays a role in the management of adat villages. The role of the Muslim community is limited to the aspects of human relations and social relationships

(*pawongan*), as well as nature and environmental aspects (*palemahan*). Muslims play a role as traditional police or commonly known as *pecalang*. The minority group adjusts to the customs of the majority group to preserve and develop their own culture (Segara, 2018). The pattern of harmony in Balinese society is formed through the adaptation of the minority culture to the majority culture.

Harmony in the majority dominance can be sustained because the community continues to uphold the noble teachings, both customs and religion, of each faith. The adaptation made by the Muslim community to maintain harmony among themselves is by engaging in *silaturahmi* (social visits). The relationship between Hindus and minority groups such as Muslims becomes stronger when both groups invite each other to events. *Silaturahmi* serves as a strength to harmonize relations between the majority and minority groups (Rusmayani & Gunawan, 2018). The commitment to maintain harmony in the dominance of the majority can be formed through local wisdom (Alhudawi & Malihah, 2020). *Ngayah* is one of the local wisdom traditions of the Balinese people, representing a voluntary mutual cooperation (*gotong-royong*) tradition aimed at achieving a common goal (Yantos & Putriana, 2020). This *gotong-royong* tradition is not only seen as a social activity but also as part of the religious command.

Traditions to strengthen harmony in Balinese society are known by several terms, including *metetlung*, *mejenukan*, *ngeraris*, and *ngejot*. *Metetlung* is a custom that has developed among the community for mutual help across different religions. *Mejenukan* is a custom in the customary village environment where people visit those who are grieving. *Ngeraris* is a tradition of visiting the home of a community member who is holding an event, ceremony, or celebration. *Ngejot* is a tradition that has developed in the community for sharing food, typically observed during religious holidays (Cahyanti, Candrawan, & Putri, 2021). The traditions of *male*, *ngejot*,

*rebana*, and *mekeprung* help foster a sense of brotherhood, diversity, and mutual interest among different religious groups (Saihu, 2020). The ethics of dialogue and harmony between Muslims and Hindus in Bali have been carried out through the medium of *'urf* or local wisdom, which is believed to have religious, philosophical, sociological values, and at the same time carries a multicultural nuance.

Harmony within the dominance of the majority is influenced by shared interests, one of which is in the economic field. The existence of a multi-ethnic and multi-religious society in tourism areas like Bali has a stronger awareness to ensure unity, despite the distinction between residents in the *desa adat* (Marbun et al., 2021). Indigenous people are called *muwed*, while migrants are referred to as *tamiu*. *Muwed* people hold a higher status than *tamiu*. This distinction, in practice, does not affect social harmony because all residents in the *desa adat* have managed to create social integration based on tolerance and communal harmony (Sunu, 2014). Social integration occurs along with the implementation of multicultural values, so that policies for managing tourism interests automatically accommodate the spiritual needs of all religious adherents.

The harmony of society based on the shared interest of managing tourism is reflected in Puja Mandala, which is known as a blend of the imaginary ideas of government politics, tourism, and religion. The idea of developing Puja Mandala originates from the trilogy of religious harmony: inter-religious harmony, harmony among religious groups, and harmony between religious communities and the government (Mancapara, 2019; Krishna, 2019). Harmony based on tolerance has created interfaith interactions because of involvement in environmental order, security, and social service (Pramono & Hud, 2021). Puja Mandala has become a symbol of harmonious Indonesian development, respecting differences and upholding the motto *Bhinneka Tunggal Ika* (Muka, 2021; Waruwu, 2019). The Puja Mandala tourism area can serve as a model and inspiration for creating harmony and peace for future generations.

## Reconstruction of Regional Regulation Renewal on *Desa Adat* in Bali

Religion essentially has universal values that can be developed to find common ground with other religions. Regional regulations with a Hindu religious nuance can be reconsidered based on *tri hita karana* as a universal concept. *Tri hita karana* is a concept that aims to provide well-being for society to achieve balanced happiness (Putrawan et al., 2021). The happiness referred to here is the happiness in the relationship with God, fellow humans, and the surrounding nature (Sukarma, 2016). *Tri hita karana* is rooted in the local wisdom of *sad kerthi*, which is the essence of Hindu teachings (Suadnyana, 2020). *Sad kerthi* is very important as a guide for Hindus to show compassion towards nature. The concept of *Sad Kerthi* includes six noble elements: *atma*, *samudra*, *wana*, *danu*, *jagat*, and *jana kerti* (Wiana, 2018). *Sad Kerthi* is a principle that must be followed by humans, especially Hindus, in building civilization. *Tri hita karana* encompasses three elements: *palemahan*, *pawongan*, and *parahyangan*.

The first element of the *tri hita karana* concept is *palemahan*, which comes from the word *lemah*, meaning earth, rice fields, settlements, or anything related to the place where humans fulfill their livelihood needs. The relationship between humans and the universe (*palemahan*) can be established universally by maintaining the harmony of a diverse society in terms of ethnicity, nationality, culture, customs, language, religion, character, and personality (Suarniati, Anom, & Hengki, 2019). The concept of *palemahan*, in the context of developing Bali as a tourism destination, must be developed for the benefit of the greater public, not for the interests of certain groups (Astuti, Ginaya, & Susyarini, 2019). The concept of *palemahan* needs to be developed with universal values to maintain harmony within society.

The second element of the *tri hita karana* concept is *pawongan*, which comes from the word *wong*. *Pawongan* is a concept that directs humans to mutually provide security and welfare for one another. This concept teaches tolerance toward fellow humans, regardless of differences in ethnicity,

race, or religion. The concept of *Pawongan* can be incorporated into regional regulations because it contains values of justice, harmony, and helping one another. Balinese culture, as a noble teaching, certainly holds values that can be developed to build a shared democracy. The democratic values meant here include *tat twam asi*, *sagilik saguluk*, *salunglung sabayantaka*, *paras parossarpanaya*, *beriuik saguluk*, as well as *sam gacchadhvam*, *sam vadadhvam*, and *sam vo manamsi janatam*. *Tat twam asi*, in simple terms, teaches that one should feel and understand everything experienced by others (Budiadnya, 2018). *Tat twam asi* teaches tolerance without highlighting differences.

*Tat twam asi* demonstrates that Balinese culture has a fundamental concept of not discriminating against individuals based on religion or social status. *Tat twam asi* directs each person's perspective to transform from individualism or even group fanaticism toward social solidarity (Apriliani & Yudiana, 2020). *Tat twam asi* can be used to resolve crucial national issues if it becomes a commitment in carrying out every obligation (Wariati, 2016; Suastini & Suarjaya, 2021; Pradhana et al., 2022). *Tat twam asi* should be included in regional regulations to prevent discrimination against minority groups.

*Sagilik saguluk*, *salunglung sabayantaka*, *paras parossarpanaya*, and *beriuik saguluk* are concepts that teach solidarity to share both joy and sorrow together. These concepts have different meanings based on two perspectives (Dharsana, 2017). This concept is universally used for the common good without distinguishing primordial ties, but on the other hand, such an egalitarian concept can be implemented once a person becomes a *krama* (Sriartha et al., 2017; Wartayasa, 2018). The concepts of *sagilik saguluk*, *salunglung sabayantaka*, *paras parossarpanaya*, and *beriuik saguluk* mean unity, mutual respect for opinions, mutual reminders, mutual love, and helping each other.

*Sam gacchadhvam*, *sam vadadhvam*, and *sam vo manamsi janatam* are generally interpreted as consensus deliberation to achieve common goals. The democratic values based on local wisdom that already exist can be used as a reference to create equality and harmony in society (Suacana & Suaib, 2016). *Sam gacchadhvam*, *sam vadadhvam*, and *sam vo manamsi janatam* are forms of strengthening human resource capacity to prioritize the public interest over group interests.

The third element of the *tri hita karana* concept is *parahyangan*, or divinity. The state guarantees every individual the freedom to practice their religion. Concrete steps to enhance the spirituality of a plural society can be carried out through the attitudes of *widya*, *maitri*, *ahimsa*, and *santi* (Mambal, 2016). The attitude of *widya* refers to having wise knowledge to see diversity as a part of the reality of life (Sari & Arimbawa, 2020). The attitude of *maitri* refers to practicing sincere love for every individual, in other words, respecting others' choices regarding their beliefs (Budiadnya, 2018). The attitude of *ahimsa* means removing the desire to harm or even kill others (Gunawijaya, 2022). Religious harmony, in essence, eliminates the desire to demean or prevent others from expressing their beliefs. Ultimately, this will lead to the attitude of *santi*, which means making peace the goal in binding brotherhood among different faiths (Yuni, Budiadnya, & Warta, 2020). The *tri hita karana* concept can create a peaceful and harmonious life in religious diversity.

The concept of *tri hita karana* is not exclusively used for the benefit of certain groups only. *Tri Hita Karana* is not merely a form of harmony that can be found in the macrocosmic nature, which includes the relationship between humans and the external environment, such as harmony between people or *pawongan*, humans and nature or *palemahan*, and the alignment of humans with God or *parahyangan* (Kusuma, Landra, & Widnyana, 2019). *Tri hita karana* serves as a spiritual means to achieve material benefits from the management of tourism,

as evidenced by the growth of the tourism sector in Bali amid the challenges of religious identity politics from certain majority groups (Suamba & Utama, 2017). *Tri hita karana* needs to be actualized to address the gaps in community life.

The concept of *tri hita karana* provides three harmonies to balance the continuity of human life, nature, and God. The cultural balance concept in Bali is used to preserve and maintain all its potentials to compete in the modern era (Udayana & Dwijendra, 2022). In reality, the Tri Hita Karana concept has not been fully implemented to form true harmony (Sudama, 2020). This is influenced by several factors, one of which is the political interests in local legal products that use the concept of Tri Hita Karana, which creates divisions in society and triggers conflicts due to differences. The concept of *tri hita karana* is not only a culture, tradition, or local knowledge, but it has also evolved into an ideology, a scientific concept, and a policy concept (Roth & Sedana, 2015). The concept of *tri hita karana* has developed universally and can serve as a guide in various sectors of life to meet the needs of society.

## CONCLUSION

The legal implications of the enactment of Bali Provincial Regulation Number 4 of 2019 contradict Government Regulation Number 38 of 2007 because it explicitly includes provisions on religion, which should fall under the authority of the central government. Bali Provincial Regulation Number 4 of 2019 leads to discrimination as it prioritizes certain religious groups. The reconstruction of the regional regulation on *desa adat* in Bali can be carried out by internalizing the concept of *tri hita karana* universally into the substance of the regulation on *desa adat* in Bali. The concept of *tri hita karana* encompasses three aspects: the relationship between humans and humans (*pawongan*), the relationship between humans and nature (*palemahan*), and the relationship between humans and God (*parahyangan*).

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