

Implementation of the Wana Kertih Concept in Building Community Legal Awareness toward the Preservation of Customary Forests in Bayung Gede Customary Village, Kintamani District, Bangli Regency

Ida Bagus Sudarma Putra^{1*}, I Made Sugita¹, I Made Sudharma¹, Dewa Putu Tagel¹

1. I Gusti Bagus Sugriwa State Hindu University, Bali, Indonesia

*Email: sudarmaputraidabagus@uhnsugriwa.ac.id

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Abstract. The implementation of the Wana Kertih concept in building community legal awareness toward the preservation of customary forests in Bayung Gede Customary Village demonstrates that the Wana Kertih concept is a *sekala niskala* (material-spiritual) concept that integrates spiritual, ecological, and social dimensions based on the *tued kayu* myth and Bali Mula cosmological beliefs. This concept is manifested through the ritual of hanging placenta at the Bukak Tree in the placenta cemetery (*setra ari-ari*), reflecting the Catur Sanak philosophy and Tri Hita Karana values. Effective implementation occurs through three elements: (1) Legal substance in the form of unwritten *awig-awig* (customary law) with the imposition of *arta danda* penalties of 200 ancient *kepeng* coins based on restorative customary sanctions; (2) Legal structure through the Ulu Apad Paduluan Saih Enembelas system led by Jero Kubayan Mucuk with communal supervision mechanisms; (3) Community legal culture reflecting high legal awareness, despite the majority of the population being dominated by elementary and secondary education graduates (approximately 59.34% or nearly 70% including those who have not completed elementary school), demonstrating that Wana Kertih has become living law with stronger binding force compared to formal law because it originates from spiritual awareness internalized through daily social-spiritual practices and cosmological beliefs embedded over hundreds of years. This concept proves the effectiveness of community-based local wisdom in sustainable customary forest preservation without reliance on formal state law enforcement.

Keywords: wana kertih; legal awareness; customary forest

1. INTRODUCTION

Forests play a crucial role in human life, both as natural resources and as part of the ecosystem that maintains environmental balance and sustains the continuity of human life and other living beings. Sustainability in maintaining environmental balance, particularly regarding forests, is

addressed by Indonesia as a legal state (*rechtsstaat*) that provides legal certainty concerning forest management and protection. The management and protection of forests is constitutionally regulated in Article 33 Paragraph (3) of the 1945 Constitution, which states: "*Earth, water, and natural resources contained therein shall be controlled by the state and*

used for the greatest prosperity of the people." This provision establishes the philosophical foundation that forests, as part of natural resources, must be managed by the state for the welfare of the people. Therefore, forests and their ecosystems constitute a living environment that must be continuously safeguarded from threats, pollution, damage, and destruction. (Farina et al., 2024)

In addition to the constitution, derivative regulations concerning forests are further stipulated in Law Number 41 of 1999 on Forestry (hereinafter referred to as the Forestry Law). Article 1 paragraph 2 of the Forestry Law states that "Forest is an ecosystem unit in the form of a land expanse containing biological natural resources dominated by trees in their natural environmental association, which cannot be separated from one another." The legal construction derived from Article 33 paragraph (3) of the 1945 Constitution

and regulating the status of customary forests is provided in Article 1 paragraph 6 of the Forestry Law, which states that "customary forest is state forest located within the territory of Customary Law Communities".

The legal categorization of customary forests as state forests has legally resulted in the loss of rights and management by Customary Law Communities (hereinafter referred to as CLC) over forests that have been controlled hereditarily for generations. As a consequence, various forest conflicts have emerged, both vertically involving CLCs with individuals (the general public), CLCs with corporations, and even between CLCs themselves and horizontally involving CLCs with the government (central and regional). (Dewi et al., 2020).

Regarding customary forests in Bali, the Bali Forestry Service indicates that there are currently at least six designated customary forests, including:

Tabel 1. Customary Forests in Bali

No	Forest Name	Forest Location	Forest Area
1	Mekori Customary Forest	Tri Kayangan Belimbing Traditional Village, Tabanan Regency	21 hectares
2	Terunyan Customary Forest	Terunyan Traditional Village, Kintamani, Bangli	287 hectares
3	Bayung Gede Customary Forest	Bayung Gede Traditional Village, Kintamani, Bangli	23 hectares
4	Demulih Customary Forest	Demulih Traditional Village, Susut, Bangli	40 hectares
5	Alas Kedaton Customary Forest	Kukuh Traditional Village, Marga, Tabanan	9 hectares
6	Tenganan Pegringsingan Traditional Village Customary Forest	Tenganan Pegringsingan Traditional Village, Manggis, Karangasem	591 hectares

Source: Dinas Kehutanan Provinsi Bali

The existence of six customary forests in Bali demonstrates that the balance of forest conservation is still being maintained. This can be observed in the positive impact of customary forest designation in Bali, namely the reduction of damaged forest areas with an indicator percentage of 4.93%. The recorded area of forest zones in Bali is 131,171.47 hectares, or 23% of the total area of Bali Island. (Suriyani, 2024).

One of the designated customary forests in Bali, specifically in Bayung Gede Customary Village, located in Kintamani District, Bangli Regency, is a customary village in Bali that still maintains local wisdom in protecting and preserving the environment through the application of the *Wana Kertih* concept. The forest

surrounding this customary village possesses high ecological, social, and spiritual values, thus requiring attention regarding its sustainable conservation and utilization.

The autonomy possessed by customary villages, with their duties, authorities, and rights to regulate and manage their own household affairs, provides a framework for carrying out their own responsibilities. This is because customary communities have customary institutions tasked with controlling individual behavior within the community and implementing sanctions when violations of customary law occur. (Tamarasari, 2002).

The Customary Village as a unit of CLC is based on the *Tri Hita Karana* philosophy

rooted in the local wisdom of Sad Kerthi, imbued with Hindu religious teachings and cultural values as well as local wisdom that lives in Bali, playing a significant role in building community awareness. This local wisdom itself has been deeply embedded in community life, particularly in Bayung Gede Customary Village, becoming an integral part of CLC identity. Substantively, local wisdom consists of values and norms believed to be true and serving as references for the daily behavior of local communities. (Lestawi, 2013).

The Bayung Gede customary community has long implemented strict customary rules in forest management. Proven in 2024, Bayung Gede customary forest became the best customary forest due to one of its unique features: the placenta cemetery (*setra ari-ari*). These placentas are hung on bukak trees (*Cerbera manghas*). This placenta cemetery is located south of Bayung Gede village. The tradition of hanging placentas is performed when a baby is born, and the placental wrapping is placed in the cemetery by hanging it in a coconut shell. Therefore, this forest has become a sacred customary forest preserved from generation to generation and protected through customary law in the form of the customary village's *awig-awig*. (Yasa, 2019).

The community strives to preserve, improve, and prevent environmental damage through customary law known as *awig-awig*. (Kurniawan & Tohaji, 2023) The *awig-awig* system (customary regulations) governs how villagers interact with the forest, including restrictions on tree felling and forest product extraction. Every activity related to the forest must obtain approval from customary leaders and be conducted with special rituals as a form of respect for nature.

The implementation of *Wana Kertih* in Bayung Gede not only impacts environmental conservation but also strengthens the community's cultural identity. However, concerning the customary forest owned by Bayung Gede Customary Village, challenges cannot be separated from changes in community life in the era of modernization that affect forest conservation in Bayung Gede Customary Village. Factors such as economic development, lifestyle changes, and lack of

community legal awareness in maintaining customary forests certainly have the potential to threaten the sustainability of the *Wana Kertih* concept, despite the existence of customary rules governing the protection and preservation of customary forests.

Community legal awareness regarding customary forest conservation becomes an important aspect in the implementation of the *Wana Kertih* concept. Legal knowledge, understanding, attitudes, and behavior constitute measures for maintaining legal awareness, and the success of the *Wana Kertih* concept is inseparable from the CLC's goal of *ngulati kasukertan sekala* (achieving prosperity in the material realm) and *niskala* (the spiritual realm), where the forest is viewed not only as an economic resource but also as a sacred space possessing spiritual-religious-magical values believed by the CLC.

Based on the background described above, to measure the extent to which community legal awareness can be built in preserving customary forests through the implementation of the *Wana Kertih* concept, more in-depth research is needed with the title "Implementation of the *Wana Kertih* Concept in Building Community Legal Awareness toward the Preservation of Customary Forests in Bayung Gede Customary Village, Kintamani District, Bangli Regency.

2. METHOD

The type of research employed is empirical legal research. The nature of this research is descriptive, utilizing qualitative data types with primary and secondary data sources. Data collection methods include observation, interviews, and literature review. The informant determination technique employs non-probability sampling, while data processing and analysis utilize descriptive qualitative and systematic approaches.

3. DISCUSSION

Community Understanding of Bayung Gede Customary Village toward the *Wana Kertih* Concept as a Philosophical Foundation for Customary Forest Preservation

The community understanding of Bayung Gede Customary Village toward the

Wana Kertih concept as a philosophical foundation for customary forest preservation represents, firstly, a holistic integration between spiritual, ecological, and social dimensions rooted in the *tued kayu* myth and the cosmological belief system of Bali Mula. Bhartes in (Iswidayati, 2007) states that myth in the old sense is identical to history or historical formations created by society in its time. Furthermore, according to Peursen, one of the functions of myth is to provide knowledge about the world, both microcosm and macrocosm. (Peursen, 1998)

This belief contains the message that society must always respect the universe as *Bhuana Agung* (the macrocosm) and appreciate nature as the mother who gives birth to and nurtures humanity. This myth embodies cosmological beliefs regarding birth and death, particularly the concept of reincarnation of Sang Numadi known as *Catur Sanak*.

Jro Kubayan Mucuk explains that in Bayung Gede, trees are considered sacred, especially the Bukak Tree, which symbolizes the spiritual mother (*ibu niskala*) of *Catur Sanak*. This *tued kayu* myth serves as a guideline for the community in performing the ritual of hanging placentas in the *setra ari-ari*, which carries the meaning of returning the *Sang Catur Sanak* or the baby's four siblings to the spiritual mother embodied by the Bukak Tree. (Putri, 2016).

The resilience of myths that develop within customary community environments, directed toward positive goals in preserving local wisdom where all types of trees growing in the village's customary forest, including the *setra ari-ari* forest, are prohibited from being cut down except for religious ceremonies and only after obtaining permission from Jero Kubayan indirectly also ensures forest conservation in Bayung Gede Village. In this context, the philosophical meaning of this tradition does not merely speak about religious rituals, but rather about human efforts to maintain continuity between ancestral values and the surrounding nature, where the Bukak Tree becomes a symbol of protection, cultural roots, and spirituality that are integrated into the life of the Bayung Gede community. (Afra et al., 2025).

This concept is not merely an ecological conservation principle, but rather a *sekala*

niskala (material-spiritual) concept that connects humans with nature from the beginning of life through the ritual of hanging placentas on bukak trees in the *setra ari-ari*, reflecting the *Catur Sanak* philosophy and *Tri Hita Karana* values. The integration of *Tri Hita Karana* values in the Bayung Gede community's understanding of the *Wana Kertih* concept strengthens the philosophical construction of customary forest preservation.

Secondly, the implementation of the *Wana Kertih* concept is reinforced through the *Ulu Apad Paduluan Saih Enembelas* customary system, consisting of 16 members led by Jero Kubayan Mucuk, with an effective mechanism of prohibitions (*pamali*) and customary sanctions in maintaining the sanctity of sacred areas, as well as periodic rituals such as the *Ulu Apad* Ceremony and *Mosa* Ceremony that strengthen the internalization of conservation values in the community's collective consciousness. The prohibition against cutting down all types of trees in the *setra ari-ari* area, except for religious ritual purposes, demonstrates strict limitations on forest resource exploitation.

During the implementation of the Ulu Apad Ceremony, out of 163 people registered in *Krama Pengarep*, every year there are 3 people who perform the series of Ulu Apad Ceremonies by slaughtering a cow or bull. This ceremony is divided into 6 series: *nilem*, *mesayut*, *mapas*, *mubung*, *ngantah*, and *nuada*. Through this procession, Jero Kubayan Mucuk can *nyungsung* (worship) *Ratu Pingit* and *Ratu Bungsil*, which is carried out in the *umah paon* (kitchen house) because their yard has been purified. Additionally, the presence of *Mertiwi Temple* (a temple without pelinggih shrine structures) within the forests adds to the sacredness for the CLC to *ngulati kasukertan sekala niskala* (achieve material and spiritual prosperity). Just as the community holds a sacred attitude toward temples, they also hold a sacred attitude toward Pura Mertiwi, which according to the Balinese calendar, receives offerings every third month through the implementation of the *Mosa* Ceremony.

Therefore, through the *Paduluan Saih Enembelas* system, led by Jero Kubayan Mucuk, numerous taboos are enforced, one of which is the prohibition against entering

areas that are *komet*, *leteh*, (impure), including the prohibition of contact with baby placentas, which are considered capable of contaminating their purity. This system demonstrates that forest preservation does not only depend on written rules but also on the spiritual and moral commitment of customary leaders who have undergone various purification ceremonies and spiritual cleansing of body and soul.

The *Wana Kertih* concept has proven to possess stronger binding force compared to formal law because it originates from cosmological beliefs and spiritual awareness embedded over hundreds of years, making customary forest preservation not only a legal obligation but also an existential necessity that cannot be negotiated, integrating knowledge, spirituality, and social responsibility in facing contemporary environmental crises.

Implementation of the *Wana Kertih* Concept in Building Community Legal Awareness toward Customary Forest Preservation Efforts in Bayung Gede Customary Village

The implementation of the *Wana Kertih* concept in building community legal awareness in Bayung Gede Customary Village toward customary forest preservation has been proceeding effectively and comprehensively through Lawrence M. Friedman's legal system theory framework, which encompasses the integrated elements of legal substance, legal structure, and legal culture.

Legal Substance

The legal awareness of the Bayung Gede Customary Village community toward customary forest preservation stems from the existence of strong customary rules or *awig-awig* that serve as local legal instruments to ensure environmental management proceeds in accordance with the *Wana Kertih* philosophy. This *awig-awig* regulates prohibitions against arbitrary tree felling and sanction mechanisms for violators, so that legal awareness is formed and internalized through social value systems that have been passed down through generations.

The legal substance manifested in Bayung Gede Customary Village is regulated in unwritten *awig-awig* that is transmitted orally and encompasses a strict prohibition

system against tree felling in the *setra ari-ari* area, the ritual obligation of hanging placentas on pohon bukak, and customary sanctions (*danda*) that are restorative in nature to restore cosmic balance, all of which are oriented toward forest preservation as both a spiritual and ecological entity.

Based on interview results with Jro Ketut Sukarta as *Bendesa Adat* (customary chief) of Bayung Gede, there are customary sanctions (*arta danda*) for those who commit violations such as damaging the environment by arbitrarily cutting down trees, even cutting small branches without permission from Jero Kubayan. If violations occur, the offender will be subject to punishment in the form of surrendering 200 ancient holed kepeng coins, which when converted to rupiah amounts to several million rupiah, submitted directly to Jro Kubayan Mucuk.

Historically, this sanction has existed since the kingdom era, where almost all kingdoms in Bali were recorded as having a Minister of Timber (*Mentri Juru Kayu*). In Bali during the kingdom era, legal sanctions were known for those who arbitrarily cut down trees. This prohibition was stated in the *Lontar Manawa Swarga*. In that lontar, it is stated that whoever cuts down trees without the King's permission is punished with a fine of five thousand kepeng. There were even *Desa Pakraman* (customary villages) in ancient times that included in their *awig-awig* a spiritual sanction if someone cut down trees without the village chief's permission. The spiritual sanction was *di pastu* or subjected to a curse that the head of anyone who arbitrarily cut down trees without their village chief's permission would become bald. (Wiana, 2018).

Based on the explanation above, a common thread can be drawn that the *setra ari-ari* forest in Bayung Gede is viewed as a sacred area with ritual and ecological functions. The strict customary legal regulation in managing the *setra ari-ari* area is concrete evidence that preservation cannot be separated from the prevailing normative system, including the prohibition against burying placentas in house yards and the obligation to hang them on pohon bukak within the forest area. This is not merely a ritual, but also part of efforts to

maintain forest sustainability as a source of community livelihood.

Legal Structure

Law is primarily made with full awareness by the state and directed toward certain objectives, where from its static aspect (structure) it consists of social norms, social institutions, social groups, and social strata. (Rizani, 2016). In the implementation of the *Wana Kertih* concept in Bayung Gede Customary Village, the legal structure is manifested in customary institutions that have the authority to create, implement, and enforce unwritten rules related to customary forest preservation. This legal structure includes the *Ulu Apad* system with *Paduluan Saih Enembelas*, the position of Jero Kubayan Mucuk as the highest customary leader, and various other customary institutions that function as enforcers and supervisors of the implementation of *Wana Kertih* values in the daily life of the community.

Unlike the centralized and hierarchical formal legal structure of the state, the customary legal structure in Bayung Gede is communal and participatory in nature, where the legitimacy of power originates from collective agreement and spiritual beliefs that have been internalized in community awareness. Meanwhile, the leadership structure through the *Ulu Apad* system in Bayung Gede is more oligarchic-spiritual in nature, where membership is not elected but based on a rotation system recorded among 163 people registered in *Krama Pengarep/Jro Keraman*. For example, when Jero Kubayan dies or his son gets married, the name of that son will enter the Jero Kraman list at the end, while the one replacing Jero Kubayan is the person whose name is below the previous Jero Kubayan.

This rotation system ensures leadership continuity and the regeneration of customary values from generation to generation without going through democratic election mechanisms as in modern governmental structures. This structure reflects the principle of equality in opportunities to become customary leaders, while ensuring that each individual who becomes *Paduluan Saih Enembelas* has deeply understood and internalized *Wana Kertih* values through strong cadre development from below.

The implementation of the legal structure in the form of the *Ulu Apad Paduluan Saih Enembelas* system is led by Jero Kubayan Mucuk as the pinnacle of customary leadership who possesses absolute authority in rule enforcement, supported by a membership rotation system that ensures leadership continuity, communal supervision mechanisms, and restorative consensual dispute resolution based on *Tri Hita Karana* values.

Legal Culture

Legal culture concerning community legal awareness can be analyzed through four indicators proposed by Soerjono Soekanto, namely legal knowledge, legal understanding, legal attitudes, and legal behavior. (Soekanto, 1977) These four indicators are not only present partially, but have been integrated to form a complete and functional legal culture in community life. This condition makes Bayung Gede an ideal model in the application of customary law for environmental preservation, where law is not only known but truly lives and is implemented in daily life.

The legal culture of the Bayung Gede community demonstrates an excellent level of legal awareness through four indicators:

1. Legal Knowledge

The legal knowledge of the Bayung Gede community regarding the *Wana Kertih* concept and *awig-awig* that regulate customary forest preservation is at a very adequate level. All community members, both old and young, are well aware of customary rules related to customary forests despite their unwritten nature, including forest area zoning, types of trees that may not be cut down, and permitted forest product extraction procedures. This knowledge is acquired through intensive and layered socialization processes, ranging from informal education within families, *paruman* (village meetings) held periodically, to teachings in religious ritual activities.

2. Legal Understanding

The legal understanding of the Bayung Gede community does not stop at the level of knowing the content of rules, but has reached the level of understanding the meaning, purpose, and benefits of these customary forest preservation rules. Although the majority of the community is

dominated by elementary and secondary education graduates (approximately 59.34% or nearly 70% if including those who have not completed elementary school), their understanding of the *Wana Kertih* concept as the philosophical foundation of forest preservation is very profound because it is internalized through daily social-spiritual practices, not through formal learning.

The community not only knows that cutting down certain trees is prohibited, but they understand well the ecological and spiritual reasons behind these prohibitions, such as the function of trees in maintaining ecosystem balance and their role as symbols of sacredness. This deep understanding enables the community to internalize *Wana Kertih* values as part of their worldview, rather than merely as rules imposed from outside. According to Friedman, good legal understanding will create stronger internal commitment compared to compliance based solely on fear of sanctions (Friedman, 2015). The Bayung Gede community understands that customary forest preservation is not only a legal obligation, but also a spiritual obligation (*dharma*) and responsibility toward future generations, so they can explain the rationality of customary rules to outsiders with comprehensive arguments from cultural, ecological, and long-term economic aspects.

3. Legal Attitudes

The legal attitudes of the Bayung Gede community demonstrate a very positive orientation toward *awig-awig* and the *Wana Kertih* concept in customary forest preservation. Legal attitude refers to the tendency to accept or reject law, which in the Bayung Gede context is manifested in the form of high appreciation and support for existing customary regulations. Furthermore, it is established as a local wisdom belief in continuing cultural heritage. (Putra & Jayanti, 2019). Thus, the community not only accepts *awig-awig* as something that must be obeyed, but also considers it a valuable cultural heritage that must be maintained.

This positive attitude is reflected in the community's active participation in activities within the implementation of the ulu apad system. This positive legal attitude is also demonstrated through resilience against

external cultural influences by maintaining that those who enter the 163 *Krama Pengarep* are authentic native born residents of Bayung Gede. This identity is preserved as Bayung Gede residents who have a strong commitment to preserving tradition, customs, and the environment, which distinguishes them from other surrounding villages.

4. Legal Behavior

The legal behavior of the Bayung Gede community is the most concrete indicator of legal culture that has been functioning very well. Compliance with *awig-awig* regarding customary forest preservation is not limited to the theoretical level but is truly manifested in daily practice. The community consistently respects and maintains the sacredness of customary forests through the tradition of hanging placentas and ceremonies at Pura Mertiwi. This compliant behavior does not require strict repressive supervision, as it has become an internalized habit and culture.

The *Bendesa Adat* of Bayung Gede explained that one of the residents once took a type of *ambu* (palm frond) or tree trunk; before being discovered by other residents, the perpetrator consciously paid customary sanctions in the form of ancient kepeng coins to Jro Kubayan Mucuk. This is because they are aware of the social bonds that tie them to Bayung Gede. Furthermore, the community even demonstrates proactive behavior in forest preservation, such as voluntarily planting trees, cleaning forest areas of waste, and reporting to village officials when they see signs of forest damage or suspicious activities that potentially threaten the sustainability of customary forests.

The success of this implementation proves that the *Wana Kertih* concept has become living law that truly lives in the collective consciousness of the community, where the three elements of the legal system mutually reinforce each other to create a sustainable customary forest preservation model based on local wisdom, spiritual legitimacy, and communal awareness without relying on formal state law enforcement.

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