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LAW ENFORCEMENT AGAINST FOREIGN NATIONALS WHO VIOLATE THE LOCAL WISDOM VALUES OF INDIGENOUS PEOPLES (A STUDY OF THE BAYAN TRADITIONAL VILLAGE, MARGA SUB-DISTRICT, TABANAN REGENCY)

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Abstract

The existence of customary village communities is recognized in Indonesia as stated in the Constitution. It is known that customary villages have a unique history, process and purpose when compared to written national law. So a thought is needed to combine the existence and application of national law enforcement and customary law. The research method used is empirical legal research, the nature of the research, is descriptive research, the type of data is qualitative and the data source is primary data and secondary data, using data collection methods, observation, interviews, and literature. The technique of determining informants using Non probability sampling, with processing and analyzing the data descriptively qualitative and systematic. Against Foreign Citizens who violate Criminal law in Indonesia, of course, will refer to the enforcement pattern as written criminal law, notwithstanding the imposition of customary sanctions is still carried out with a legal system pattern consisting of substance, structure, and legal culture. This can be considered with the sample of research conducted in Bayan Village, Marga Subdistrict, Tabanan Regency, which applies the customary sanction of Sangaskara Danda against certain mistakes based on local customary law. Overall, the application of Sangaskara Danda against foreign nationals in Bayan Traditional Village is an example of how local values can be maintained and articulated in a global context, while still prioritizing a fair and educative approach. It should be noted that all forms of customary law enforcement have an orientation towards restoring the situation of local wisdom values that are felt to be degressive to certain behaviors. In order to realize this, it is necessary to coordinate structurally, with the parties involved and have the authority to do so.

Keywords: Law enforcement; local wisdom values; indigenous peoples

1. INTRODUCTION

The issue of customary law related to the existence of cases of tourists, especially foreign nationals (hereinafter referred to as foreigners) who violate local cultural traditions and wisdom in the territory or *authority* of traditional villages in Bali is certainly important to be examined, because Bali is not only limited to the perspective as an area that is a tourist attraction destination that is beautiful to the eye, but more than that u that is Bali in the perspective of *sekala* and *niskala* contained magical religion, namely u holiness wrapped in sacredness in an order of balance both towards God, humans, and the environment. Because

Bali lives from the actualization of the values of regional cultural traditions as local wisdom.

The actualization of the values of regional cultural traditions as local wisdom is certainly regulated by the name of customary law (Sumanto, 2018). However, customary law itself is a legal system whose existence consists of living social rules, namely religious rules, rules of decency, rules of decency. In line with this, what was conveyed by Hans Kelsen was that in the formation of law, it should not eliminate morals as the ideals of justice as agreed upon in the ideals of law (*rechtsidee*) (Kelsen, 1996).

The provision of this space means that

the customary village as a unit of customary law society has a role in assisting the local government in the smooth running and implementation of development in all fields, including in the field of security. This is because indigenous peoples have customary institutions that are in charge of controlling the behavior of individuals in the community and carrying out punishment in the event of a violation of customary law (Tamarasari, 2002).

In national *law* in the formal legal aspect, the concept and juridical basis for the autonomy of indigenous villages can be found in the constitution, namely the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution), specifically in Article 18 B paragraph (2) which stipulates that "*The State recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law.*"

Furthermore, Article 1 point 8 of Regional Regulation Number 4 of 2019 concerning Customary Villages in Bali (hereinafter referred to as Perda Desa Adat). Article 1 point 8 stipulates that "*The unity of customary law communities in Bali which has an area, position, original structure, traditional rights, own property, traditions, manners of community life for generations in the bond of a sacred place (kahyangan tiga or kahyangan desa), duties and authorities and the right to regulate and manage its own household.*" Although the article does not explicitly mention the term "autonomy", the stipulation that an indigenous village is an indigenous legal community unit that has the right to manage its own households can be interpreted that the State through Regional Regulations and hereinafter referred to as (Perda). The Perda on Indigenous Villages has recognized that an indigenous village is an autonomous indigenous legal community unit.

Desa Adat as a customary law community unit is based on the *Tri Hita Karana* philosophy rooted in the local wisdom of *Sad Kerthi*, imbued with the teachings of Hinduism and cultural values and local wisdom. This local wisdom itself has permeated the lives of the people, especially in Bali, becoming an integral part of their identity. Because substantially, local wisdom is the values

and cultural norms that apply in organizing community life. Values and norms that are believed to be true become a reference in the daily behavior of the local community.

Concerns among the community regarding the preservation of local wisdom, especially when there are cases of violations of local wisdom committed by foreign nationals in Bali. As it is known that in Bali there are often news reports of cases of tourists, especially foreign nationals, violating local traditions and culture in the territory or *authority of* traditional villages in Bali which creates a condition of disruption of peace, public order and the sanctity of Bali.

Table 1. Number of foreign nationals deported each year in Bali

Years	Foreign Nationals Who Were Deported
2020	76 People
2021	194 People
2022	188 People
2023	340 People
Total	798 People

Source: Regional Office of the Ministry of Law and Human Rights of Bali Province

Based on data from the Regional Office of the Ministry of Law and Human Rights of Bali Province, 76 foreign nationals were deported in 2020. Meanwhile, in 2021 there was an increase with 194 foreign nationals deported from Indonesia due to various legal cases against them. Meanwhile, in 2022 there was a decrease of 188 foreigners deported from Bali. However, in 2023 there was a high surge with 340 foreigners deported from Bali and from 55 countries that had been deported. Based on data from the Bali Regional Office of the Ministry of Law and Human Rights, most of these foreigners come from Russia, the United States, Britain, Nigeria, Australia and China. The unscrupulous foreigners were sanctioned for misusing residence permits, exceeding residence permits, criminal acts, and violating the norms and rules of law that apply in Indonesia.

One of them is Denpasar Immigration in April 2023, which arrested a Russian foreigner who posed naked on a eucalyptus tree near Pemaksan Babakan Temple, Bayan Traditional Village, Marga District, Tabanan, Bali. The woman was named Luiza Kosykh (40). For information, the case of foreigners posing naked at the

roots of the 700-year-old giant eucalyptus tree is not just this once. In May 2022, a Russian foreigner named Alina Fazleeva (28) also caused an uproar because she uploaded a video of her being naked on the tree.

It is undeniable that Bali is one of the tourist destinations that has high popularity. The tourists are very in love with the customs and culture that exist in Bali but not a few tourists who do not understand the importance of the shrines contained in the tourist attraction area and sacred places. To protect the sacred places that are widely scattered in Bali, it is necessary to have sanctions both in the legislation *undangan* and in the form of *awig-awig* or village *perarem* in order to ensnare the perpetrators of blasphemy against sacred places in Bali but unfortunately this has not been strictly regulated in existing regulations (Widiana, Sudibya, & Sukadana, 2023). The Bali provincial government has issued Bali Governor Regulation Number 25 of 2020 concerning Facilitation of Protection of Temples, Pratima, and Religious Symbols with the aim of creating a *perarem* that protects temples, Pratima and religious symbols. To provide direction, foundation, and legal certainty in preventing and overcoming damage, destruction, theft, desecration, and abuse of temples, shrines, and religious symbols.

The application of sanctions to foreign nationals who violate local traditions and culture as in the case above has undergone traditional ceremonies to take responsibility for their actions by performing *prayascita*, namely purification of the area and undergoing the *Ngaturang Guru Piduka* ceremony as a form of apology to God Almighty. When looking at the *awig-awig* of Bayan traditional village, there is nothing explicitly regulating how offenses committed by foreign nationals who violate local traditions and culture.

First, the *awig-awig* in *pawos 4 indik krama* stipulates that there are 2 types of citizens, namely *village krama* and *tamiu krama*. Meanwhile, if we see that the foreigner who is the subject of the law of the violator does not belong to that group. But included as *tamiu*. The definition of *Tamiu* is clearly regulated by the Perda Desa Adat Article 1 number 12 *Tamiu* is "a person other than *Krama Desa Adat* and *Krama Tamiu* who is in the *Wewidangan Desa Adat* temporarily or resides and is registered in the local *Desa Adat*".

Second *awig-awig* of Bayan traditional

village regarding *indik pamidanda* in *pawos 50* regulates *panyangaskara danda*. *Panyangaskara danda* or *Sangaskara Danda* is a customary sanction in the form of performing certain ceremonies namely *maprayascita*, *nyarunin desa* which is the obligation to perform religious ceremonies to eliminate *leteh* or supernatural defilement (Windia & Sudantra, 2006). So that although specifically the actions of foreigners are not regulated in relation to violations of climbing trees. However, in terms of magical religion, the act is included in disturbing the balance of nature which includes local cultural traditions and wisdom. Because essentially according to Nyoman Sirtha in (Sartini, 2004) forms of local wisdom in society can be in the form of values, norms, ethics, beliefs, customs, customary law, and special rules.

So that the customary reaction arising from these actions is that the Bayan *customary village officials* carry out responsive law in response to foreigners who commit violations in the Bayan customary village. Because in the current of modernization, Balinese customary law has a dynamic and flexible character because of the *kalaparta* principle that can adjust the implementation of customary law to the region, time, and certain situations and conditions. This condition needs to be examined in detail to be formulated in *awig-awig* or *perarem* including the type and level of sanctions applied to foreign nationals as *tamiu* who violate traditions and other local resources. These customary sanctions are then formulated into the form of *Pamidanda* (punishment), which is in the form of *Sangaskara Danda* (punishment in the form of carrying out religious ceremonies and *Jiwa danda* (Physical and Psychological Law).

The ability of indigenous peoples to maintain their existence is a very tough struggle. The values of sanctity, tradition, and local cultural wisdom certainly need to be regulated to be able to overcome the existing problems. Because in relation to the preservation of local traditions and cultural wisdom in Bali, the "traditional village" plays an important role. The goal is to *fulfill the kasukertan sekala* (real world) and *niskala* (supernatural world). So that finally it can give proper appreciation to indigenous peoples, customary law, and customary crimes.

2. METHODS

The research method is the type of research used is empirical legal research, the nature of the research, is descriptive research, the type of data is qualitative, and the data source is primary data and secondary data, using data collection methods, observation, interviews, and literature. The technique of determining informants using *Nonprobability sampling*, the instrument used is a *cellphone*, processing and analyzing the data is descriptive qualitative and systematic.

3. RESULTS AND DISCUSSION

Sanctions against foreign nationals who commit criminal offenses in Indonesia

The discussion of sanctions is always related to violations of the law that have been committed by individuals and have a negative impact on social stability in society, which is motivated by various factors that cause a person's desire to commit such violations. In Indonesia, the application of sanctions for each violator is seen from the types of sanctions applied, be it criminal, civil and administrative. The types of sanctions applied are seen from the class of crimes committed by the perpetrators and the impact felt by the victims of the crimes committed, so that this provides a sense of justice to every victim who is harmed. Violations that are often encountered in society are violations of Criminal Law, where crimes regulated in criminal law are crimes that generally occur, so that they become the highest crime rate in society.

Moving on from the discussion above, if we hear the word criminal, our view of it is cruel, frightening, and even threatening. According to Moeljatno, Criminal Law is part of the overall law that applies in a country, which establishes the basics and rules to determine which acts should not be done and which are prohibited, accompanied by threats or sanctions in the form of certain punishments for those who violate these prohibitions (Moeljatno, 1993). In simple terms, the definition of criminal law is a law that contains regulations that contain obligations and prohibitions against violators which are threatened with punishment in the form of bodily punishment (Gunadi & Jonaedi, 2014). In this definition, several elements are explained, namely first, that criminal law is a regulation or can be said to be a law that is used as the basis for every legal action taken by a person, related to criminal law regulations regulated in the

Criminal Code (KUHP) which has a very important position in society. Second, related to the necessity and prohibition in this sense, it means that all people under it must follow every rule regulated in it, and stay away from things and actions prohibited in the law, and the third element in this sense is explained related to the threat of sanctions for each violator in the form of bodily threats which in the legal sense in Indonesia is confinement or imprisonment.

The existence of sanctions is very important in every law enforcement. Sanctions are made to foster fear for every violator and make everyone submit to every order and prohibition contained in a regulation. The purpose of the existence of sanctions is one of them being a means of coercion and guarantee that it forces everyone to comply with applicable legal norms. In addition, sanctions are also a repressive tool which can be interpreted as legal consequences received for everyone who dares to violate legal norms. Not only can it be a repressive tool, but sanctions can also be a preventive tool or prevention for everyone who wants to commit crimes that violate legal norms. The relationship between law and sanctions cannot be separated, the establishment of legal norms or legislation must be attached to the sanctions applied in strengthening the validity of the law, especially for legal norms that regulate human behavior, sanctions must be made so that the validity of these regulations is beneficial in society.

Likewise, the explanation related to criminal sanctions, that explained by Richard D. Schwartz and Jerome H. Skonlick, the purpose of criminal sanctions is intended to (Muladi & Arief, 2005):

Prevention of recidivism (to prevent recidivism)

Deterrence of persons who commit similar offenses (to deter from the performance of similar acts)

To provide a channel for the expression of retaliatory motives.

In Article 28 of the 1945 Constitution, the imposition of criminal sanctions can only be carried out by the state against someone who is legally and securely proven to have committed a criminal offense, which in essence means that criminal sanctions are a form of action or deprivation of one's freedom. In simple terms, criminal sanctions are a form of punishment given by the state to

individuals who proven to have committed an act that is classified as a criminal offense in the applicable laws and regulations (Mathar, 2023). The context of the Indonesian legal system related to criminal sanctions is generally regulated in law as a product of legislation that has the highest legal force after the constitution. However, Law Number 12/2011 on the Formation of Legislation also provides authority for local governments to impose criminal sanctions in Regional Regulations (Perda), both at the provincial and district / city levels. But even so, in the process, the authority given has limitations in applying the threat of violation of criminal penalties, namely a maximum of six months or a fine with a maximum amount of Rp50,000,000.00 (fifty million rupiah).

In Indonesian positive law, Article 10 of the Criminal Code (KUHP) explains that criminal sanctions are divided into two parts, namely principal punishment and additional punishment. Principal punishment is a punishment that includes death penalty, imprisonment, confinement, fines, and closure, while additional punishment is the revocation of certain rights, deprivation of goods, and announcement of the judge's decision. In Article 18 of Law Number 31 of 1999 concerning Eradication of Corruption, there are additional punishments, such as restitution which is explained in addition to the two main criminal sanctions contained, but in its application it cannot stand alone and is imposed separately from the main punishment which is attached to the main punishment which can be imposed for certain reasons (Mathar, 2023).

In criminal law, the application of sanctions is certainly focused on the subject and object that can be subject to criminal sanctions. In the first element of a criminal offense, it is stated that a criminal offense is the act of a person, which basically can commit a criminal offense is a person / human being itself. This can be explained that in the formulation of statutory offenses, it always begins with the words "**whoever**", which shows that this word cannot be interpreted as other than "person". In addition, in Article 10 of the Criminal Code, basically the types of punishment described can only be imposed on humans. Regarding accountability, in the examination of criminal cases, those who can be held accountable for their actions and mistakes made by the defendant are people/humans, where the definition of guilt itself is the inner attitude

that exists in humans (Gunadi & Jonaedi, 2014).

In its development, the subject of criminal law is not only humans but legal entities, especially corporations, which can also be the subject of criminal law. This is explained in Book I Article 120 of the Draft Criminal Code of 1987/1988 which states "*A corporation is an organized collection of persons or assets whether it is a legal entity or not*" (Sjahdeni in Gunandi & Efendi, 2014). Definitions related to corporations are viewed more broadly in criminal law compared to civil law. In criminal law, corporations are not only limited liability companies, but cooperatives, firms, partnerships, and foundations that are legal entities are also categorized as corporations. Article 166 of the 2004 Draft Criminal Code also describes corporations, which are defined as follows: "a corporation is an organized collection of persons and/or assets, whether or not it is a legal entity". Regarding the term corporation in Indonesia, it has been officially used in several special criminal laws such as Law No. 20 of 2001 on corruption, Law No. 15 of 2002 on money laundering as amended into Law No. 25 of 2003, and the Law on psychotropic substances.

Regarding the subject of criminal law that has been explained, the scope related to the subject of law in criminal law which includes persons and corporations in its application is very broad, in the sense that anyone both within the scope of the territory of Indonesia and outside the territory of Indonesia who commits a criminal offense and fulfills the elements in a criminal offense, then can be subject to criminal sanctions regulated in the territory of Indonesia. Related to this explanation, it has been emphasized in the Criminal Code (KUHP) which explicitly states that anyone who violates the law in Indonesia will be dealt with strictly in accordance with the applicable law in Indonesia as well. This stipulation stems from the large number of foreign nationals visiting Indonesia both for the purpose of traveling, conducting cooperation, and staying while bringing negative impacts, namely committing violations and crimes ranging from human trafficking, terrorism, money laundering, illegal immigrants, narcotics, syndicates and many more (Siplawfirm.id, 2024). One of the seriousness of the Indonesian government in dealing with similar crimes committed by foreigners is the enactment of Law Number 6 of 2011 concerning immigration which regulates immigration

permits including limited stay permits, permanent residence permits, stopover permits, and visit permits, all of which are evidenced in the form of visas as proof of the legal presence of every foreigner in the country of Indonesia. Not only related to permits, but this regulation also regulates related to sanctions for every foreigner committing a criminal offense listed in Article 104 of the Immigration Law which briefly explains that related to the investigation of immigration crimes is still carried out based on criminal procedural law applicable in the territory of Indonesia.

A deeper discussion on the basis of the enactment of criminal law is explained in the principles of criminal law. The scope of discussion regarding the enforcement of criminal law is divided into two parts, namely based on time which includes the principle of legality and based on place, including the principle of personal (active national), the principle of protection, the universal principle, and the territorial principle (Gunandi & Efendi, 2014). One of the principles that explains that the enforcement of criminal law can be applied to foreign nationals is the territorial principle. This principle is contained in the Criminal Code (KUHP) in article 2 which emphasizes that the territorial principle focuses more on criminal offenses that occur within a state territory, but does not question whoever commits the criminal offense, whether it is a foreign national or a citizen. This is a natural thing for all countries that apply territorial hope, especially Indonesia, with the assumption that everyone must be subject to the rules in the area or region they are in (Gunandi & Efendi, 2014). In addition, the application of this principle provides authority for law enforcement officials in prosecuting violations and crimes committed by foreign nationals in accordance with the law enforcement process in Indonesia, so that responsibility for violations or crimes committed in each subject of criminal law will be subject to sanctions in accordance with the application of the law of the region they are in.

The sanctions given to foreigners who commit violations and crimes are seen in the context of immigration, namely doing several actions described in the Siplawfirm.id online article entitled "*Legal Snares for Foreign Citizens Who Commit Violations or Crimes in Indonesian Territory*" (2024), which are as follows:

Inclusion in the preventive or deterrent list;

Restriction, amendment, or cancellation of residence permit;

Prohibition to reside in a certain place in Indonesian territory;

The requirement to reside in a certain place within Indonesia;

Imposition of load fees; and/or

Deportation from the territory of Indonesia, including and not limited to foreigners who are in the territory of Indonesia because they are trying to avoid the threat and execution of punishment in their home country.

The application of initial to final action, namely deportation carried out by immigration always pays attention to the results of surveillance that has been carried out on foreign nationals while in Indonesian territory. In the process, the immigration agency always coordinates with several government agencies such as the Police, Agama Department, Manpower Office, Attorney General's Office, and other related agencies. The process of investigating foreign violators will be handled first by the immigration agency which when the investigation process has been completed, the case file will be submitted to the Police for re-examination, when the file is complete, the file will be forwarded to the Public Prosecutor who will continue the file if it is declared complete to the Court which will re-examine and be decided in accordance with the applicable regulations in the territory of Indonesia.

Regulation of Criminal Law Violations by Foreign Citizens (WNA) against Local Wisdom Values in Indigenous Peoples

Discussing local wisdom, it is a hereditary heritage that becomes the cultural identity of a community group. Local wisdom consists of two words, "wisdom" and "local", which have different meanings. In law number 32 of 2009 concerning environmental protection and management, regarding the meaning of "Local Wisdom" has the meaning of noble values that apply in the community life system to protect and manage the environment sustainably. The meaning of local wisdom follows various perspectives, if interpreted in the Big Indonesian Dictionary then "wisdom" means wisdom, intelligence as something needed in interaction. The word "local" means a

place or in a place or in a place where something grows, exists, lives that may be different from other places or exists in a place of value that may apply locally or may also apply universally (Setiantoro, Putri, Novitarani & Njatrijani, 2018). In simple terms, local wisdom is a value that grows in the community from generation to generation, which is developed and preserved as a way of life in the community which has local values but contains very universal meanings. The very broad and comprehensive scope of local wisdom emphasizes more on the location or place of wisdom that comes from a certain area and has its own benefits in people's lives.

Seeing this, then indirectly if local wisdom is used as a life guide then everything that grows in society that is included in local wisdom will be considered part of their wise way of life and used as a solution to problems that occur in life that occur in society, because with local wisdom the community can continue its life which is felt to be developing and even sustainable. In Roehadi's book entitled "The Nation's Cultural Personality (*Local Genius*)" it explains the function of local wisdom in society, namely as follows:

As a filter and control against outside culture

Accommodate elements of outside culture

Integrate elements of outside culture into indigenous culture

Give direction to cultural development.

Some of the above functions make local wisdom an identity of an area whose people strongly believe in the culture that is included in local wisdom. Arrangements regarding local wisdom have indirectly been explained in Article 18 B paragraph (2) and Article 28 I paragraph (3) of the 1945 Constitution which is about customary law. That local wisdom is one of the characteristics of the law that grows and lives in society, and this can be equated with customary law which also grows from the habits of a community, so that the two things are interconnected. Local wisdom is included in the Expression of Cultural Traditions which includes all intangible cultural treasures developed and preserved by local communities collectively or individually in a non-systematic way and inserted in the cultural and spiritual traditions of the community (Njatrijani, 2018).

In local wisdom, there is a Local Value

Dimension where the community in a certain area has rules and values regarding behavior and actions that are obeyed and agreed upon by all its members where these values will continue to follow the development in accordance with the progress of the community. This is in line with indigenous peoples, which is that indigenous peoples are also a fixed and orderly unit whose members are not only bound to the place of residence of a certain area, both in worldly terms as a place of life and in spiritual terms as a place of worship of ancestral spirits, but are also bound to hereditary relations in the same blood ties and kinship from one ancestor, either indirectly due to marriage or customary ties. And in indigenous peoples, customary law grows which is used as a rule of behavior that applies and is agreed upon by indigenous peoples which is compelling, so that customary sanctions have also been attached to its application. In the 1945 Constitution, indigenous peoples have been recognized and outlined in articles 18B paragraph (2) and 28I paragraph (3) which also discuss local wisdom. The relationship between the two is very close and mutually supportive, indigenous peoples make local wisdom the main guide in running their lives, which is strongly influenced by customary law.

Based on the explanation above, it can be understood that the existence of indigenous peoples in Bali cannot be separated from the frame of customary law which indeed grows and develops along with the social development of these indigenous peoples. In this development, indigenous peoples are very consistent in maintaining their local wisdom. In relation to various forms of violations that are considered to damage their local wisdom, indigenous peoples who are members of the customary village community (especially in Bali) have a legal system that is not much different from the theoretical legal system. The legal system contains several aspects, including Legal Substance, Legal Structure, and Community Legal Culture. Specifically in this discussion, which is concentrated by sampling the Bayan Customary Village, Marga Subdistrict, Tabanan Regency, some analysis is presented in the perspective of the existing legal system in indigenous peoples as an effort to enforce customary law against various forms of violations that are considered to disrupt the stability of the harmony of the local wisdom of their customary village. In this case, an example

that can be taken is Sangaskara Danda.

Legal Substance

The substance of law is a rule or norm that is a pattern of human behavior that is expected and stipulated in the legal norm. Law functions for justice, certainty and expediency. The application of Sangaskara Danda customary sanctions against foreign nationals in Bayan Traditional Village through the perspective of Lawrence M. Friedman's legal system theory, especially regarding legal substance, which is the focus of this analysis, refers to the rules, norms and patterns of real human behavior that are in the legal system in Indonesia.

The substance of this law includes the content of types and hierarchies that are not only in the realm of national law, but also customary law as a system of norms that live and develop in local communities.

National Law

1945 Constitution of the Republic of Indonesia

Customary villages as part of the state community are constitutionally regulated in Article 18 B paragraph (2) and Article 28 I paragraph (3) of the 1945 Constitution. Constitutional recognition in Article 18 B paragraph (2) gives the Customary Law Community (hereinafter referred to as KMHA) legal status along with its traditional rights including its customary law. This is also confirmed by (Mahfud, 2010, p. 4) that recognition of KMHA can act as a legal subject. While Article 28 I paragraph (3) implies that the state is obliged to recognize, respect, protect and fulfill the rights of KMHA as human rights. Human rights are legal objectives reflected in the Preamble of the 1945 Constitution of the Republic of Indonesia. (Sudantra, 2013, p. 3) Thus, the participation of indigenous villages in the formation of local regulations is a human right, which must be recognized, respected, protected and fulfilled by the state. The understanding of Article 18 B paragraph (2) and Article 28 I paragraph (3) of the 1945 Constitution provides direction for the participation of indigenous villages in the context of local regulation formation.

Perda No.4 Taun 2019 on Customary Village

The substance of the law regulated in the form of Regional Regulations (Perda) is in order to regulate all content material in the context of implementing regional

autonomy and assistance tasks, and accommodating special regional conditions, as well as further elaboration of higher laws and regulations. (Hasanauddin Hasan, 2017, p. 129) Customary Village as a unit of customary law community based on the philosophy of *Tri Hita Karana* which is rooted in the local wisdom of *Sad Kerthi*, imbued with the teachings of Hinduism and cultural values and local wisdom that live in Bali, Based on Perda Desa Adat Article 3 paragraph (1) Customary Village Regulation aims:

Article 3

The regulation of Customary Villages aims to:

provides recognition and respect for the position and role of the existing Indigenous Village with its diversity before and after the formation of the Unitary State of the Republic of Indonesia;

provide clarity on the status and legal certainty of Customary Villages in the constitutional system of the Republic of Indonesia in order to realize justice for all Indonesian people;

promote the customs, traditions, arts and culture, and local wisdom of the Indigenous Village community sacala and niskala;

encouraging initiatives, movements, and participation of Krama Desa Adat in developing the potential and Padruwen of Desa Adat for the common welfare; e. empowering a professional, efficient, and effective, open, and responsible Desa Adat government;

improve the quantity and quality of services for Krama Desa Adat in order to realize general welfare;

improving the social and cultural resilience of Krama Desa Adat in order to realize Krama Desa Adat that can maintain social unity as part of national resilience;

realizing a resilient and self-sufficient indigenous economic system as part of efforts to strengthen the national economic system; and

strengthening Krama Desa Adat as the subject of development.

Based on these arrangements, the process of customary law enforcement in the application of *Sangaskara Danda* customary sanctions against foreign nationals who violate local cultural norms and traditions in Desa Adat Bayan, Marga District, Tabanan Regency, is a clear example of the implementation of the

Regional Regulation on Customary Villages in Bali. This case reflects an effort to preserve and protect local customary values, while facing the challenges of globalization and increasing tourism in Bali.

The Perda Desa Adat in Bali, particularly Article 3 (1), provides a formal legal basis that recognizes and respects the position and role of Desa Adat. This creates legal space for Desa Adat Bayan to apply customary sanctions such as *Sangaskara Danda*. This recognition demonstrates the pluralism between customary law and national law, creating a strong legal pluralism. This is in line with Friedman's idea that the substance of law must reflect social reality and the needs of society. Friedman emphasizes that the substance of law must be able to accommodate social change, and this case illustrates the efforts of customary law to do so.

Pergub Bali No.25 of 2020 concerning Facilitation of Protection of Temples, Pratima, and Religious Symbols

This regulation is certainly present to increase *sradha* and *bhakti* in accordance with the teachings of Hinduism, maintain the glory of Hindu religious holy places, to realize the vision of regional development "*Nangun Sat Kerthi Loka Bali*". Therefore, arrangements are needed to provide direction, foundation, and legal certainty in preventing and overcoming damage, destruction, theft, desecration, and abuse of temples, pratima, and religious symbols.

Article 45

Entering the temple is prohibited:

Every person in a state of Cuntaka or Sebel; and

Any person who is not directly related to a prayer ceremony, piodalan and/or temple protection activities.

Every person is prohibited from destroying and desecrating temples.

Every person is prohibited from vandalizing and stealing Pratima.

Every person is prohibited from destroying, stealing, desecrating, and misusing Religious Symbols.

Article 46

Any person who violates the prohibition as referred to in Article 45 shall be subject to customary sanctions.

Any person who violates the prohibitions as referred to in Article 45 paragraph (2), paragraph (3) and

paragraph (4) shall be subject to sanctions in accordance with the provisions of the Laws and Regulations.

Customary sanctions as referred to in paragraph (1) are in the form of: a. Arta danda (fine); b. Pengaksama danda (apology); and c. Sangaskara danda (certain ceremonies).

The imposition of customary sanctions as referred to in paragraph (3) shall be carried out by the Customary Village and/ or Pengempon Pura.

The Governor's Regulation, which regulates the prohibition of entering temples for certain people and prohibited actions related to temples and religious symbols, shows an effort to formalize and codify customary norms into the positive legal system. This is an important step in giving legitimacy and legal force to long-standing customary practices in Balinese society. However, the implementation of this regulation, especially towards foreign tourists, requires a careful and balanced approach.

SE No. 4 Year 2023 on New Order for Foreign Tourists While in Bali

SE No. 4 of 2023 was issued due to problems in the field, where many foreign nationals carry out activities that violate local norms, traditions and culture including desecration of sacred areas in Bali. This SE specifically contains prohibitions against foreign tourists which can be seen in numbers 2 and 3 of this SE.

Banning Foreign Tourists, to:

Entering Utamaning Mandala and Madyaning Mandala holy places or sanctified places such as temples, Pelinggih, except for the purpose of praying by wearing Balinese traditional clothes or praying, and not having menstruation;

climbing a sacred tree;

behavior that desecrates shrines and sanctified places, temples, pratimas, and religious symbols, such as climbing sacred buildings and taking pictures in immodest clothes / without clothes;

littering and/or polluting lakes, springs, rivers, seas, and public places;

using single-use plastics such as plastic bags, polysterina (styrofoam), and plastic straws;

uttering harsh words, behaving disrespectfully, making noise, and acting aggressively towards state officials,

government, local communities and fellow tourists directly or indirectly through social media, such as spreading hate speech and false information (hoaxes);

work and/or conduct business activities without having official documents issued by the authorized agency; and

engage in illegal activities such as (flora and fauna, cultural artifacts, sacred objects) buying and selling illegal goods including illegal drugs.

Foreign tourists who violate the provisions in number 1 and number 2 will be dealt with firmly in the form of sanctions or legal proceedings in accordance with applicable laws and regulations in Indonesia.

The SE shows the seriousness of the Bali Provincial government in protecting the sanctity or *taksu* of sacred places, the natural environment, and social norms in Bali. The prohibitions listed, ranging from entering the sacred area without permission, climbing trees that are considered sacred by the local community, for example, foreign nationals who take nude photos at the object of the Kayu Putih Spiritual Area in the Bayan Traditional Village. Behaving in a manner that shows disrespect will reflect concern over the potential negative implications of sustainable cultural and religious tourism because it is not in line with the *Tri Hita Karana* philosophy that emphasizes harmony between the concepts of *Pawongan* (humans), *Palemahan* (nature), and *Parahyangan* (God).

Customary Law

Awig-awig

The existence of *awig-awig* as customary law in the customary village area of Bali Province is certainly a path to harmony of life which in Balinese terms is referred to as "*Tri Hita Karana*" which means three paths to harmony of life. *Tri Hita Karana* is a philosophy of life that has survived until now even though it is in the concepts of social change that are always dynamic as one of the characteristics or characteristics of civilization (Yoga, 2023).

Bayan Traditional Village created *awig-awig* which contains the concept of *Tri Hita Karana*, namely *sukreta tata Parahyangan*, *sukreta tata Pawongan*; and *sukreta tata Palemahan Desa Adat*. *Awig-awig* of Bayan Traditional Village in *pawos 4* *indik krama* stipulates that there are two types of citizens, namely village *krama* and

tamiau krama. Meanwhile, if we see that the foreigner who is the legal subject of the violator does not belong to that group. But included as *tamiau*. The definition of *Tamiau* is clearly regulated by the *Perda Desa Adat* Article 1 point 12 *Tamiau* is "a person other than *Krama Desa Adat* and *Krama Tamiau* who is in the *Wewidangan Desa Adat* temporarily or resides and is registered in the local *Desa Adat*". Furthermore, the *awig-awig* of Bayan Traditional Village regarding *indik pamidanda* in *pawos 50* regulates *panyangaskara danda*.

Awig-awig of Bayan Traditional Village does not explicitly regulate violations by foreign nationals, the application of *Sangaskara Danda* customary sanctions against tourists who violate cultural norms and local traditions can be done with a wise interpretation of existing provisions. Therefore, the customary reaction arising from such acts is that the Bayan customary village officials carry out responsive law in response to foreigners who commit violations in the Bayan customary village administration. However, this process must be done carefully, considering cross-cultural aspects, and in line with broader legal principles. Because with the phenomenon of this case, the substance of customary law in Bali interacts with global reality, showing a progressive and responsive movement in answering legal problems that exist during indigenous peoples. This adaptive power is an advantage of customary law that is imbued with the value of norms that grow and live in society.

Pararem

Pararem is regulated in the Customary Village Regulation in the general provisions of Article 1 point 30, where "*paraem* is a regulation/decision of the Customary Village *Paruman* as the implementation of *Awig-Awig* or regulating new matters and/or resolving customary/speech cases in the Customary Village". Regarding this research, Bayan Traditional Village still does not have a *pararem* related to regulating *krama* village *Krama Tamiau*, and *tamiau*, so this is still a weakness in the realm of legal substance. The *pararem* in question is the *kasukretan krama* in the customary village administration.

The *Perarema Kasukretan Krama* in the customary village is a guideline for the customary village to create, realize its main task as mandated in the *awig-awig* of the customary village and then confirmed

in the Perda of the customary village in Bali, the main task of the customary village is ngardi kasukretan sekala and niskala. Ngardi kasukretan sekala and niskala means to realize or create peace, tranquility, and justice in the territory of the traditional village sekala and niskala. So *Desa Adat* has significant legitimacy and clarity for the application of customary sanctions such as *Sangaskara Danda* against foreign nationals. This demonstrates how formal law can support and strengthen customary law systems, allowing them to remain relevant and effective in a modern context.

Legal Structure

Examining the process of customary law enforcement, particularly the application of *Sangaskara Danda* customary sanctions against foreign nationals who violate cultural norms and local traditions in Bayan Traditional Village, Marga Sub-district, Tabanan Regency, it is important to understand the legal structure. The analysis of this legal structure will focus on two main aspects, namely law enforcement and infrastructure.

Law Enforcement

Law enforcement is the process of making efforts to uphold or function of legal norms in reality as a guide to behavior or legal relations in the life of society and the state. (Arief, 2007) Law enforcement is carried out by institutions authorized to perform that task, such as police, prosecutors, judges, etc.

The process of customary law enforcement, especially the application of *Sangaskara Danda* customary sanctions against foreign nationals who violate cultural norms and local traditions in Bayan Traditional Village, Marga District, Tabanan Regency, based on the results of interviews on July 21, 2024, with Mr. I Wayan Negeriawan as Bendesa Adat Bayan regarding the law enforcement process in this case as follows.

"The case of foreigner Alina Fazleeva (28) taking nude photos on eucalyptus trees in our traditional village originated from the Instagram upload of the foreigner concerned which went viral on social media which immediately received attention by the police and immigration authorities who went directly to the scene and asked our party (traditional village officials and eucalyptus managers). After that, they investigated and arrested.

During the process, we from the traditional village, in this case the *Prajuru Desa Adat*, *Pengempon Pura*, *Pengelingsir*, Pemangku, and Kayu Putih Tourism Management, immediately on that day conducted a rembug (*paruman*) to take action and resulted in a decision to impose sanski *Sangaskara Danda* to foreigners as a fulfillment of customary obligations to take responsibility for their actions by performing *prayascita* ceremonies, namely purification of the area and undergoing the *Ngaturang Guru Piduka* ceremony as a form of apology to *Sesuhuan* who *melinggih* (resides) in the Kayu Putih Tree and Babakan Temple. Meanwhile, under national law, the foreigner received immigration administrative action in the form of deportation".

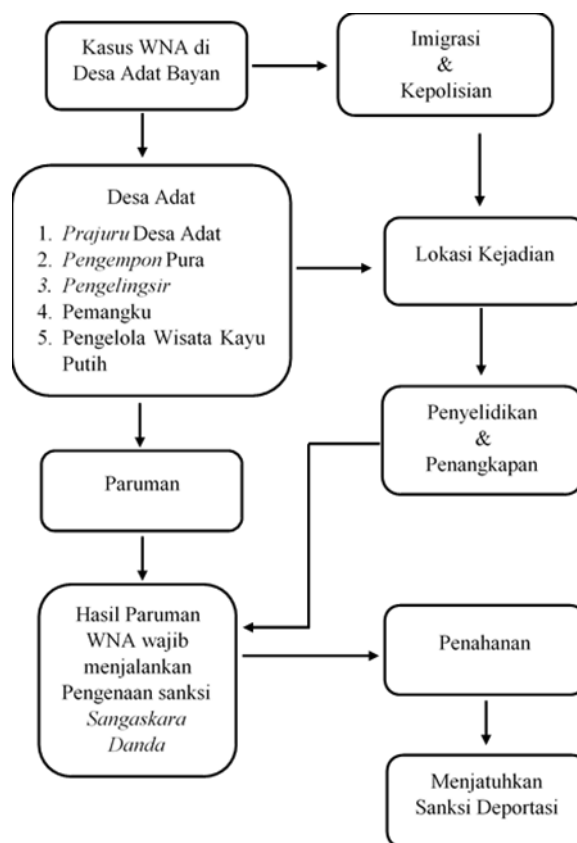


Figure 1. The Flow of Customary Law Enforcement Process in the Application of *Sangaskara Danda* Customary Sanctions against Foreign Citizens who Violate Cultural Norms and Local Traditions Case Study in Bayan Traditional Village

(Source: processed by researchers)

Based on the chart above, an understanding of the legal structure in the context of customary law enforcement in Bali, specifically related to the application of *Sangaskara Danda* sanctions against foreign nationals in Bayan Traditional Village, shows a unique synergy between

customary institutions and formal law enforcement agencies. This structure reflects the complexity and distinctiveness of the legal system in Indonesia that recognizes legal pluralism, where customary law coexists with national law. This structure involving three entities - *prajuru desa adat*, police and immigration - reflects a holistic approach in addressing violations of cultural norms by foreign nationals. It demonstrates an attempt to balance respect for customary law, enforcement of national law, and management of international relations.

Coordination between these three institutions is key in ensuring effective and equitable law enforcement. Clear communication and cooperation mechanisms are needed to avoid overlapping authority or gaps in case handling. For example, how information on offenses is shared between the *prajuru* of the adat village and the police, or how decisions on adat sanctions are communicated to immigration for consideration of the immigration status of offenders. These structures also reflect challenges in harmonizing different legal systems. For example, how to ensure that customary sanctions applied do not conflict with fundamental rights protected by national and international law. Or, how to balance the demand to enforce local norms with the need to maintain Bali's image as a welcoming tourist destination.

Imposing *sanksi Sangaskara Danda* on foreigners as a fulfillment of customary obligations to take responsibility for their actions by performing *prayascita* ceremonies, namely purification of the area and undergoing the *Ngaturang Guru Piduka* ceremony as a form of apology to *Sesuhuan* who *melinggih* (resides) in the White Wood Tree and Babakan Temple. The *prayascita* ceremony is a cleansing and purification ritual in the Balinese Hindu tradition that aims to restore spiritual balance disturbed by an offense or mistake. By requiring the foreigner to undergo this ceremony, the Bayan indigenous community demonstrated that they viewed the offense not only as an unlawful act, but also as a disruption to spiritual harmony that needed to be restored. The decision to accept the apology of the perpetrator demonstrates the noble and thoughtful attitude of Bayan's traditional leaders. It reflects Balinese values of forgiveness and giving second chances, while emphasizing the importance of awareness and remorse on the part of the offender. By accepting the

apology, the indigenous community paves the way for the perpetrator to correct his or her mistake and potentially learn from the experience.

The actions of the village government, traditional village, temple *pengempon*, police, and community leaders including members of the Tabanan DPRD agreed to make a peace letter to the Russian Caucasian and accepted his apology explaining that the *Sangaskara Danda* sanction to foreigners is a fulfillment of customary obligations. The fulfillment of local customary obligations or obligations according to the laws that live in the community as an additional penalty is a step in the *restorative justice* approach. As *restorative justice*, the fulfillment of customary obligations will involve the perpetrator, the victim, and the community in an effort to restore the disturbed balance due to the violation of a legal interest in society (Widayati, 2013).

The settlement of customary criminal cases in *restorative justice* emphasizes the nature of kinship and the principle of peace but with a note that the cost of fulfilling customary obligations in this case the ceremony remains the responsibility of the perpetrator. This approach also shows flexibility and wisdom in the application of customary law. Although the offense was classified as serious and could have been subject to harsher sanctions, the choice of sanctions that focus more on restoration and learning demonstrates a deep understanding of the complexity of the situation, especially when dealing with foreigners who may not fully understand local values and norms. However, it is important to note that the acceptance of an apology and the conduct of a *prayascita* ceremony does not mean that the offense is taken lightly. Rather, it demonstrates a holistic approach in dealing with adat offenses. The *prayascita* ceremony itself is often a complex process and requires considerable preparation and resources. It can be seen as a constructive form of 'punishment', which aims not only to punish the offender, but also to educate and build awareness. Furthermore, this approach can be seen as an effective way to bridge cultural differences. By involving foreigners in customary rituals, the Bayan community provides an opportunity for perpetrators to understand more deeply the meaning and values underlying these customary rules. This has the potential to create better cross-cultural understanding and may prevent similar violations from occurring in the future.

Facilities and Infrastructure

The facilities and infrastructure factors are part of Soerjono Soekanto's theory of effectiveness. Without certain means or facilities, it is impossible for law enforcement to run smoothly. These facilities include, among others, educated and skilled human resources, good organization, adequate equipment, sufficient finance, and so on. Facilities have a very important role in law enforcement. Without these means or facilities, it will not be possible for law enforcers to harmonize their proper role with their actual role. (Soekanto, 1983)

Facilities and Infrastructure in supporting the running of the law enforcement process carried out by the police and immigration are adequate, it is characterized by human resources and facilities owned so that foreign perpetrators are quickly caught. So that the discussion this time focuses on human resources and facilities and infrastructure in the Kayu Putih spiritual tourism object. Emphasis on this aspect is important because this factor is one that causes foreigners to violate local traditions and culture.

Based on the results of interviews on July 21, 2024, with Mr. Kurna Wijaya as the manager of Kayu Putih tourism and Pengempon Pura Babakan as follows.

We as the manager admit that at the time of the incident, we did not provide *rules* or regulations for traveling in Kayu Putih regarding restrictions in the tourist attraction area as well as inadequate human resources at that time. This happened of course because of the funding factor experienced. But in 2021 with the help of the government and the proceeds of the bounty from visiting tourists we arranged the temple area, parking, guard posts, and installed warning boards. In addition, there is only one entrance to the Kayu Putih Tree in front of the post on the north side of the temple and must go through the guard post. The perimeter of the temple has also been equipped with an iron fence. Even the surveillance point was also added to two points, namely the old guard post and another one in the White Wood Tree area. Guarding is carried out by 2 officers every day. Even on weekends if it is crowded there are 3 officers then the management has also imposed new conditions for visitors who come with camera equipment, especially those who create content. The guards will ask what the purpose is,

especially for creating content. If you make mystical content, there must be a ceremony first.

Based on the theory put forward by Friedman and Soejono Soekanto, the legal structure aspect, especially facilities and infrastructure, is one of the important components in the effective law enforcement process. According to Friedman, legal structure includes legal institutions, organizations, and operational mechanisms that implement the law. In the context of customary law enforcement in Bayan Traditional Village, Tabanan Regency, aspects of legal structure related to facilities and infrastructure have experienced significant improvements. Previously, the management admitted that at the time of the incident, they did not provide clear rules or "*rules*" for tourists regarding prohibitions in the Kayu Putih tourist attraction area. In addition, the human resources (HR) who manage the area are also still inadequate. This can be seen as a deficiency in the legal structure, especially related to the availability of facilities and infrastructure that support the enforcement of customary law.

In 2021, the management made significant improvements to the facilities and infrastructure aspects. They have arranged the temple area, parking lot, guard post, and installed warning boards. There is only one entrance to Kayu Putih Tree in front of the post on the north side of the temple and must go through the guard post. The perimeter of the temple has also been equipped with an iron fence. Surveillance points have also been increased to two points, with 2-3 officers guarding the temple every day. According to Soejono Soekanto, one of the factors that influence law enforcement is the facilities that support law enforcement. With the improvement of facilities and infrastructure carried out by the management, it can be said that the legal structure in the enforcement of customary law in Desa Adat Bayan has improved which supports the process of enforcing customary law, especially in the application of customary sanctions "*Sangaskara Danda*" against foreign nationals who violate cultural norms and local traditions.

Legal Culture

Legal *culture*, is an emphasis on the general cultural side, habits, opinions, ways of acting and thinking, which direct social forces in society. (Soekanto, 1984) .

Soerjono Soekanto is that effective law is determined by five factors. The theory of legal effectiveness according to Soerjono Soekanto is that whether a law is effective or not is determined by 5 (five) factors, one of which will be discussed is community factors and cultural factors as follows.

Community Factors

The implementation of *Sangaskara Danda* customary sanctions against foreign nationals in Bayan Traditional Village, Marga Sub-district, Tabanan Regency, highlights the complexity of the interaction between customary law and community factors in the context of global tourism. Referring to Soerjono Soekanto's thoughts on legal effectiveness, this case illustrates how community factors, which include both residents and foreign tourists, play a crucial role in the successful implementation of customary norms. Soekanto emphasizes that the effectiveness of the law is highly dependent on the conditions of the community, including the internal motivation to comply with the rules, which in this context becomes a significant challenge given the different cultural backgrounds between local people and foreign tourists.

The first factor identified by Soekanto, which causes people to disobey rules even when they are good, is evident in this case. Foreign nationals often violate customary norms not because the rules are bad, but rather because of a lack of understanding and awareness of local values. Information gaps, different concepts of sanctity, and misperceptions of the "tourist zone" contribute to the violations. This suggests that the quality of the rules alone is not enough; more effort is needed to ensure understanding and internalization of the values underlying the rules by foreign tourists.

The second factor, where people do not comply with regulations even though the regulations are very good and the authorities are very authoritative, is also relevant in this context. While traditional leaders in Bayan Village have recognized authority within the local community, this authority may not have the same impact on foreign tourists. This may be due to different perceptions of authority, or the notion that as tourists, they are not fully bound by local rules. This situation emphasizes the importance of building cross-cultural understanding of the

significance and legitimacy of customary authority.

The third factor, where non-compliance occurs despite good regulations, authoritative officials and adequate facilities, reflects the complexity of internal motivations in legal compliance. Some tourists may continue to violate customary norms, even after being provided with adequate information and facilities, due to a lack of internal motivation to respect local culture or due to external drives such as the desire to get interesting content for social media. This suggests that an approach that relies solely on providing information and facilities may not be sufficient; a more in-depth strategy is needed to instill respect and appreciation for local culture.

In conclusion, the case of the application of *Sangaskara Danda* against foreign nationals in Desa Adat Bayan confirms that the effectiveness of customary law in the context of global tourism requires a holistic approach. This approach must consider the complexity of community factors, including cultural differences, perceptions, and internal motivations, while maintaining the integrity and core values of local traditions. By understanding and appropriately managing these factors, it is hoped that a balance can be created between the preservation of customary culture and accommodation to the realities of global tourism, so that customary sanctions such as *Sangaskara Danda* can be effectively applied and accepted by all parties.

Cultural Factors

Cultural factors, namely because of work, creation and taste based on human nature in the association of life. The *legal culture* component is the attitude of human behavior, habits that can form social forces to obey the law or otherwise violate the law.

The application of *Sangaskara Danda* customary sanctions against foreign nationals in Bayan Traditional Village, Marga Subdistrict, Tabanan Regency in legal culture plays a crucial role in shaping and maintaining the practice of applying these customary sanctions. Legal culture, according to Friedman, refers to people's attitudes, values and beliefs towards the law. In Desa Adat Bayan, a strong legal culture is reflected in the community's respect and compliance with customary law, including *Sangaskara Danda*. The local community views customary law not

just as formal rules, but as an integral part of their identity and spirituality. This belief forms a strong foundation for the legitimacy and effectiveness of customary sanctions, even when applied to foreign nationals.

The strong culture of customary law in Bayan Village can be seen in how the community views violations of customary norms not only as acts against the law, but also as disturbances to the cosmic balance of the village. This concept is rooted in the Tri Hita Karana philosophy that emphasizes harmony between humans, nature and God. Violations of customary norms are believed to disrupt this balance, requiring purification through *Sangaskara Danda*. The application of customary sanctions against foreign nationals demonstrates both the flexibility and assertiveness of the local legal culture. On the one hand, the people of Desa Adat Bayan show openness to accepting the presence of foreigners in their area. But on the other hand, they still uphold the principle that everyone in the customary area must respect and comply with local norms. This reflects an adaptive legal culture that still adheres to core values.

Interestingly, this legal culture has not only influenced the local community but has also begun to be adopted by some foreign nationals who live in or frequently visit Desa Adat Bayan. They begin to understand and appreciate the significance of customary law in the life of the local community. This phenomenon shows how legal culture can transmit customary law values and norms to people from different cultural backgrounds. A strong legal culture becomes the foundation for the effectiveness and legitimacy of customary law practices, even when applied to foreign nationals. Thus, the application of *Sangaskara Danda* in Desa Adat Bayan is not only an example of traditional preservation, but also an adaptive model of how local values can be maintained and articulated in a changing legal and social landscape.

4. CONCLUSIONS

The process of applying *sangaskara danda* customary sanctions against foreign nationals who violate local cultural norms and traditions demonstrates the complexity of the interaction between customary law and national law in the context of global tourism. This case study highlights how legal substance, legal structure and legal culture play an

important role in upholding customary norms. 1) Legal Substance The existence of national law through the existence of Perda 4/2019, Pergub Bali No. 25 of 2020, SE No. 4 of 2023 which recognizes and protects the rights of customary villages, as well as *awig-awig* and *pararem* as local customary law, provides a strong legal basis for the application of customary sanctions. However, its implementation against foreign nationals requires a careful and balanced approach. 2) The Legal Structure involving customary village officials, police, and immigration reflects a unique synergy between customary institutions and formal law enforcement agencies, demonstrating an effort to balance respect for customary law with enforcement of national laws. 3) The strong Legal Culture in Desa Adat Bayan, rooted in the philosophy of *Tri Hita Karana*, sets the foundation and enhances cross-cultural understanding and strengthens the infrastructure to prevent similar violations in the future. Overall, the implementation of *Sangaskara Danda* against foreign nationals in Desa Adat Bayan is an example of how local values can be maintained and articulated in a global context, while still prioritizing a fair and educative approach.

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