



Revitalization and Transformation of Balinese Society Local Wisdom in the Legal Development



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Abstract

Balinese society local wisdom had a high potential for the legal development, both in the legal substantive development and the legal structure, as well as legal culture. It was a social reality was understood and implemented in their life, in fact, a very functional in society. Therefore, it needs to be revitalized and transformed into national legal development. The revitalization of the local wisdom potential of Balinese society in legal development. It was conducted by way of leveraging the performance of Desa Adat organization unlike Bendesa policy, Kelihan, Pecalang with doing a cooperation and coordination towards government agencies, especially the state of legal enforcement in carrying out the task in a manner with the wise and prudent, a good attitudes and no arrogance as well as a violence. Therefore, the attitude of legal enforcement officials would be role models for the societies. Thus, the Bali image as the island was safe, orderly, and peaceful, with the population-paced of harmony could be preserved. The transformation of Balinese local wisdom was done by accommodating in the local regulation, even the regulation of provincial level regional as well as the regency and city level.

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1. Introduction

The philosophical thinking about the legal includes the issues around nature and the legal essence, the legal purpose, and the legal function is a very complicated issue. There is a view that the legal is identical to the value of the universal absolute justice, the legal can be used by all nations and immortal (Natural Legal Doctrine). The other opinion considers the legal as a tool manifestation/state authorities/the legal makers because it must be observed, justice exists in legislation/regulation (legal positivism doctrine). On the one hand, there is also the view that the legal is not made but a reflection of the society emotion who those growing together in the community, thereby greatly avoided the possibility of a high distinction between the legal as a control method with the social values (the history of legal punishment). On the other hand, there is stated that the whole legal is adopted by a certain society (the sociological of

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legal punishment). Then, there is the view that the legal was intended to benefit the society and the community members (Utilitarian), according to the legal purpose is that the the occurrence usefulness of an atmosphere that allows each individual to fight for their interests to achieve happiness and to avoid the trouble (Lili Rasjidi, 2003: 109-125).

All the above opinion up to a certain degree consist of a truth grain, but not completely able to explain the whole the legal nature and multi-dimensional multi-characteristics. The legal indeed is not possibly be explained from one perspective only. The view on the conceptual level would produce many different views of the perspective used. Due to the legal in a concrete saw in this context is far more useful in the ideas and conception grounded and practically it is able to solve the various problems that arose.

It is related to this issue, Satjipto Raharjo stated that the jurisprudence was not an idea that is squeezed or pulled out of (brain) humans, however, follows and is guided by the legal fact that is spread in the societies. The new reality-based man racked their brains to face the fact that is in this photograph and carry it out. This is where they started to learn about science and the legal theory as a *language game* (Satjipto Rahardjo, 2004:20).

A famous thinker about the suppression function and the legal role in the society is Roscoe Pound, with his theory "*legal as a tool of social engineering*" (the legal as a tool to transform society). Pound illustrates that the principal task of legal thinking is the social engineering task (*social engineering*). In his many essays attempted to facilitate and strengthen the social engineering task is to formulate and classify social interests, the balance leads legal develops. Meanwhile, his approach fundamentals remain unchanged, whereas, the interests of his work changed later.

The thought nature that is developed by Roscoe Pound also affects to Mochtar Kusumaatmadja thinking about his belief that the legal is a means of society innovate. The legal can be a key factor driving the modernization of society and change for the development supporting. Mochtar Kusumaatmadja thought is very influential in setting the direction of the legal and policies development (*legal political*) national (*constitution*) in the era of *Orde Baru*.

The National Legal which was developed by the positivism paradigm (modern legal theory), has shown the weakness in organizing the nation life in Indonesia. The national legal is not yet able to provide a justice sense, prosperity, and happiness for all Indonesian people. It is built with the local legal tend to ignore the wisdom that is still alive and thriving in the social life, however, in a factual and contextual wisdom of local legal proved very effective in managing the social life and sometimes even exceed the legal effectiveness of the government.

The traditional social life across the country, including the traditional structures, already have local wisdom in the intelligence, wisdom, cleverness forward-looking inherited from the past still exists and have the potential to organize a life in the society. Balinese local wisdom as part of Balinese culture has very diverse forms. The diversity of the varied forms of local wisdom includes; values, rituals, folklore, ethics, aesthetics, command, and prohibitions. The various forms of local wisdom are still alive, understood, and implemented in Balinese life.

Similarly, Balinese local wisdom of values, organizational/institutional, is a very potent and proven empirically in creating a justice sense and peaceful society. The local wisdom is also proven to be able to preserve nature and social culture, for the sake of sustainable development.

Observing the above-described problems, therefore, the study of local wisdom towards Balinese as a social reality that is lived and implemented in their life. The local wisdom is in fact highly functional in society need to be redefined, understood, explained, and interpreted the function and significance in the national development and the regional legal which have been less accommodated in the national legal development. From the present study findings, can be designed a concept and a new policy on the legal development at the national level and regional-oriented to the potential of local wisdom.

Research Question

In accordance with the introduction, the research question can be formulated as follows:

- a) How the potential of Balinese local wisdom in the legal substance development, legal structure, and legal culture?
- b) How to revitalize the local wisdom in the legal development at the national and local levels?
- c) How to transform the local wisdom in the legal development at the national and local levels?

Research Aims

Based on the research question, the aims of the present study are:

- a) In order to know and assess the need for local wisdom is accommodated in the legal development.

- b) In order to dig, inventory, and interpret the local wisdom potential in the legal substance development, legal structure, and legal culture.
- c) In order to explore, analyze, and find the concepts and strategies to revitalize and transform the local wisdom in the legal development at the national and regional levels.

Research Significance

- a) Theoretically, the present research is expected to provide benefits in the scientific development context of the legal science, particularly, in the field of the legal philosophy, sociology of legal, and legal anthropology. The results are expected to find the academic paradigm in the national legal development which Indonesia socio-cultural structure.
- b) Practically, the research can provide input for the government in the legal development at national and regional levels.

Literature Review

There is some research on the local wisdom of Balinese society has been done previously, however, those studies have different characteristics when compared with the present study. Those studies include:

- a) The local wisdom function in human resource quality development (S. Swarsi 2004, the Center for History Research and Denpasar Traditional Values). The research found that the different types of local wisdom and local advantage still survive and be functional in the context of Balinese modern life today. The local wisdom function conducive towards the character development of human resources.
- b) The local wisdom and resource conservation in agricultural development based on democracy (Dewa Ngurah Suparta (2003), the faculty of agriculture, University of Udayana). The study stated that agricultural development is carried out in various parts of the world recently are still based on the modern technology application to improve agricultural productivity. However, in reality, the farmer's fate in developing countries are not better than before the modern agricultural technology implemented. The farmers comparatively suffered impoverishment due to the dependence on outside resources in holding a various local wisdom, innovation, and the farmer's creativity. The agricultural development in the future should be directed to restore the farmer's freedom to decide what is good and not good, what they need and do not need for their condition. In this context, the increasing urgency towards the local wisdom capacity becomes very important.
- c) The excavation towards the local wisdom potential related to the agriculture, have been conducted by the Yayasan Padi Indonesia (Yapadi) in collaboration with the Institute for Bali Agricultural Technology. The study results were presented in a proceeding namely *Subak dan Kerta Masa, Kearifan Lokal Mendukung Pertanian Berkelanjutan* (Yapadi, 2003). Regarding the research can be known that local wisdom of Subak and Kerta Masa that was implemented by the farmers for generations has many advantages. In many cases, the local wisdom turned out to have a rational basis is a high, however, less awarded even often overlooked.
- d) Pecalang transformation and policing shift in Indonesia (Ketut Merta, 2005). The dissertation research, doctoral program studies, legal science in the University of Diponegoro, Semarang). It was found that Pecalang as Balinese traditional security units, in performing its duties and functions Pecalang use a persuasion, educative, and not repressive. Unlike an approachment, *pecalang* able to carry out its duties and functions without causing problems follow-up means, either horizontally or vertically. Hence, Pecalang was needed by many people, including the police. Pecalang can be adapted to support the work of the police in maintaining security and public order.

2. Materials and Methods

Research Design

The present research concentration related to the local wisdom dimension in the legal development context. Therefore, the study is focused on qualitative research, it seeks to understand the symptoms way that does not require absolute quantification or symptoms that not to allow measured accurately. The approach used in this study is the approach of normative legal and sociological studies. Normative approach is used to examine legislation and *awig awig* (indigenous rules of Desa Adat in Bali). Whereas, the sociological approach is used to identify non-legal findings

of other materials related to local wisdom related to the legal development. The research is applied a development design (*research and development*) to float the strategy at revitalizing and to transform the local wisdom in the national legal development.

In order to be able to understand, comprehend, interpret and can explain the Balinese local wisdom potential in the development be better legal, the paradigm used in this study is constructivism. This paradigm considers that humans basically actively develop and modify concepts, models, reality, including the truth of the legal. The legal is regarded as the reality of the individual and social development that are relative, consensus, apply appropriate specific context is considered relevant by the perpetrators (Agus Salim, 2004: 41). This study does not only define the potential of Balinese local wisdom, but also to understand, explain, and develop the potential of local wisdom in the legal development. Due to the truth rules that comes from everyday life must be understood, reconstructed, and described, therefore, it can be used by citizens to the fullest.

Research Location

The research is conducted in Bali province. Bali was chosen due to emphasizing on Bali regional development approaches to culture by giving greater attention to the cultural development itself, including the legal construction. It is done, therefore, in fact, Balinese society is a society that is social religious, a society that is able to produce a unique culture.

Bali has a great image for a unique variety or characteristic itself has invited many scholars from the worldwide to conduct the research in various fields. In the society that is capable of generating a unique culture, certainly has a unique local legal wisdom anyway. Due to conceptually local wisdom is a part of the culture, and more specifically a part of traditional wisdom systems. It is also what makes the reason why the research is conducted in Bali. Based on the cultural area, Bali is divided into five cultural circles included Bali North, Central Bali, South Bali, West Bali, and East Bali. North Bali i.e. Buleleng regency. South Bali i.e. Badung regency and Denpasar city. West Bali i.e. Jembrana and Tabanan regency. East Bali i.e. Karangasem and Klungkung, Central Bali i.e. Gianyar and Bangli regency. This study focused on three Desa Adat of each district on the cultural circle.

Data Sources and the Techniques of Collecting the Data

The Data of Field

Collecting the data in the field is conducted by observation and in-depth interviews. In doing an observation, the researcher is to directly observe the activity of Desa Adat organization, especially, observing variety views, function and meaning of local wisdom in the traditional village concerned. In addition, at observing, the data collection also conducted in-depth interviews with informants that is selected and considered relevant and know the true local wisdom especially, the issues that are associated with the legal development problems. The informant can be provided an information assumed a steady and reliable information on the elements included in the research focus. The informants are selected done based on the snowball technique. The informants included traditional leaders, the cultural, religious leaders, and society leaders who understand the wisdom of indigenous villages itself and Balinese local legal, and experts in the field of Balinese customary legal. The interviews are conducted based on a structured interview guide in advance. The interview guidelines form generated varies between guidelines structurally and the guidelines do not structural.

The Data of Library

The library data is obtained through library research sourced from the legal institution, books, official documents, scripts, research, and media. The legal materials used in the present study included primary legal materials, unlike the constitution. The secondary legal materials in the literary form that deals with Balinese local wisdom f and legal development. The library research is conducted at Pusat Dokumentasai Kebudayaan Bali di Denpasar, Perpustakaan Gedung Kertya di Singaraja, Perpustakaan Universitas Hindu Indonesia Denpasar, University of Udayana Library, Bali Cultural Office, and another library.

Research Instruments

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<https://sloap.org/journals/index.php/irjmis/article/view/444>

The primary instrument in the present study is the author itself, as the secondary instrument is used an interview list that consists of questions to obtain in-depth data from informants, besides, it also can use the tool for recording and take some photo.

The Technique of Analyzing the Data

The analysis was conducted through three important steps of the process i.e. data reduction, data presentation, and drawing conclusions. The third step is conducted continuously during the research.

The first, data reduction, it is conducted an election, focusing on simplification, abstraction and raw data transformation obtained during the research. In the present study, the researcher predicts and anticipates the data reduction is mainly related to the discussion of the local wisdom potential in the legal development. The reduction is done by examining the data, make a data summary, and data classifying, whether the data is obtained from interviews or is obtained from the literature. Regarding the reduction, all data are grouped according to nature and meaning, organized into a broader conclusion.

The second, the step of the data presentation, which is conducting the preparation of an information bunch into a statement which allows drawing conclusions. The qualitative data is presented in the narrative text, which was originally scattered and separated according to the source of the data obtained, then classified according to the needs of analysis. The purpose of this step is to systematize and simplify informs diverse of local wisdom in unity simplified form, selectively making it easier to understand.

The third step is the reduction and draws conclusions based on the data presentation that has been done in the previous step. At this steps, the researcher will be designed a revitalization transformation and Balinese local wisdom in the legal development. In the early stages the conclusion is still loose, then summarized again become more detailed.

Theoretical Framework

The Theory of the Living Legal

This theory was suggested by Eugen Ehrlich, stated that; the legal development focus is not consisted in the legislation nor in the court decision as well as in the legal field science, but in the society. In fact, the rules that are followed in the social life is a real *living legal*, the legal has a much broader scope than the norms are created and implemented by government institutions.

This defines that the legal will be effective if the legal reflects the values that live in the society. Furthermore, Ehrlich stressed that the living legal, the legal that actually living in the society, constantly evolving, always exceeding the state legal is rigid and not to move. So, Ehrlich stated that the legal should be in accordance or harmony with the values that live in the society. It does not let the legislators create the legal that conflict with the legal who lives in the society.

Regarding Eugen Ehrlich opinion, Satjipto Rahardjo stated that legal studies are not an idea that is squeezed out of the human brain, however, follow and be guided by the legal fact that is spread in the society. The legal that is not consistent with the values that developed in the societies, of course, tend not to have the people. Even, if the state legal was supported by the sanctions are implemented in an organized manner by the executive organization, due to the country's legal community is considered less favorable, then the country legal tend to be ignored.

The theory of living legal, will be used in this study to reveal the local wisdom need for developing the national legal and to analyze the shape of local wisdom that is still alive and thriving in the society life, particularly, the local wisdom potential in the legal substantive development and the legal structure and legal culture.

The theory of Legal in Development

This theory was suggested by Mochtar Kusumaatmadja, stated that the legal would be able to function optimally as one of the means to support the development, the national legal should be reorganized with attention and harmonize with interests and needs of the region and its society. The more in respecting the legal function as a means of building, Mochtar Kusumaatmadja stated that the legal in the sense of rules or legal can indeed serve as a tool or a means of channeling the development direction in the human activities in the direction desired by the construction or renewal. Both of these functions are expected to do, in addition to the traditional functions sense to ensure the certainty and order (Mochtar Kusumaatmadja, 1986: 13).

Regarding above Soerjono Soekanto stated that the development process is planned and directed requires regularity, the order should be created with a legal that aims to achieve harmony between order and peace. The legal should be used as a tool to open roads and new channels in the system of people's lives, therefore, all the development work can take place smoothly and orderly. Further, he stated that the use of legal as a tool to have positive expectations in favor of development (Soerjono Soekanto, 1988: 131).

In the present study, the theory of legal in Development is used to answer the first and the third question, namely the need to revitalize and transform the local wisdom in the development of national and regional legal and analyze the concepts and strategies to revitalize and transform local wisdom in the legal development.

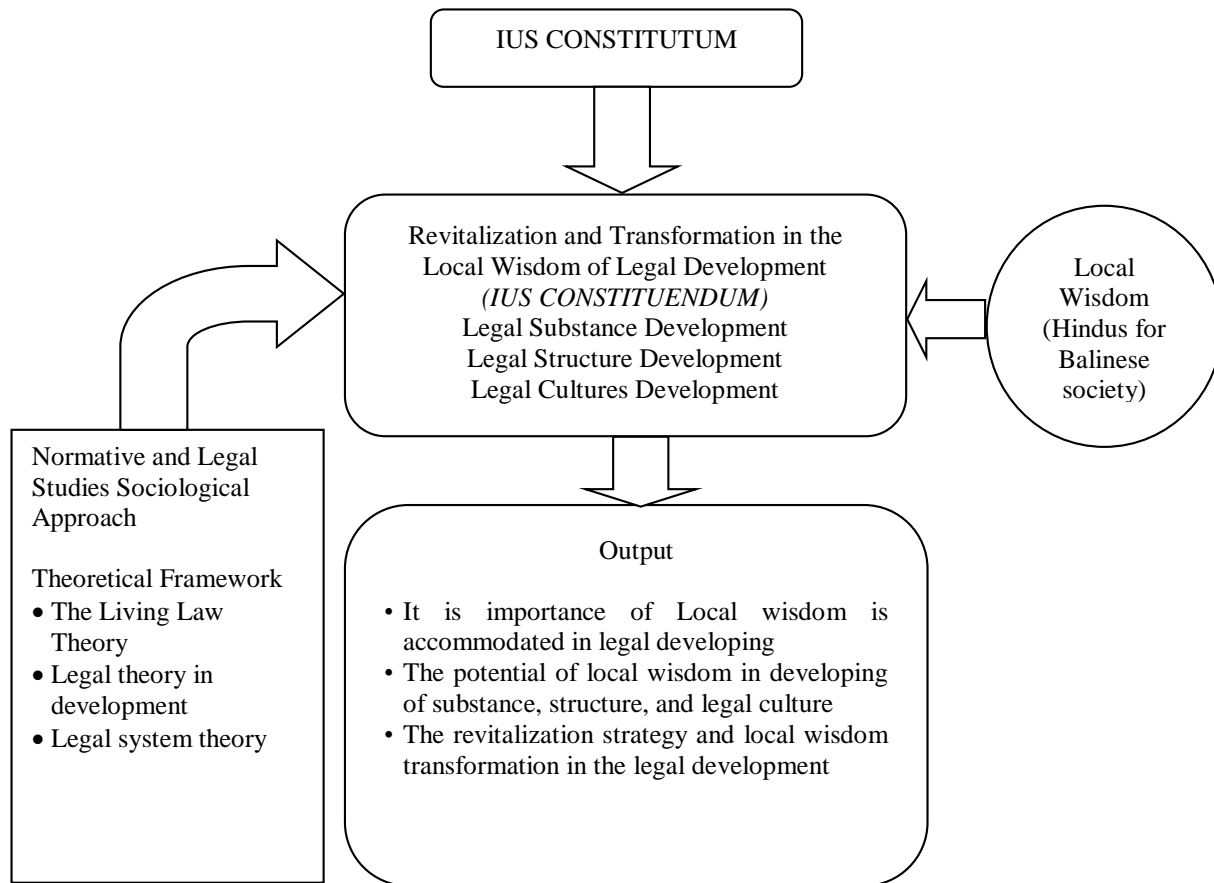
The Theory of Legal System

The Theory of Legal System was suggested by L.M. Friedman, stated that as a legal system does not stop at only one sector, given the legal sense vastness. The legal can be interpreted as a system (*legal system*). The proper legal function is effectively determined by three components: *legal substance*, *legal structure*, *legal culture*. It means that whether or not the national legal serves in managing development, is determined by three components of the legal system, namely the legislation matter in the tourism field (a *legal substance*), legal enforcement (*legal structure*), and also the legal awareness (*legal culture*). As a system, the legal must be considered in the totality perspective of, a particular system that is a pattern of mutually pervading unity. The third component in the legal system basically determines each other, as well as with respect to each other. In this article, the theory of legal system is used to reveal the second research question, namely the potential development of local wisdom in substance, structure and legal culture.

The Concept Description

- a) The revitalization is a process, method or act revive and revitalize. In term of this, it conceptualized as an attempt to revive, tying, and utilize local wisdom in the re-development of national legal, whether the legal substantive development and the legal structure, as well as its legal culture.
- b) The transformation conceptualized as a process of local wisdom transfer is becoming the legal norm, especially, the local wisdom to divert in developing the legal substance and legal structures at national and regional levels.
- c) The local wisdom is conceived as an intelligence, wisdom, cleverness is forward-looking by relying on the values, norms, ethics, and behaviors that are traditionally institutionalized in managing natural resources, and cultural and human resources for the survival of a sustainable which is had by the Balinese society of Hindus.
- d) The legal development is conceived as the third development towards the legal system, which includes the legal substance development, legal structure, and legal culture. Even more, the legal development at the local and national level of legal development.

Research Model



3. Results and Discussions

3.1 The Potential of Balinese Society Local Wisdom in the Legal Development

a) The Potential of Balinese Society Local Wisdom in the Legal Substance Development

The local wisdom of Balinese society in the legal substances development includes *Awig awig* and *Perarem*. *Awig awig* is the rules that used the guidelines in the traditional structures life. In addition, *awig awig* term also known the terms, unlike *Sima*, *Dresta*, *Uger-uger*. The term generally refers to the rules understanding or the rules that govern social life in *desa adat* or *banjar adat*, revealing in a justice sense and a propriety sense in their society in order to realize a harmonious relationship to the God, fellow human beings, and natural environment. *Awig awig* mainly consist of 1) the rules regarding the relationship to the Almighty God, which is formulated in *Sukerta Tata Agama*. 2) The rules of the relationship between humans to other/social environment societies formulated *Sukerta Tata Pakraman/Pawongan*, and 3) the rules regarding the human relationship to nature, formulated in *Sukerta Tata Palemahan*.

Awig awig towards Balinese local wisdom in the legal substance development is *Perarem* i.e. the rules executing of *awig awig*. Due to not all of the provisions consist in *awig awig* can be immediately implemented. There are many articles in *awig awig* which must be addressed cause it is not regulated in *awig awig*. *Awig awig* can be described as the legal then *perarem* is government regulation or other implementing regulations.

b) The Local Wisdom Potential in the Legal Structure Development

1) *Desa Adat*

Desa Adat is the unity of *hukum adat (custom legal)* society in Bali that has a tradition unity and social life manners communities of Hindus in descent related in *Kahyangan Tiga/Kahyangan Desa* that has a specific area

and their own property, therefore, is entitled to manage their own household (Regulation Region in Bali No. 6/1986). One *Desa Pakraman* usually consists of several Banjar.

Regarding *Desa Adat* formulation itself recognizable an element that has characteristic of *Desa Adat*, namely:

- (1) The custom legal society unity in Bali province
- (2) Having a whole tradition and social life manners of society for generations
- (3) It is a relation in *Kahyangan Tiga/Kahyangan Desa*
- (4) Having a specific region
- (5) Eligible to manage their own household.

Desa Adat has the right to manage their own household, it means that *Desa Adat* has an autonomy. The right to manage their own household derived from custom legal, not to come from higher government authority. The outline is an autonomy of *Desa Adat* included:

- (1) Making their own regulation to keep life orderly and peaceful organization (*Awig awig* interpretation)
- (2) Implementing their own regulation that was made (through *Prajuru*)
- (3) Prosecuting and resolving their own problems/disputes indicate a conflict between villagers or action that deviates from the rules that have been set (through *Kertha Desa* organization)
- (4) Securing themselves (through *Pecalang, Pekemitan, and Pegebagan*)

Desa Adat duties and functions include:

- (1) Arranging the relationship between *krama* (societies) *Desa Adat* with Pura *Kahyangan Tiga* belong to *Desa Adat*
- (2) Arranging the religious ceremonies implementation
- (3) Instilling Hindu values and culture through *rembug desa* (village consultation meetings)
- (4) Organizing the villagers in the development, and reconcile disputes between citizens
- (5) Taking care the land and maintain the *Desa Adat* property
- (6) Establishing the punishment for the society who disobey *awig awig*
- (7) Arranging the relationships among *krama* (*Desa Adat* societies)
- (8) Maintaining the security, order, and a peace in the society.
- (9) Providing a legal protection for *krama* (*Desa Adat* societies)
- (10) Tying a unity *krama* by *gotong-royong* (working together without fee) way.
- (11) Supporting and success towards the government programs.

2) Banjar Adat

Banjar or *banjar adat* are the society groups who are part of *Desa Adat*, as well as, the bond is a very strong tradition in one unified particular area, with one or more leaders who can do an action to inside or outside has interests framework to their citizens and has a good wealth even material and immaterial.

The *banjar* organizational structure in Bali generally is as follows:

- (1) The highest leader in *banjar* is called *Kelihan Banjar*
- (2) *Kelihan Banjar* assisted by a secretary is called *Penyarikan*
- (3) Regarding a liaison/communication linking between *Kelihan Banjar* with *banjar* societies, *kelihan banjar* are assisted by the people as a *juru siar* (liaison crier) is called *Kasinoman*.
- (4) For a big *banjar*, *kelihan banjar* also assisted by several *Kelihan Tempek* (sections)

3) Subak

Subak is an organization that regulates the rice field irrigation system in Bali and is a valuable cultural heritage that is unique, wherein it consist of matters relating to knowledge and irrigation technology (regarding cropping patterns, farm equipment, irrigation, and other activities). *Subak* basically is an organization or institution engaged in the management and water distribution in the rice fields, related to agriculture in Bali, unlike *upakara* (offering tools) and ceremonies, cropping patterns and other things. *Subak* unlike is an institution which engaged in water control (*irrigation system*) and regulates the agricultural management system in Bali. It has developed since 1071 AD. *Subak* is able to grow and develop until today because there in all its activities are always based on the *Tri Hita Karana* philosophy, namely three causes of happiness and harmony in life.

Unlike a traditional institution in Bali, *Subak* has the following functions:

- (1) Setting the water division to each rice acreage with *Tembuku* system.
- (2) Maintaining of watering buildings and accompanied by its safety, therefore, avoiding the loss of water in the specific channel.
- (3) Arranging a land system up used with the terraces so that the land was hilly land in the sloping landform then converted into rice fields staircase steps that can hold water and prevent soil erosion.
- (4) Adjusting Subak cropping patterns in the area consisting of several cropping patterns that exist in Bali, *Kertamasa*, and *Gegadon*.
- (5) Enforcing *awig awig* of *Subak* agreed by consensus on *Paruman Subak* members, resulting in the rights alignment and each member obligations in the Subak region.
- (6) Running vertically on the relationship functions *Subak* with government agencies.
- (7) Running horizontally function, which is to make contact with equivalent institutions levels such as *Pakraman*, *Desa Dinas* (official village), in the coordination resulting form to the alignment between the institution and an environment.
- (8) Helping the burden relieve the government at working together to build ponds and waterways by using local materials such as rocks, tree trunks, etc.
- (9) Cropping with *Kertamasa* system i.e. growing season simultaneously that is useful to life cycle break of pests and diseases.

4) *Sabha Kertha*

Sabha Kertha may be called as a court institution in *Desa Adat*. It was created with the intention to ease for *Bendesa Adat* (highest position in *Desa Adat*) tasks, e.g. the issue occurs with another village or problems between citizens with *Desa adat* or *Banjar adat*. *Kertha Sabha* member comprised of societies leader who generally understand the *adat* problems and customary legal in Bali. When *Desa Adat* does not have *Kertha Sabha* institutions, therefore, the tasks are carried out by *Prajuru Desa* (village committee) that is led by *Bendesa Adat*.

5) *Prajuru Desa*

In Bali, *Desa Adat* stake holder is called *prajuru desa adat*. Therefore, *prajuru desa* is a board that governs the relationship between *desa adat* citizens, society relations with the neighborhood residents and the relationship to the God Almighty.

The type and the number of *prajuru desa adat* generally in Bali are as follows:

- (1) *Bendesa* is the head of *Desa Adat*.
- (2) *Petajuh* is the deputy of *Bendesa*.
- (3) *Penyarikan* is secretary of *Desa Adat*.
- (4) *Petengan* is a treasurer of *Desa Adat*.
- (5) *Kasinoman* is the board who helped *prajuru desa adat*, the smooth relations duties. Even more the relationships among the board, as well as the relationship between the board to the societies.
- (6) *Pemangku* is the man who arranges the ceremony at the temple.

c) The Potential of Local Wisdom in the Legal Culture Development

1) *Tri Hita Karana*

The social life activities are oriented to *Tri Hita Karana* philosophy. The conception is that human life according to their nature, always trying to achieve a happiness. In fulfilling their needs that human life is always dependent on another human being. The human life is over or the natural world, not in the clouds. The human relationship with nature in which they live at standing creates a love in their homeland. Nature consists of the potential life and livelihood to every living creature. If the man emergence and nature returned at the source of the first would be towards *Super Natural Power* i.e. God Almighty (Sudharma, 1983: 99).

Tri Hita Karana literally comes from the lexicon *Tri*, *Hita*, and *Karana*. *Tri* means three, *Hita* means prosperous, well, glad, happy, sustainable, and *Karana* means causes. Therefore, *Tri Hita Karana* defines the three elements which are the cause of the goodness and prosperity growth. Thus, *Tri Hita Karana* is a concept of well-being in Balinese life which consists of *Parhyangan*, *Palemahan*, and *Pawongan*. This conception is not only unique but also a universal value picks for Balinese society life, however, for the society who exist on earth. *Tri Hita Karana* values expressing patterns and the balanced harmonious relationship between the man

and the spiritual environment, social environment, and the natural environment in order to achieve well-being and spiritual birth.

Tri Hita Karana conception is not only be applied to the life in Desa Adat but also it has been institutionalized in the life units unity and others livelihood. In the tourism field e.g. *Tri Hita Karana* elements can be identified unlike the tourist areas as well as an infrastructure of the *palemahan* element, as tourism stakeholders as *pawongan* elements, worship of Lakshmi Goddess as a *parhyangan* elements. Thus, it is appropriate that it can be stated that *Tri Hita Karana* conception is a potential for sustainable development.

2) *Tri Kaya Parisudha*

Balinese society who desire a harmonious relationship between thoughts, words, and actions or behavior. The Balinese are only good at thinking and talking, however, is not smart in the act and behave then they will be left behind. These realms are based on *Tri Kaya Parisudha* doctrines, *Tri* means three, *Kaya* means human behavior, and *Parisudha* means which must be purified. Therefore, *Tri Kaya Parisudha* is the three behaviors that must be purified, to think that is true, tell the truth, and behave a right. Respecting their good thoughts will arise a speech well, so as to realize a good action.

Tri Kaya Parisudha arises from ten kinds of self-control, ie. three types based on the mind; 1) not to want something that is not kosher, 2) not to think badly of people or other beings, 3) not to deny the existence of *Hukum Karma Phala*. The four types based on the speech; 1) not to like to berate, 2) not to say rude to someone else, 3) not to slander, 4) not to renege on promises or speech. The three types of control by action; 1) not to torture or kill other creatures, 2) not to commit fraud against property, 3) not to commit adultery.

3) *Hukum Karma Phala*

Hukum Karma Phala is the legal of causes and effect, action, and reaction, the legal of effort and outcome or fate. It applies to the entire universe, animals, plants, and humans. If the legal is meted out to human beings, the legal was called *hukum karma*, if it is inflicted upon the natural legal called *hukum Rta*. The legal that regulates the survival, movement, and the universe rotation. The stars are scattered in the sky moving to abide by its path so, it does not collide with each other. The sun shines obediently follow his nature, which the sea water evaporates into the clouds, and then fall into the rain, finally follow the river to the sea. All of these natural occurrences governed by *hukum Rta* of causation perfect supreme legal. Similarly, *hukum karma* that governs the human life, every action of a definite no consequence, every movement must result.

In essence, God created the universe is the cause and effect legal, the action and reaction legal due to nature are still moving. All nature is a unity that is interdependent and inseparable. However, the people are bound and interdependent with each other, no one is truly free. Unlike the machine, if one of the screws are loose or baggy, will have no effect on the motion of the machine. If people cut and cut down forests with impunity then not only forests that suffer. If the mouth of the hunger strike, not only limp feet but also the brain is not able to think. It defines that every action committed not only resulted in yourself but also for others.

Hukum Karma Phala teaches the human to be always tolerant and live up to the task, not to envy other people due to we are a living unity, one breath by sucking air from the same air. The Balinese society presently is still strongly believed to *hukum karma phala*, the condition is still a sturdy conception embedded in its function as guiding Balinese society behavior.

Hukum Karma Phala is an action legal. Every action or *karma* definitely left traces of handiwork such acts or *phala*. If the act was committed with intent or good faith then the result will be good, otherwise, if the act was based on the intention or faith that is not good then the results of his actions it would be bad for their action. No one works in vain, all will result from their actions, consciously or unconsciously.

Hukum Karma Phala as a causal legal is a product that comes from the human, from the very beginning of its existence is always working with full accuracy without ever fail, due to it always bind them are still in the awareness level is low, where the consequences arising from causes will act as a new cause, which will lead to other consequences, and so on continuously (Maswinara, 1996: v).

The Balinese believes that, *phala* (the result) of *karma* (action) that is done by someone, not just the receipt itself but also be inherited by offspring or descendants. The action result is not only acceptable in the present life, but also in life in the hereafter (*afterlife*), and in the next life after he *punarbhawa* (born again).

4) *Desa Kala Patra*

The one basic concepts are underlying the Balinese culture structure is *desa kala patra* conception. The etymological concept consists of three lexicons i.e. 1) *desa* which means a direction, society organizations (Desa Adat and Subak) and, 2) *kala* defines the bad habit and also means time and the lexicon, 3) *patra* defines painting or ornament and also means the state.

Thus, *Desa Kala Patra* concept identified on the adjustment process in terms of place, time, and circumstances. Receiving a state of diversity in uniformity or a difference in unity. This concept gives reasonable and flexible in its society out into accepting differences and variations in factors place, time, and circumstances. For instance, in Bali, there is a common language, religion, and customs, however, their form and content are rich variety.

Desa Kala Patra concept indicates the acceptance towards a reality of life that there is uniformity in diversity, in unity, there is definitely a difference. This conception gives a shape and society direction, flexibility, and tolerance do by Balinese, whether externally and internally, accepting the differences and the fact, in accordance with *desa* (place), *kala* (time), and *patra* (state).

5) *Tat Tvam Asi*

The conception of Balinese mind considers the universe as a subject and life object, personified as a human. The view that is a nature and its contents is a public awareness and Balinese beliefs that essentially the human is the same of all the God Almighty creation and others. An awareness and beliefs were based on the *Tat Tvam Asi* philosophy.

Tat Tvam Asi conception in Balinese society is derived from Hindu doctrine i.e. *Brahman atman aikyam*. *Brahman* is the Almighty God, the source everything that exists in the world. *Atman* is the origin of the soul and body to every creature. *Atman* is the holy sparks of God that are an every human being and other creatures that live it as a substance. Therefore, the humans with other humans are the same (*aku adalah engkau/I was you*), merely look at the difference in outward to the quality of everybody lived, *Atman* is different.

The most important value of the *Tat Tvam Asi* conception is the social solidarity value because the function to which is reflected well in the past, to present and future is as a guide, stylist and adviser humans to act and behave, for mutual respect and mutual respect between each other. It can be actualized in Balinese society social life. Especially social life among humans in society. Hence, the Balinese society known slogan "*Sagilik saguluk, Salunglung sabayantaka*" the slogan reflects the ideals and the desire to be always unity live in the state of joy and sorrow, to face all the life challenges.

Tat Tvam Asi concept is still adhered by Balinese as a guide in the relationship between the human and humans. Balinese believe that if we love ourselves, the way it should we think, speech and action to others. The concrete manifestation of the concept application in daily life raises several operational concepts in Balinese life included: *ngoopin, mapitulung (gotong-royong petrified others will work without paying)*.

6) *Rwa Bhineda*

Rwa Bhineda is a dualistic concept, there are in life always two opposite categories i.e good and bad, sacred and profane, noon and night, north and south, upper and lower, upstream and downstream, and so on (Mantra, 1996: 25). *Rwa Bhineda* concept consists of meaning as a method or a way to analyze the social phenomena are rooted in thinking ways of elementary human reason to classify the universe and the surrounding communities.

This conception has a very important meaning for Balinese due to it may lead and develop in life to be able dynamic and flexible to accept the differences in reality in growing struggle to get things better. The difference was not to be contradicted but for integrating. This concept is also influential in growing dynamic stance and accept the fact and the cause a struggle to be better. The actualization of *Rwa Bhineda* conception may be reflected in the life of the association, Balinese society both in micro and macro level.

The values that consist in Balinese local wisdom e.g. *Tri Kita Karana, Tri Kaya Parisudha, Hukum karma Phala, Tat Twam Asi, Desa Kala Patra, Rwa Bhinedha*, are the values that underlie a view, habits, ways of thinking, and Balinese behave in organizing their social life. Unlike *Tat Twam Asi* and *Tri Hita Karana* values are adhered by Balinese in their relationships to be harmony between humans and other humans. The values that consist in *Hukum Karma Phala* who drove Balinese to obey the legal, an action in accordance with the duties, tolerance, and not to be envy. Therefore, Balinese local wisdom in these values, it has a high potential in the legal culture development.

3.2 Local Wisdom Revitalization of Balinese Society in the Legal Development

In the present study, it has found that the potential of Balinese local wisdom is associated with efforts to protect the social security is the traditional safety agency has been an every Desa Adat in Bali i.e. *Pecalang* that is traditional security task force Balinese. A long time ago, the main *Pecalang* function is as a security ordering ceremonial/religious rituals. However, in its development, *pecalang* task is to maintain security and order in the village in order to realize.

First, *Sukerta Tata Agama* is to maintain security and order the religious being/human relationship to the God, among others secure the existence of sacred places (temples) and secure any religious activities unlike the ceremony/religious rituals security were performed by society citizen. Second, *Sukerta Tata Pawongan* is to maintain security and order life in the societies e.g. prevent and deal with fights between citizens, overcoming natural disasters that hit their village areas, prevent and mitigate theft. Third, *Sukerta Tata Palemahan* is maintaining security and environmental sustainability e.g. prevention and countermeasures against acts of vandalism/theft and pollution on forests, springs, lakes, oceans, and coastal areas.

In maintaining the security and order in the development increasingly complex society, *pecalang* task not only to maintain the security associated with the rituals and customs activities, but also related to the security in economic, social, and cultural. *Pecalang* as one of Desa Adat element has a very strong base in Desa Adat belonging, it gives access to *pecalang* taking a measure an appropriate and prompt in maintaining security and order in accordance with the society and tourists expectations.

Therefore, to further optimize in maintaining a security and order development then, coordination between *pecalang* and police in carrying out their duties, should be increased quantity and quality itself of cooperation. Regarding the partnership, the police type that "humane" (*humane policing*) (Satjipto Raharjo, 2002: 63) that police respect human dignity can be realized. It is empirically proved that the coordination between the police to *pecalang* has been shown maintaining a security and order, local level, nationally and internationally. For instance, the coordination success in maintaining the security of the PDI-P congress in 1998, Bali bombings courts, a leaders summit of ASEAN countries, rites/rituals, as well as other security activities.

Viewing the *pecalang* potential as a local wisdom in the traditional system is safety in order to create a society that is peaceful and orderly, the potential need to be revitalized in terms utilized primarily in terms of cooperation and coordination with agencies securing the country (*especially the police*) in security charge the way how to which the wise and prudent, good attitudes, non-arrogance, and non-violence, thus, the legal enforcement attitude will be a role model for the society. Protecting thereby are security and society order can be realized. So, Bali has an image the safety island is orderly, peaceful, with the population-paced life of harmony can be maintained.

Balinese society fully believes that the universe and everything on it were created by Almighty God so that they shall maintain and thank to the God. In addition, Balinese society strongly believe that the existing forest region of the village is a place for the Gods who protect their lives, and the flora and fauna is believed to be *due* (Gods property), which is a gift for happiness and prosperity their lives, so that no one dared disturb the place. The society believed that the Gods are always watching and will give punishment to anyone who dared to disturb the forest and the animals that live in there and gave a blessing to those who protect and maintain sustainability. The trust, the stronger grew among the societies with a variety of mythology and folklore associated with the existence of flora and fauna. Therefore, Balinese always preserved the forest and its contents in their villages.

In addition, through the beliefs and mythology, preservation and protection of nature and the environment, Desa Adat and Subak reinforced by customary legal norms consist in *awig awig*. The various procedures for nature and the environmental conservation, prohibitions and restrictions and sanctions for those who dare to disrupt and destroy the preservation of nature set in *Awig-awig* Desa Adat and Subak. So that, there is many places the organization's traditional role unlike Desa Adat and Subak in environmental protection and natural preserving more effective than the institutions/formal organization role.

Respecting Desa Adat Tenganan society in Karangasem, e.g. in preserving the environment, Desa Tenganan society has a local wisdom variety illustrated in *Awig awig*, folklore, as well as in ceremony/ritual. An environmental protection and preservation as expressly *Awig awig* in Desa Adat Tenganan included arranging on:

1. Felling the trees need a permission Ketua Adat (*adat leader*). Felling the trees should not be done haphazardly, logging should only be done to the trees on aging as low as 40 years. The new logging permits granted after a conducted research on the trees felled types.
2. The trees that may be planted and should not be planted, what trees should not be felled, which is a fruit should not be plucked directly from the tree, and how to pick cropping which are in rural areas. For example, prohibited picking/cutting a banana-bear first, the bamboo can only be harvested two rods in one clump, oil can only be

learned two sprigs in a tree, betel leaves only one cell, the *pangi* fruit, *durian*, nutmeg should only be taken unless it has been fall over themselves from the tree.

3. How does looking after the animals? Unlike, the prohibition took off pets such as pigs, cattle, buffalo, horses, goats in the fields and rice fields in Desa Tenganan region.
4. How to preserve water sources. Relating a ban on cutting the trees in the forest, is prohibited from conducting make a sugar and wine because it requires a lot of firewood.

On the one hand, through *awig awig* an environment preservation towards Desa Adat Tenganan is also conducted through myth or folklore, unlike *Lelipi Selahan Bukit* story. On the other hand, the story has become a role model in forest conservation, the environment and the natural resources that exist in their area.

Desa Adat Petulu similarly in Desa Adat Petulu, Ubud Sub-District, Gianyar, which is famous for the fauna preservation in hundreds of types of white storks perched on trees along the village roads are shady and beautiful, which makes the tourists are satisfied at this location. Desa Adat Sangeh in Badung regency, Desa Adat Kukuh in Tabanan regency which is famous for the forest preservation with hundreds of monkeys that live in there. In preserving, the flora and fauna, Desa Adat Petulu and Sangeh society have a local wisdom in *Awig awig*, folklore, and ceremonies/rituals.

In order to protect and keep storks preservation and the trees around Desa Petulu e.g. Desa Adat Petulu established some rules as outlined in *awig awig*, unlike the citizen's obligation to protect and care for their birds when they are sick. In order to impose sanctions on those who damage the cage, disturbing, shoot and kill white storks in Desa Petulu region. Similarly, the prohibition for Desa Adat Sangeh citizens and Kukuh not to cut the wood and kill the apes in the village forests.

Balinese society always maintain an existing forest area and its contents residing in the village, because they consider that a forest is a place for the Gods who protect their lives, flora and fauna that is therein is believed to be *due* (Gods properties), which is a gift for the happiness and welfare of their lives, therefore, no one dared disturb him. They believed that the Gods are always watching and will give punishment to anyone who dared to disturb the forest and the animals that live in there, and gave a blessing to those who protect and maintain their preservation. Desa Adat society belief, reinforced by *awig awig* at governing *sukerta tata palemahan*. In the *awig awig* are arranged on the procedure for nature and the environment preservation, as well as, the sanctions for those who dare to disturb and ruin it.

In addition, the efforts of Balinese for maintaining and preserving the natural environment and its contents i.e. the ceremonies/rituals, included *Upacara Tumpek Bubuh*, *Upacara Tumpek Kandang*, *Upacara Wana Kertih*, *Upacara Segara/Samudra Kertih*, and other ceremonies.

Tumpek Bubuh ceremony is also known *Tumpek Pengatag* e.g. a religious ceremony that is conducted every six months, on *Saniscara* (Saturday) *Kliwon Wariga*. The ceremony is performed as an offering to Sang Hyang Widhi Wasa/Almighty God, as a representation our gratitude and thanksgiving to the God of nature and vegetation. Regarding the ceremony symbolically herbs represented by plants that exist around settlements, usually selected crop plants due to coconut oil is a versatile plant in Balinese life. In a ceremony at vegetation, offering means a rice porridge. This offering consists of two important meanings i.e. 1) thanksgiving to *Dewa Sangkara* as the God Almighty manifestation becomes vegetation and 2) thanksgiving to the plant itself, due to the plants and herbs that humans can live and growing.

The ceremonies/rituals which imply the environment preservation is *Danu Kertih* and *Wana Kertih* i.e. the ritual that aims to preserve water sources such as springs and forests, lakes, rivers, and forests and its contents. Therefore, in the springs area, lakes, forests or mountains are generally built temples to maintain its sustainability spiritually. Lake, mountain, and forest for Balinese are considered as part of the upstream or the head, so that, the stretches amid Bali island from West to East is considered the upstream or the head, along the mountains, there are temples series (holy places) unlike Pura Besakih, Pura Lempuyang, Pura Batur, Pura Batukaru, Pucak Mangu, Pura Petali, Pucak Tedung, and other temples.

Hindus doctrine considers the mountain as the source of life and safety for the human beings lives, because of springs and mountain is flowing. Balinese Hindu society believes that is the top of the mountain is the place for Dewa Wisnu or Dewa Air. Therefore, this area should be purified, protected and preserved both by Hindus in Bali region at the north and south Bali region. The disturbances in areas considered holy or sacred places will have a great impact on the Balinese cosmology, particularly linked to trust the Gods holy place and the region guardians. In fact, it is a local wisdom that is very beneficial for the protection and preservation of natural resources in Bali island.

Whereas, the ceremony/ritual that is associated with the fauna preservation is *Tumpek Kandang* which is conducted every six months, i.e. *Saniscara Kliwon Uye*. The ceremony usually is conducted in the cattle shed the society has, e.g.

cowsheds, pigs, chickens, ducks, and so on. On *Tumpek Kandang* festival day, all Hindus in Bali held an offering to the *Dewa Pasupati/Sang Hyang Rare Angon* as a Almighty God manifestation as the animals of the Gods, as thanksgiving for creating animals that help people's lives, both to assist in agricultural work as well as the food that is needed by the humans. In addition, this ceremony as thanksgiving to the animal itself of their services to help the human life.

Local wisdom in the other rituals shapes that is related to environmental conservation aspects and its contents are *caru* and *tawur* ceremony. Through this ritual, it is expected to grow awareness of human moral environment that humans are born into a world of vast accompanied by the phenomena of the universe Almighty God creature, unlike the sun, moon, stars, earth, plants, and animals. Therefore, through this ritual human being reminded to always maintain and preserve the universe and its contents.

On the one hand, Balinese society is very aware of the importance of the nature rule, flora and fauna are nearby in order to connect its survival. It is caused the human duty to maintain the harmony with the natural world by showing compassion to maintain and preserve it. They are keenly aware that the natural potential influence on the human life and a vice versa of human behavior affect the preservation and destruction of nature itself. Between nature and the human beings have a very close relationship, the human can change the nature as well as nature can similarly influence the human life. A green environment, lush private distinction growing with the natural environment that is dry and barren.

On the other hand, in order to realize its function in the building, developing, and preserving traditional values Adat Bali and Balinese culture, *Desa Adat* using the doctrinal foundation of *Catur Dresta* (four rules) in an every step and motion i.e. *Sastra dresta*, *Loka dresta*, *Desa dresta* dan *Purwa dresta*. *Sastra dresta* are the basic rules derived from Hindu doctrine in the setting of principles a written legal concerning the society interests and is deemed inappropriate by the local society, unlike the legal principles contained in the books of *Purana*, *Sesana-sesana*, *Adigama*, *Kutara Manawa*, *Purwadigama*, *Agama*, and the other books.

Loka dresta habits or the rules that have been commonly used guidelines applicable in society life at one place/specific location, usually the kingdom area in the past. *Desa dresta* is provisions that are not written by Adat sector in the village, which only applies to the local *Desa Adat*. Whereas, *Purwa (kuna) dresta* is a habits and rules or guidelines that are used in the society life, inherited from generation to generation and is valid since antiquity. *Purwa dresta* usually concerning ethics in the association society. As the procedure of dressing when hanging out, and *pesangkepan* (village consultation meetings).

Catur Dresta is underlying the customs Bali, then appeared variations in life customs and culture in indigenous villages, which stated with the term *desa mawa cara*. It means that each indigenous village can carry or have its own way. In addition, the traditional village also recognizes the concept of *Desa Kala Patra* which is the concept underlying the Balinese culture. It identifies the concept of the adjustment process according to the place (*desa*), time (*kala*), and state (*patra*).

The existence of local wisdom which is represented in *Tri Hita Karana*, *Catur Dresta*, *Desa Mawa Cara*, *Desa Kala Patra* that are used as a grounding of *Desa Adat* in Bali. It causes can fluid its communication to outside or into accepting differences and according to a place factors, time, and circumstances. Thus, viewing of life, therefore, then appears a safe atmosphere, peaceful, orderly and in harmony in *Desa Adat* life. The living conditions provide a motivation emergence of art and culture that developed creatively. That is why the different forms of art appear in *Desa Adat* in Bali e.g. art of percussion, dance, sculpture, painting, literature, art and other sounds including religious art (*sacred art*), which has unique and individual peculiarities.

The meaning and the function of re-interpreting the potential of Balinese local wisdom as above described, it can be seen that the Balinese local wisdom has a high potential for the legal development. Therefore, the revitalization towards the meaning and the function of local wisdom in the legal development is necessary in order to support the development successful in the country.

3.3 The Potential Transformation of Local Wisdom in the Legal Development

The results showed that the legal enforcement weakness in this country is caused various problems includes:

- a. Bali Spatial which is based on *Tri Hita Karana* philosophy is less needed
- b. The buffer area is developed for hotels and other tourism businesses.
- c. Instead of less controlling the land use.
- d. The damage of beaches and the mangrove forests increasingly widespread.
- e. Depletion of water resources and the land.

- f. The damage and environmental pollution.
- g. The cultural values decline due to the commercialization swift current swept.
- h. The abuse occurrence of Hindu religious symbols.
- i. The religious values decline and the customs.
- j. Adat lands were sold a lot.
- k. The reduced freedom of beach using as a place for the religious ceremonial procession.
- l. The occurrence of unfair business competition.
- m. The tourism business investment uneven in Bali, thus, the tourism business development is concentrated Badung, Gianyar, and Denpasar.
- n. The investment inequality in economic development
- o. The crime increasing and prostitution.

The legal enforcement officials lack the ability to enforce the existing rules consistently, there are rules but not to run well. Lacking coordination among relevant agencies is not clear who could take action if there are violations. The rules as if loosely interpreted according to their intended. As an evidence of inconsistency in legal enforcement officers visible on the violations handling of the green line and grains worth it, well worth it and worth river shore/cliff. Unlike the result, public spaces e.g. parks, squares, forests, cliffs, land belonging to Desa Adat, even the temple area (Hindus sacred place) was the intake for the tourism sake. The damage prevention of the natural environment and culture can not be controlled by legal enforcement, so that it could threaten the tourism sustainability of industry itself.

The helplessness in legal enforcement has resulted in a wide range of society interests can not be accommodated, ranging from small and simple to large, and chronic conditions e.g. the case of Tanah Lot/BNR, Padang Galak of reclamation coastal, reclamation of Serangan Island, Peti Tenget, Merthasari, Pecatu Graha, Bukit Berbunga, and other cases. It raises the unresponsive attitude of society towards regulatory and legal enforcement, the society thinks that the legal product was display only and not implemented well. The regulatory is made to adhere by society only apparent because the regulations and enforcement are not in accordance with expectations. The rules are made and implemented are considered more priority to the economic development interests of the natural and preservation cultural.

There are some cases that are related to nature and culture preservation e.g the development case of Bali Nirwana Resort (BNR) near *Pura Tanah Lot* in Tabanan regency. The development received strong protests from all walks of Balinese society because the construction is considered to pollute the sanctity of *Pura Tanah Lot* as one time that was exalted by all Hindus in Bali. That's also the cases of villa building in a hilly area in the border of Buleleng and Tabanan district which is opposed its construction because the area is not a tourist area, however, just stop over, the slope of the land exceeds the rules and the land functions as a buffer waterworks in Bali. The destruction towards the land will lead to erosion that pollutes Beratan Lake and disrupts the hydrological system in Bali. However, the Local Government of Tabanan and Buleleng still issued the permits building for the Villa.

The natural resources management is for the tourism benefit that does not pay attention to the natural environment and the socio-cultural, and holy places damaging is for the religious social functioning, has sparked society opposition in order to defend their rights. However, the empirical reality so far has shown the people's voice nobody listens, is unlike *a dog howling wilderness of the sand* just the wind and the sand listened to it, *the caravan was still passed*.

On the one hand, unlike an exploitation result, the agricultural land resulted in the farmer's marginalization and the local population, especially in the Denpasar city. In Denpasar, Subak organizations that have become one of the Balinese culture pillars no longer exist. Due to the farmers suffered marginalization process, the culture that is supported by the life of agricultural participate marginalized. Due to Subak is no longer exist, the cultural values that exist in there will also fade. On the other hand, an empirical fact shows that the local wisdom proved to have the ability in managing and conserving the tourism commodity whether it is the natural attractions and cultural sights. By promoting local wisdom, it was nature and culture preservation is easier to do when compared to modern concepts enforced through government intervention. The role effectiveness to the local wisdom as *Desa Adat* and *Subak* role in protecting nature and culture preservation, in fact, it far exceeds the role of formal institutions/governments.

Desa Adat and *Subak* in various devices unlike *Prajuru Adat*, *Pecalang*, *Sabha Desa* and *Sabha Kertha* is a traditional institution has a very important role in nature and culture preservation in Bali. *Desa Adat* and *Subak* activities based on and inspired by local wisdom in the form of value i.e. *Tri Hita Karana*, *Desa Kala Patra*, *Tri Mandala*, *Yadnya*, *Karma Phala* are actualized in the form includes: *Awig-awig*, *Perarem* and *Paswara* that consist of various legal governing about *Sukerta Tata Parhyangan* that is the rules regarding the relationship to the Almighty God, *Sukerta Tata Pawongan/Pakraman* i.e. the rules on the relationship of humans to the human/social environment, and *Sukertha tata Palemahan* i.e. the rules regarding the humans with the natural environment.

As an evidence of the effectiveness of the local wisdom role in the nature and culture protection and conservation, can be seen from the success showing by *Desa Adat* in the management and preservation of tourism in places e.g. Desa Tenganan Pegriingsingan object in Karangasem, Desa Pengelipuran in Bangli, Goa Lawah in Desa Pesinggahan, Klungkung regency, Burung Bangau Putih in Desa Petulu Gianyar, Flora and Fauna in Desa Sangeh, Badung regency and Desa Kukuh, Tabanan, and more tourism objects that are found various forms the local wisdom societies both in the form included value/concept, ceremony/rituals, myths, *awig awig* or in the form of organization traditional social institutions. In order to know the reality unlike above described that is a local wisdom to function effectively in managing and regulating the social life, the nature and culture preservation as a tourist attraction, it is natural for Bali area as one of the major tourist destinations in Indonesia Midsection, need to review Regulation regions in Tourism which is not in accordance with developments in the society. Innovating the regulations need to be done by creating new rules based on the values and aspirations of the legal that lives and thrives in the society. It defines that the local wisdom is crucial accommodated in Bali, transformed, and used as a source or material in the local regulation manufacture, so that, the rules strictly is made in accordance with Balinese cultural values.

Thus, the rules are expected to be effective in supporting Balinese tourism development. By transforming the indigenous local regulation potential, of course, the rules would be selected and adhered by the societies, due to the rules would be understood and perceived usefulness by the society. Therefore, society feels become compelled to obey them and feel they have the same opportunities and the widest in the legal development in the region. Thus, the regional regulation could better serve as a tool or means of supporting development. It means that the Regional Regulation will be a conduit direction towards the desire developing activities by the societies. Therefore, the legal will be used as a tool in opening new paths and channels in organizing activities developing so that it can take place smoothly and orderly, especially, in the global competition facing. As well as, the regulation is if it is not accompanied by legal enforcement is good then that rule would have no meaning. Although, it has accommodated regulations and compliance with legal values that live in the societies, not just guarantee that the legal will be running and functioning properly. The regulation would mean less if the legal enforcement aspect can not working properly.

Therefore, the local wisdom potential is related to legal enforcement like behavior e.g. *Prajuru Desa/Subak, Sabha Desa, Sabha Kertha dan Pecalang* need to be transformed, synergized, and coordinated with the legal enforcement formal in carrying out legal enforcement duties in a manner that is wise and prudent, far from the attitudes of dishonesty, injustice, arrogance and violence, so that legal enforcement attitude and the boards will be role models for the society. Thus, the local wisdom in both the traditional institutions as well as in the formal institution functions optimally in supporting the legal development.

4. Conclusion

- a) Balinese society local wisdom has a high potential for legal development, even more in the legal substantive development and the legal structure, as well as a legal culture. It has shown to have a role and capabilities that are effective in protecting the tourism commodity sustainability, moreover, the protection and preservation of the natural attractions, as well as the protection and preservation of cultural attractions. The local wisdom role and capabilities often exceeding the role and capability of formal institutions/governments.
- b) The revitalization of Balinese society local wisdom in the substantive legal development, the legal structure, and legal culture is done by utilizing *Desa Adat* organizations staff performance unlike *Bendesa, Kelihan, Pecalang* at doing a cooperation and coordination with government agencies, especially, state legal enforcement (police, prosecutors, judges) in carrying out the task in a manner that is wise and prudent, have a good attitudes, non-arrogance and violence, so that, the legal enforcement attitude will be a role model for the society. Thereby, in protecting the security and society order can be realized. Therefore, Bali image becomes a safe island, orderly, peaceful, with the population-paced life of harmony can be preserved.
- c) Balinese society local wisdom potential is transformed to accommodate a regional legal both Local Regulation of Provincial and Local Regulation on District Level and State. Due to the actual functioning of local wisdom is very effective in managing and regulating the social life, nature and culture preservation, so that, the rules made strictly in accordance with the cultural values to Balinese society. Thus, the rules are expected to be effective in supporting development in Bali area.

Suggestion

- a) The local government immediately needs to design a new paradigm in legal development with the potential orientation of local wisdom that lives and thrives in the local society. Due to the effectiveness of the local wisdom role as *Desa Adat*, *Subak*, *Awig-awig*, *Prajuru*, *Pecalang*, dan *Sabha Kertha* has been shown to protect the sustainability of the tourism community. The local wisdom effectiveness often exceeds a role of institutions/governments.
- b) *Desa adat* and *Subak* is the main pillar in protecting, maintaining, and preserving the Balinese local wisdom. It defines that the existence and preservation of Balinese society local wisdom are highly dependent on the indigenous existence of *Desa adat* and *subak*. Therefore, in supporting the tourism development, *Desa adat* and *subak* empowered as possible as.
- c) The findings of this study on Balinese society local wisdom potential in the legal development, need to be followed up by further research and local wisdom studies other areas throughout the country. The research and this study need to be done given the local wisdom proved to be quite effective in providing protection and preservation of natural and cultural local society.
- d) In the revitalization process and local wisdom potential transformation, the need for institutionalization of local wisdom by the Local Government.

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Statement of authorship

The author(s) have a responsibility for the conception and design of the study. The author(s) have approved the final article.

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