



## Actualization of the Bali Traditional Court in the Era of Society 5.0

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### ABSTRACT

Bali local culture wisdom as an icon for Bali be well known in the world. Even, maybe, more known than Indonesia the country. This local wisdom needs to be maintained sustainable, and to be properly protected against other foreign cultures which introducing inferior values. In the present Society Era 5.0, the local wisdom needs to anticipate and accommodate changes such as Digitalization development. This writing describes about what factors and methodology of digitalization process specifically for : "Re-actualization of Bali custom court in society era 5.0". There are many Custom Village cases in Bali. A riset conducted by Prof. Dr. Windia, in 2000 – 2004, there were 76 conflict cases with 21 conflict Custom Village. In Kingdom Era, The Dutch Colonialization until Independence Era. The custom village cases were handled by Village Judge, Village Court and Kertha Desa. Rule of Village Court like Kertha Desa up and down until the Independence Era due to intervention by government. In the Independence Era until the present day, Village Cases mostly handled by State Court, but the State Court decision not provide benefit to people. That reason why custom village court need to be reactualization in Society Era 5.0. In Necessary in the Society Era 5.0 to review the challenges and the strategy to overcome those challenges. One of the challenges is digitalization literacy of court administration as well as the people themselves. It needs massive Digitalization Education. For the success of digitalization education requirement for appropriate equipment such as : Handphone, Computer Etc, should be completed as well as the qualified facilitators. The implementation of digitalization is socialized through custom village organization, travel agencies, local migrants, etc. Concrete digitalization in the form of copies of all religion and custom regulation such as : Awig-Awig, lontar- lontar (ancient teaching written in coconut leaves). For comparison, in Thailand, custom village cases initially handled by Pratama Court at village level. If not finalized then go to State Court. (Source : Kun Ibrahim). Different with in Malaysia and Singapore, all village cases directly handled by Police and process to State Court.

## INTRODUCTION

From the era of the kingdom, colonialism, to the independence of the Republic of Indonesia in the Pakraman village in Bali, there are various ways to resolve cases in traditional villages that can provide the correct process and provide fair decisions. The method referred to is through the village justice of the peace, village court, village court, court and village court. Apart from that, there is also a method of resolving cases using the role of mediator which is carried out outside the court which is called Alternative Dispute Resolution, abbreviated as ADR.

The existence of the village court as an institution for resolving cases from before the colonial era until now has been fading. Long before colonial rule in Indonesia there was an autonomous indigenous legal community, which exercised the power of the courts, both in the criminal and civil fields. During the royal era until the colonial era, the interference of the royal government and colonialists in the original legal government was so great that the role of the court institution was increasingly reduced.

## METHOD

The research method used in this paper is a type of normative research by using the type of approach to legislation (the Statute Approach), where a problem that exists in this paper can be seen from the example of the case and can be associated with legislation so that we know the rules that govern it.

## RESULTS AND DISCUSSION

### A. Happy Audience Understanding Society Era 5.0

Quoting the Online Learning site, Binus University Society 5.0 is a concept that allows humanity to use science-based modern technology such as AI and robots to meet needs and make human life easier.

The development of technology changes the role of humans in many ways. Many jobs have indeed been replaced by machines, but this has also been accompanied by the increasing development of human abilities in various new things. It shows one illustration of the benefits we can experience from Society 5.0.

What is the connection with the re-actualization of the Balinese Traditional Court? Of course, what implementation of modern technology can be done to increase the usability and benefits of the Balinese

Traditional Court so that it can create court results that are fast, precise and fair for all people.

The problems that can be formulated based on the above background are as follows:

1. Why does the Balinese Traditional Court in the Era of Society 5.0 need to be re-actualized?
2. What obstacles are faced in efforts to actualize the Balinese Traditional Court?
3. What are the strategies needed to actualize the Balinese Traditional Court?

### B. Expected Benefits

It is hoped that the results of this research will be useful for local Pakraman village officials in making decisions through traditional court institutions in Bali, for law enforcement officers, including police, prosecutors, judges and advocates, in enforcing rules in accordance with the values that grow in society, especially in the Era of Society. 5.0 and for regulatory institutions, especially regional regulations in accordance with regional conditions.

### C. Happy Audience

Implementation of the Need for Reactualization of the Balinese Traditional Court Because in the development towards Society 5.0 we must also shift local wisdom in Bali such as writing grammar, script and lontar, switch dance, Balinese songs and so on.

To be clear, the problem above is something that most of our ancestral culture needs to be addressed by making everything digital. Likewise, everything related to Balinese traditional courts, which previously was all done manually, is now entering the Era of Society 5.0, everything is done by digitalization. That will make it easier to implement and document long-term.

Concrete examples are explained for the Traditional Village, namely, making awig-awig, the results of the village's pulaman, correspondence from the traditional village to the Pakraman village assembly, and vice versa using online or delivery in the form of digitization. Customary cases that occur in both the delivery and storage processes are also carried out using digitalization.

Such as examples of inheritance division, cases of yard boundaries or village boundaries, and many other cases. Bali as a tourist destination, of course, many foreign tourists come to visit the island of Bali. So, to expedite the process of introducing and marketing to the outside world, the fastest action is through online or digitalization. As we enter the Era of Society 5.0, nothing can be done without digital. Without it we cannot keep up with world progress.

The obstacles in its implementation are that the Traditional Court means involving all traditional manners in Bali. Even though digital has penetrated the village, it is only in villages near the city. Approximately 60% of village manners still exist in the interior of Bali which have not been touched by digitalization in everyday life. This is one point of obstacle to the implementation of re-actualization because communication between villages and officials holding power is not smooth. For supporters from outside Bali or non-local tourists, they often arrogantly demean officials who have direct contact with them.

To expedite the digitalization program, strategic actions are needed to actualize the Balinese traditional courts, among others. Don't give up on providing information about this digitalization to village officials, migrant residents, domestic and foreign tourists, providing direct guidance to those who need to know about it so that the program can run smoothly.

Tell the Travel Bureau to provide these regulations to tourists who will visit Bali so that they know in advance what they must obey in Bali. At every opportunity, prajuru in traditional villages provide guidance regarding digitalization so that at least 1 person in each family has a cellphone and is fluent in using it. At least to be able to listen to the traditional prajuru's announcements regarding matters needed for the traditional village.

Review of the re-actualization of Customary Courts abroad. In Malaysia, there are no customary courts. According to Mochammad Safiq, a resident of Penang, stated that all cases that occurred in his village were immediately handled by the police. If it is not resolved by the Police, it will continue to be processed in court. Likewise, according to Bali, residents of Padang's interior also say that in the interior or in the city there are no village courts. All cases are handled directly by the Police.

Regarding the situation in Southern Thailand, a resident named Kun Ibrahim from Kathay Village stated that in the interior of Thailand there is something called the Partama Court, namely a court at the village level which handles and resolves cases that arise in the village. Most of these cases can be resolved in this court. However, if the case cannot be resolved in the Primary Court, such as a murder case, it is continued to the City Level Court.

Regarding the implementation of the Primary Court, many have not implemented digitalization in the Era of Society 5.0 because, as is known, advances in modern technology in Thailand are not yet very advanced. So the conclusion is that even

abroad, local wisdom still differs regarding local customary law which is still enforced and can still be obeyed by local residents so that most local cases do not proceed to the Fictitious Law Court. So as to expedite the handling of cases, both at the village level and at the City Court which is usually called the District Court.

If we draw a common thread regarding the re-actualization of the Balinese Traditional Court in the Era of Society 5.0, as much as possible, the Balinese Traditional Court re-actualization movement should be implemented as much as possible in all sectors of society. If we start too late it will impact the balance of legal life and local wisdom will not be able to catch up with positive court progress.

#### **D. Attendees and all invited guests are happy**

That is my scientific oration regarding the re-actualization of the Balinese Traditional Court in the Era of Society 5.0. Most of this program can be carried out smoothly because of the support of the latest technology, but in regions and areas where the latest technology is not yet accessible, of course there will be delays and may even not be able to start.

Suggestions to continue moving forward and never back down for officials who have duties and authority in this field must continue so that there is a balance in the implementation of the Customary Courts and District Courts. On balance, if this is not the case, there will be a buildup of cases and cases in the District Court. Thus, I delivered this scientific oration at the inauguration of Professor Honorary Causa at this time.

#### **CONCLUSION**

Various learning out comes proven by achieving a number of degrees as dicribed above , and also based on acumulated work experience in the field have increased our enthusiasm and motivation, both in working and serving sincerely. This enthusiasm and motivation turns out to have a very broad impact on society, families ,or institutions/ institutions, profesional associations and sciense and technology development activities in order to enter life in the era of society 5.0.

#### **REFERENCES**

- Abercrombie (1990), Dalam Yudistira K Garna Pendekatan Kualitatif Dalam Penelitian: Bandung Universitas Padjajaran.
- Acwin (2009), Arsitektur dan Kebudayaan Bali Kuno Denpasar: Udayana University Press.

- Amirudin dan Asikin, Zaina (2008), Pengantar Metode Penelitian Hukum, Jakarta, PT. Raja Grafindo Persada.
- Arief, Bardanawawi (1998), Beberapa Aspek Penegakan Hukum dan Pengembangan Hukum Pidana. Bandung: Citra Aditya Bakti.
- Arthyasa, Sujaelanto (1995), Petunjuk Teknis Perkawinan Hindu. Surabaya: Paramita.
- Astiti, Tjok Istri Putra (2005), Pemberdayaan Nilai Adat Sebagai Strategi Pengendalian Konflik dan Tindakan Main Hakim Sendiri. Dalam Dama Putra & Windu Sancaya (ed), Kompetensi Budaya Dalam Globalisasi. Denpasar : Fakultas Sasatra Univ Udhayana.
- Astiti, Tjok Istri Putra (2010), Desa Adat Menggugata dan Digugat. Denpasar : Udayana University Press.
- Atho, Nafsul Ed (2003), Hermeneutika Transedental, Yogyakarta: IRCISOD
- Atmasasmitha, Romli (2012), Teori Hukum Integratif. Yogyakarta: Genta Publisihing.
- Atradi, I Ketut (2003), Hukum Adat Bali Dengan Aneka Masalahnya. Denpasar: Pustaka Bali Post.
- Charles, Samford (1989), The Disorder Of Law: A Critique Of Legal Theory. Oxford Brasil Blackwell.
- Danandjaya, James (1993), Cerita Rakyat Bali. Jakarta : Gramedia.
- Derana, Tjokorde Raka (1974), Pembinaan Awig-awig Desa Dalam Tertib Masyarakat. Denpasar: : Fakultas Hukum Univ. Udhayana.
- Dwipayana, Ari (2004), Desa Adat Bali dan Ruang Demokrasi. Dalam I Nyoman Dama Putra. Bali Menuju Jagadita Aneka Perspektif, Denpasar, Pustaka Bali Post.
- Ehrlich (1984), Dalam Roger Cotterell, The Sociology Of Law: An Introduction Butterworths, London
- Ehrlich (1990), Dalam W. Friedman "legal Theory". di terjemahkan oleh Arifin Jakarta; Rajawali.
- Friedman, LM (1980), The Legal System, A Social Science Perspective. Newyork : Russel Sage Foundation.
- Gorda, IG, N (1999), Management dan Kepemimpinan Desa Adat Di Propinsi Bali Dalam Perspektif Era Globalisasi. Singaraja : STIE Satya Darma.
- Hartono, Sunaryati (1991), Politik Hukum Menuju Satu Sistem Hukum Nasional. Bandung: Alumni
- Krom, N.J (1956), Zaman Hindu. Bandung: PT. Pembangunan
- Kusuma, Sri Reshi Ananda (1986), Kamus Bahasa Bali. Denpasar : CV. Kayu Mas Agung.
- Kusumaatmaja. Mochtar (1986), Hukum Masyarakat dan Pembinaan Hukum Nasional. Bandung: Lembaga Penelitian Hukum dan Kriminologi Fakultas Hukum Univ. Padjajaran.
- Majelis Pembina Lembaga Adat Provinsi Bali (1990), Mengenal dan Membina Desa Adat di Bali. Denpasar : Penida Bali.

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