

## Arrangement and Implementation of Tri Hita Karana and Sad Kerthi in Awig-Awig Subak Anggabaya (Penatih Village, East Denpasar District, Denpasar City)

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### Abstract

*Tri Hita Karana (THK) is a philosophy, where if we want to live happily, then we must build harmony with God Almighty, as the Creator of the universe (Parhyangan), build harmony with others (Pawongan), and build harmony with nature. (Paringan). Presumably, all human beings want happiness and live in harmony. Apart from the Tri Hita Karana concept, currently the Sad Kerthi concept is being popular among Balinese people. The concept of Sad Kerthi is very interesting to study. Especially if the study is carried out in the Subak system. It's interesting because Subak is an ancestral heritage that still exists today in modern society. A study of Sad Kerthi on Subak will show the extent to which Subak is able to implement Sad Kerthi. On the other hand, it is also true how big the influence of the Sad Kerthi concept is in efforts to stabilize Subak. So the study carried out will show Subak's resilience which is backed up with local wisdom. Thus, the formulation of the problem in this research is how the Tri Tri Hita Karana and Sad Kerthi are regulated in the awig-awig Subak Anggabaya, and how is the implementation of the Tri Hita Karana and Sad Kerthi regulated in the awig-awig Subak Anggabaya. The type of research in this scientific writing is empirical legal research, namely research using field data as the main data source, such as the results of interviews and observations. The approach that the author uses in this research is a legal sociology approach. The legal sociology approach is an approach that analyzes how reactions and interactions occur when the norm system works in society with data sources, namely primary and secondary data. The arrangement of Tri Hita Karana in awig-awig Subak Anggabaya is reflected in the elements of Tri Hita Karana, namely the parhyangan aspect, the pawongan aspect and the palemahan aspect. The provisions of the articles in the awig-awig Subak Anggabaya regulate these three aspects. Meanwhile, the Sad Kerthi arrangements consisting of atma kerthi, ocean kerthi, wana kerthi, dhanu kerthi, jana kerthi, jagat kerthi are not fully regulated. Overall, the implementation of Tri Hita Karana at awig-awig Subak Anggabaya went well. Although there are several norms whose implementation has been modified and do not work.*

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## 1. INTRODUCTION

Legally, constitutionally, the recognition of the existence of Indigenous Peoples (Customary Law Communities) has been stated in the body of the 1945 Constitution after the amendment, namely in Article 18B paragraph (2) which states that "The State recognizes and respects customary law community units and their traditional rights, as long as it is still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law." These provisions are the legal basis for indigenous communities to carry out their customary legal system autonomously.

Apart from the Tri Hita Karana concept, currently the Sad Kerthi concept is being popular among Balinese people. This cannot be separated from the fact that the term Sad Kerthi is used as the Vision of the Bali Provincial Government, namely "Nangun Sad Kerthi Loka Bali". In principle, this vision has the meaning of maintaining the purity and harmony of Bali's nature and its contents, to create a prosperous and happy Balinese life at all times. Sad Kerthi consists of two words, namely sad, which means six, and kerthi, which means efforts to maintain purity or maintain balance, all of which are closely related to each other. Based on this understanding, Sad

Kerthi has six elements, namely Jana Kerthi, Jagat Kerthi, Samudra Kerthi, Wana Kerthi, Danu Kerthi, and Atma Kerthi.

The concept of Sad Kerthi is very interesting to study. Especially if the study is carried out in the Subak system. It's interesting because Subak is an ancestral heritage that still exists today in modern society. A study of Sad Kerthi on Subak will show the extent to which Subak is able to implement Sad Kerthi. On the other hand, it is also true how big the influence of the Sad Kerthi concept is in efforts to stabilize Subak. So the study carried out will show Subak's resilience which is backed up with local wisdom.

Based on the discussion above, it seems necessary to conduct research on the arrangements for Tri Hita Karana and Sad Kerthi as well as the implementation of awig-awig in a subak. It should be noted that Subak Anggabaya is one of the sustainable subaks in Denpasar City. Therefore, this research was carried out in Subak Anggabaya, Penatih Village, East Denpasar District, Denpasar City. In this way, it will be possible to know how far awig-awig is implemented in this sustainable Subak. Furthermore, it can be anticipated that the concept of sustainable subak in Subak Anggabaya can continue and can be controlled.

### **Formulation of the problem**

Based on the background of the problem that has been described, the problem can be formulated as follows.

1. What are the arrangements for Tri Hita Karana and Sad Kerthi in awig-awig Subak Anggabaya?
2. How is the implementation of Tri Hita Karana and Sad Kerthi regulated in the awig-awig Subak Anggabaya?

### **Research purposes**

The research objectives of this scientific writing are:

#### **1. General purpose**

- a. For developments in increasing legal knowledge.
- b. To train oneself in an effort to express scientific thoughts in writing.
- c. To understand more comprehensively the arrangement and implementation of Tri Hita Karana and Sad Kerthi in an awig-awig.
- d. It is hoped that this research can increase insight and deepen legal knowledge in general and the field of customary law in particular.

#### **2. Special purpose**

- a. Examining and analyzing the arrangements of Tri Hita Karana and Sad Kerthi in awig-awig Subak Anggabaya.
- b. Study and analyze the implementation of Tri Hita Karana and Sad Kerthi which are regulated in the awig-awig Subak Anggabaya.

### **Benefits of research**

The benefits of research in this scientific paper can be divided into two, namely theoretical benefits and practical benefits which can be described as follows.

#### **1. Theoretical Benefits**

- a. It is hoped that the research results can provide an academic contribution to the development of legal science, especially in the development of customary law science
- b. Providing additional knowledge for law students to enrich the literature on the concepts of Tri Hita Karana and Sad Kerthi in awig-awig subak.

#### **2. Practical Benefits**

- a. For the government to be able to make certain policies so that the implementation of awig-awig in Subak Anggabaya can be carried out as well as possible, so that Subak Anggabaya as a sustainable subak can continue.
- b. For Subak Anggabaya to find out about the extent of the implementation of awig-awig in its Subak area, and the various problems that need to be anticipated in the process of implementing awig-awig in Subak.

- c. For other researchers, to be able to encourage further research, with the aim that Subak Anggabaya can continue as a sustainable subak.

## 2. RESEARCH METHOD

The type of research in this scientific writing is empirical legal research, namely research using field data as the main data source, such as the results of interviews and observations. Empirical research is used to analyze law which is seen as patterned social behavior in people's lives which always interact and relate in social aspects. Empirical juridical research is legal research regarding the application or implementation of normative legal provisions in action at each specific legal event that occurs in society. This research is called empirical legal research because the author conducted research to examine the implementation of Tri Hita Karana and Sad Kerthi in awig-awig Subak Anggabaya.

The approach that the author uses in this research is a legal sociology approach. The legal sociology approach is an approach that analyzes how reactions and interactions occur when the norm system works in society. Apart from that, there is also a sociological approach to law. This approach is constructed as a steady, institutionalized community behavior that has social legitimacy.

Data and information that have been collected from research results, both interviews with sources and literature studies, are then analyzed descriptively qualitatively, namely a data analysis method by grouping and selecting data obtained from research according to its quality and truth. Then the data is connected to theories and laws and regulations obtained from document studies, so that answers to the problems in this research are obtained.

## 3. DISCUSSION

### 1. Arrangement of Tri Hita Karana and Sad Kerthi in Awig-Awig Subak Anggabaya

#### a. Tri Hita Karana

*Tri Hita Karana* is one of the local wisdoms of the Balinese people which has long been the basic basis for managing the Subak system. Likewise, Subak Anggabaya still prioritizes the values of Tri Hita Karana. This can be seen from Subak Anggabaya's awig-awig who uses Tri Hita Karana as the basis for formulating article by article. A harmonious and harmonious relationship and connection between the macrocosm and the microcosm in the context of Subak is the beginning of the realization of peace and tranquility. This is the main objective in creating and determining awig-awig intended for Subak residents. Awig-awig are rules for seeking the truth, and all Subak members can understand, as well as implement, the mandate contained in the awig-awig.

As previously explained, Tri Hita Karana consists of three elements, namely parhyangan, pawongan, and palemahan. The arrangement of the three elements of Tri Hita Karana in awig-awig Subak Anggabaya can be described as follows.

#### i. Parhyangan

In the awig-awig Subak Anggabaya it is explained that the parhyangan aspect includes all sacred buildings to glorify the subak, as a place to worship the omnipotence of Ida Sang Hyang Widhi Wasa/ Almighty God, who is the soul or breath of the subak. Parhyangan can be interpreted as a harmonious or balanced relationship with God. The regulation of the parhyangan aspects of the Subak awig-awig is intended so that every Subak member always maintains the sanctity of the Subak Temple or sacred buildings in Subak and carries out all religious ceremonies.

Realizing the importance of the parhyangan aspect of Subak, awig-awig Subak Anggabaya regulates this in quite detail. There are many provisions or articles related to the parhyangan aspect. There are five articles related to the parhyangan aspect. The arrangements include sacred buildings in Subak, implementation of religious ceremonies, and financing of religious ceremonies and noetic activities. These provisions are Article

15 paragraph (1), Article 17 paragraph (1), paragraph (2) and paragraph (3), Article 18 paragraph (1), paragraph (2), and paragraph (3), Article 20 paragraph (1), and Article 26 paragraph (2).

## ii. Pawongan

The norm for the pawongan aspect of the Subak Anggabaya awig-awig is a norm that has more regulations than the parahyangan and palemahan aspects. This is natural, because Subak is an organization. As an organization, of course there are interactions that occur between Subak members. It is also very important to regulate the obligations and rights of Subak members as well as the organizational system so that there will be no quarrels later.

Awig-awig Subak Anggabaya has formulated provisions regarding the pawongan aspect very well. There are 15 articles related to the pawongan aspect. These articles are Article 5 paragraph (1), paragraph (2), and paragraph (3), Article 6 paragraph (1), paragraph (2), Article 7 paragraph (1), paragraph (2), Article 8 paragraph (1), paragraph (2), and paragraph (3), Article 9 paragraph (1), paragraph (2), and paragraph (3), Article 10 paragraph (1) paragraph (2), and paragraph (3), Article 11 paragraph (1), Article 12 paragraph (1), paragraph (2), and paragraph (3), Article 13 paragraph (1), paragraph (2), paragraph (3), Article 15 paragraph (1), Article 16 paragraph (1), paragraph (2), paragraph (3), and paragraph (4), Article 30 paragraph (1), paragraph (2), paragraph (3), Article 31 paragraph (1), paragraph (2), and paragraph (3), Article 32 paragraph (1), paragraph (2), paragraph (3), paragraph (4), and paragraph (5), and Article 33 paragraph (1), paragraph (2), paragraph (3), and paragraph (4).

## iii. Paringan

In the Subak Anggabaya awig-awig it is stated that the palemahan includes the rice field area along with its contents and living creatures in it, which is positioned as the physical body of the Subak institution. Paringanis part of the Tri Hita Karana philosophy which often means a harmonious relationship between humans and their natural environment. Pabelasan is a teaching that teaches humans to maintain the sustainability and balance of nature. In this way, the ecosystem will remain maintained.

Aspect settings palemahan in Subak Anggabaya it is important to do this. This can preserve the subak area. So that Subak Anggabaya can continue to exist. The articles that regulate the palemahan aspect are Article 16 paragraph (3), Article 19 paragraph (1), paragraph (2), and paragraph (3), Article 21 paragraph (1), paragraph (2), and paragraph (3), Article 22 paragraph (1), Article 23 paragraph (1), paragraph (2), Article 24 paragraph (1), paragraph (2), and paragraph (3), Article 25 paragraph (1), paragraph (2), and paragraph (3), Article 26 paragraph (2), Article 27 paragraph (1), paragraph (2), and Article 29 paragraph (1), paragraph (2).

## b. Sad Kerthi

Asih Punia's development philosophy as a form of devotion to God contained in the Balinese Lontar Purana is the embodiment of Sad Kerthi. In the Balinese Lontar Purana, Sad Kerthi is written separately so that the word means six noble behaviors that are manifested in building Bali. If the Sadkerti writings are one, then the word Sad is actually Sat which means truth and Kerthi means noble behavior. Because if the word Sat is in Sandikan, there are living characters in front of it and it is followed script gutural then Sat becomes Sad. But if you separate it again, Sad returns to Sat. Indeed, in the Balinese Lontar Purana there are six concepts that should be developed regarding natural life and the environment as well as human life, both individually and collectively. The six things in the Balinese Lontar Purana are Atma Kertih, Samudra Kertih, Wana Kertih, Danu Kerti, Jagat Kerti and Jana Kerti. The existence of these six things in development must be balanced.

### i. Atma Kerti

*Atma Kerti* is a life's effort to always strive so that the enlightenment that is always radiated by God from all corners can connect or meet with the radiance of the purity of the Atman which also always radiates from within Bhuwana Alitor from within humans. The Panca Maya Kosa structure is an ideal structure normative as stated in the Taiteriyā Upanisad 2 literature, Sang Hyang Atma will be Wisesa. Panca Maya Kosa is Anna Maya Kosa, Prana Maya Kosa, Mano Maya Kosa, Wijnyana Maya Kosa and Ananda Maya Kosa. This means that food brings good energy, good energy produces a wise and intelligent mind. Ultimately, the normative ideal process brings happiness or Ananda Maya Kosa.

That is the goal of Atma Kerti, which causes the purity of the Atman to radiate enlightenment not prevented from reaching Savita which is always emitted by Brahman throughout the ages without ceasing as stated above. Based on this description or explanation, it can be concluded that Atma Kerthi is an effort to maintain the purity of the Atma through certain ceremonies. The provisions in the awig-awig subak anggabaya relating to Atma Kerthi are Article 17 paragraph (2).

### c. Kerthi Ocean

Prof. Dr. Emil Salim stated that in high-income countries, symptoms are occurring, namely: a shift in consumption patterns from fulfilling needs to fulfilling desires. Signs of damage to the surface of the earth have spread widely, as can be seen in the facts where there are ten symptoms of damage to the surface of the earth that increasingly require attention. One of the damages to the surface of the earth is rising sea levels throughout the earth due to rising earth temperatures as a continuation of global climate change. Because the sea is used intensively as a means of transportation, the sea surface also suffers from the impact of pollution from ships that dump their dirty cargo (ballast) into the sea. There are also industrial businesses that secretly dump dirty waste into the sea. Like hotel businesses, laundry businesses secretly throw very dirty waste into the sea in a clandestine manner.

Likewise, people throw rubbish into rivers and rivers wash waste in the form of rubbish into the sea. There is also a habit of people throwing rubbish into the river and when it rains and there is a flood the river washes the rubbish into the sea and the sea becomes dirty. Therefore, we all need to remember the teachings of Samudra Kerthi to remind us all to preserve the ocean so that the existence of Samudra remains dynamic in accordance with the law of RT. Because the function of the ocean is stated as a natural source that gives life to all of God's creatures. Based on this description, it can be concluded that Samudera Kerti means efforts to maintain the sanctity or preservation of beaches and oceans. We carry out Ocean Kerti on a regular basis by maintaining the cleanliness of the beaches and sea, as well as the various natural resources within them. Because the ocean plays an important role in life on this earth. In the Subak Anggabaya awig-awig there are no provisions governing the Kerthi Ocean or relating to beaches and oceans. In the Subak system, irrigation comes from rivers. So the regulation is only limited to the water flow.

### iii. Wana Kerthi

*Wana Kerti* is one part of Sad Kertih which is a Hindu teaching in Bali whose source can be traced to the Balinese Purana palms. Literally, Wana Kertih means efforts to maintain the sanctity and preservation of forests. Forest in the Bhuwana Kosa VIII palmyra. 2-3 are said to be sources of natural purification where patra (plants) and pertiwi (soil) are the melting pot of all dirty things in this world.

Balinese Hindu society has many concepts, especially in purifying and preserving nature. Apart from being familiar with the concept of Tri Hita Karana, the Balinese Hindu community is also familiar with the concept of Wana Kertih which is part of Sad Kertih. We often encounter the implementation of Wana Kertih in the phenomena and activities of Balinese Hindu society, including the tumpek wariga ceremony and the use of poleng shawl on trees. The provisions in awig-awig subak anggabaya relating to Wana Kerthi

are Article 18 paragraph (3), Article 19 paragraph (1), paragraph (2), and paragraph (3), and Article 20 paragraph (1).

#### **iv. Dhanu Kerthi**

In the Balinese Purana palms there are Sad Kerthi teachings, namely six things that must be preserved. One of them is Dhanu Kerti. This means that Hindus are taught by their sacred teachings to protect their water sources, such as lakes that collect rainwater. In preserving water sources in the Sad Kerthi teachings there is also Wana Kerti, namely efforts to preserve forests, because dense forests will be able to accommodate rainwater that flows into the sea.

The Dhanu Kerthi ceremony is a ritual that has a great influence on the universe because it has very high religious value. The mecaru ceremony clearly aims to neutralize the magical powers that exist in the universe. Especially in the global era, human behavior does not care about the environment. With the Kerthi Lake Ceremony we invite feelings of environmental concern from all levels of society. So that all people care about the environment and know the purpose of their ancestors passing down this religious culture. Danu Kerthi is an effort to maintain the purity or preservation of water sources such as rivers or lakes. Thus, we must support this step to maintain the balance of nature, especially the water ecosystem. The provisions in awig-awig subak anggabaya relating to Danu Kerthi are Article 21 paragraph (1), paragraph (2), and paragraph (3), Article 22, Article 23 paragraph (1) and paragraph (2).

#### **v. Jana Kerthi**

*Jana Kerthi* is an important part of Sad Kerthi. Jana Kerthi covers the micro dimension, namely humans themselves. This micro dimension is important because the balance of the universe (macrocosm) and everything in it really depends on the attitudes and characteristics of the humans who live and live in it. Vice versa, the natural environment and social environment are platforms that have a great influence on the formation of human attitudes and character. Natural environment and an unbalanced social environment will influence the imbalance in human mental and psychological conditions.

*Jana Kerthi* interpreted as the glory or fame of human behavior. Jana Kerthi is also interpreted as a man who has noble behavior in his life. This noble behavior will be realized if humans know the nature and purpose of life as a human according to the teachings of Hinduism, and understand the ethical, aesthetic and religious values contained in literary texts. This noble behavior is built through a sakala (empirical) and noetic (non-empirical) approach. This is in accordance with the dualistic worldview of Hindus in Bali who cannot separate the concepts of sakala and niskala and consider both as one unified reality. The provisions in awig-awig subak anggabaya relating to Jana Kerthi are Article 4 paragraph (1) and paragraph (2), Article 5 paragraph (1), paragraph (2), paragraph (3), Article 6, Article 7 paragraph (1) and paragraph (2).

#### **vi. Jagat Kerthi**

*Jagat Kerthi* means an effort to maintain the purity or harmony of relations between all creatures. On a regular basis, we carry out Jagat Kerthi with tolerance, mutual respect, and mutual help and guard harmonious social relations. This also includes maintaining the natural habitat of wild animals, not disturbing haunted places, etc. We start from the smallest scope, namely our own family and home first. Then we expand it to neighbors and neighborhoods, offices and workplaces, and so on it expands even more.

In noetic terms, we carry out Jagat Kerthi by carrying out Bhuta Yadnya, namely yadnya held for sarwa bhuta, namely noetic creatures of the lower world, animals and plants, as well as elements of the universe and their power dynamics. For example, by offering segehan, mecaru, and so on. To soothe the forces of darkness so that they become peaceful and harmonious. The provisions in awig-awig subak anggabaya relating to jagat kerthi are Article 18 paragraph (3).

## 2. Implementation of Tri Hita Karana and Sad Kerthi in Awig-Awig Subak Anggabaya

In simple terms, implementation can be interpreted as implementing or applying. Browne and Wildavsky stated that "implementation is the expansion of activities that adapt to each other". According to Syaokani et al, implementation is a series of activities in order to deliver policies to the community so that the policies can bring the expected results. This series of activities includes, Firstly, the preparation of a set of further regulations which are an interpretation of the policy. Second, prepare resources to drive implementation activities including facilities and infrastructure, financial resources and of course determining who is responsible for implementing the policy. Third, how to convey policy concretely to society.

### a. Tri Hita Karana

Tri Hita Karana is a teaching that teaches humans to strive for a harmonious relationship with God, fellow humans and the natural environment. Awig-awig Subak Anggabaya firmly bases Tri Hita Karana as a philosophical basis. Therefore, the implementation of awig-awig Subak Anggabaya can be reviewed based on Tri Hita Karana which has elements of parahyangan, pawongan, and palemahan. The following is the implementation of awig-awig Subak Anggabaya based on the parahyangan aspect, the pawongan aspect, and the palemahan aspect.

#### i. Parhyangan

In general, the implementation of norms regarding the parahyangan aspect runs according to the provisions. However, there are several provisions which have been modified in implementation. For example, related to the piodalan ceremony. The piodalan ceremony at the Subak temple/sacred building is still held once every six months in accordance with the provisions, but once a year a piodalan ceremony is held on a large scale. Likewise with Article 17 paragraph (3) Awig-Awig Subak Anggabaya which in principle states that the costs for the construction of Subak sacred buildings and piodalan are borne by Subak members. For implementation, there is assistance or donations from the Denpasar City Government regarding this matter. Apart from the piodalan ceremony and financing, there is also one norm that cannot be fully implemented, namely regarding seclusion (article 26 paragraph (2) letter c). This is because there is a rice field belonging to Subak residents that has not been planted for several seasons. Prajuru Subak has followed up on this problem by taking various approaches, but there has been no response from the rice field owner.

Of the five articles relating to the parahyangan aspect, there is one norm that has not yet been implemented, namely Article 20 paragraph (1) letter a. This provision stipulates that "Husband and wife who live together must carry out the Ngantukang Betara Sri ceremony, and are subject to a fine according to the rules/consensus". The sanctions in these provisions cannot yet be implemented because there are no residents living/building buildings in the Anggabaya subak area to date. This means that implementation of Article 20 paragraph (1) letter cannot be carried out because there is no violation of this norm, not because there are obstacles to implementing it.

#### ii. Pawongan

The implementation of the Subak Anggabaya awig-awig norm for the pawongan aspect has gone well. The results of the research show that the implementation of the norms for the Pawongan aspect is divided into three, namely going well, there are modifications due to a policy, and not running because the events in the norms have never happened.

Norms that have been running well include Article 5 paragraph (1), paragraph (2), and paragraph (3), Article 6 paragraph (2), Article 7 paragraph (1) and paragraph (2), Article 8 paragraph (1) and paragraph (3), Article 9 paragraph (1), paragraph (2), and paragraph (3), Article 10 paragraph (1), paragraph (2), and paragraph (3), Article 11 paragraph (1) letter a, b, and c, Article 12 paragraph (1), paragraph (2), and paragraph (3). Furthermore,

Article 13 paragraph (1), paragraph (2), and paragraph (3), Article 15 paragraph (1) and paragraph (3), Article 16 paragraph (1), Article 30 paragraph (1), paragraph (2), and paragraph (3), Article 31 paragraph (1), paragraph (2), and paragraph (3), Article 32 paragraph (2), paragraph (3), and paragraph (5), Article 33 paragraph (4).

The norm whose implementation has been modified is Article 8 paragraph (2) which states that "Helpers/Persons Accompanying Pekaséh Are:"

- a) *Deputy Pekaseh.*
- b) *Secretary I*
- c) *Secretary II*
- d) *Treasurer*
- e) *Munduk Chiefs*
- f) *Messenger Officer.*

In its implementation there are additional helpers/accompanying the Pekaseh, namely the Pangliman who is in charge of managing the water and religious ceremonies.

Norms that cannot yet be implemented because the events in these norms have never occurred are Article 5 paragraph (2) letter d, Article 6 paragraph (1), Article 30 paragraph (4), Article 32 paragraph (1) and paragraph (4), Article 33 paragraphs (1), paragraphs (2), and paragraphs (3). When mapped, norms what is not running is related to fines, disputes and confiscation due to non-payment of contributions/fines. Regarding fines, Article 5 paragraph (2) letter d states that "if you violate as stated in paragraph (1), then in terms of work you will be charged a fee, and (2) those who do not pay taxes will be subject to a fine." Until now, this provision has not been implemented because there has never been a violation by Subak members. Likewise regarding Article 32 paragraph (1), fines are never imposed on Subak members because every member obeys the Subak awig-awig.

In relation to disputes, Article 6 paragraph (1) states that "*receive protection from the management in the form of defense in a dispute, in order to achieve the goals to be achieved*". This provision cannot be implemented because to date no Subak member has ever asked for protection from the Subak management regarding disputes. Meanwhile, Article 30 paragraph (4) states that "if the decision at the Subak level is not approved, then the dispute will be continued to the competent authorities/government". These norms cannot yet be implemented because every decision at the subak level related to disputes is always accepted by subak members. So, disputes do not need to be escalated to the authorities/government.

Regarding confiscation, Article 33 paragraph (1), paragraph (2), and paragraph (3) in principle regulates confiscation due to failure to pay dues or fines, the mechanism of confiscation and the obligations of citizens who are confiscated. This norm cannot yet be implemented because confiscation has never occurred in Subak Anggabaya. So, norms do not work because the events stated in the norms have never happened, not because there are obstacles in implementing them.

### **iii. Paringan**

Implementation of the provisions regarding weakening aspects is generally going well. However, there are several provisions that have been modified and cannot be implemented. Norms that have been running well include Article 16 paragraph (1), Article 19 paragraph (1), paragraph (2), and paragraph (3), Article 21 paragraph (1), paragraph (2), and paragraph (3), Article 22 paragraph (1), Article 23 paragraph (1). Furthermore, Article 24 paragraph (1) and paragraph (3), Article 25 paragraph (1), Article 26 paragraph (2), Article 27 paragraph (1), and Article 29 paragraph (2).

The norms whose implementation is modified include Article 24 paragraph (1), Article 25 paragraph (1), and Article 29 paragraph (1). Article 24 paragraph (1) states that "*Apart from using padidél (local rice) or cicih (new rice) seeds according to Subak customs, to increase production, you must follow the government's advice to plant superior rice seeds*



that are resistant to planthopper pests. In its implementation, in increasing production, the use of seeds is more regulated by the Subak members themselves, but if there are seeds that are attacked by pests, they will report them to the government. This implementation shows that reporting or advice from the government is carried out only if there are seeds that are attacked by pests. Article 25 paragraph (2) states that "When the rice plants are about to bear fruit, it is necessary to install sunari in the rice fields (bamboo that is hollowed out like a flute, and when blown by the wind, it can make a melodious sound). The aim is to increase rice production." In its implementation, we prefer to use lelakut or scarecrows, but if there is a competition, sunari will be used. This implementation shows that sunari is only installed during competitions. If there is no competition, they tend to use lelakut.

Article 29 paragraph (1) mandates that "Subak members who sell rice fields are not permitted to sell up to the Subak irrigation canal which has existed since ancient times." In practice, Subak members can buy and sell rice fields, if the rice fields are still used as farming/rice fields. The modification that occurs is that the norm does not state the purpose of selling rice fields, whereas in practice, rice fields can only be sold if the person who buys them continues to use them as agricultural land/rice fields.

Norms that cannot be implemented include Article 23 paragraph (2), Article 25 paragraph (3), and Article 27 paragraph (2). Article 23 paragraph (2) states that "Subak members who do not have running water are required to plant secondary crops." This provision cannot be implemented because every member of the subak has received a fair flow of water. Apart from that, the planting of secondary crops it is simultaneously carried out by Subak members. Based on the implementation of Article 23 paragraph (2), it is necessary to review the formulation of these norms, especially regarding the phrase "required to plant secondary crops". This is because the planting of secondary crops is carried out simultaneously in Subak Anggabaya without paying attention to water flow.

Article 25 paragraph (3) states that "When reaping or cutting rice, so that too many rice grains are not wasted and scattered around, a Panigtigan Pangebrosan (a tool for sorting rice grains) must be made according to the existing instructions." In its implementation, currently Subak members cut rice using Dores machines because the yields produced are large, apart from that it shortens time and is practical. In this regard, specifically Article 25 paragraph (3) needs to be revised by including the phrase "dores machine", so that the provisions become more concrete.

Furthermore, Article 27 paragraph (2) mandates that "Whoever commits such acts stated in Paragraph (1), and causes the rice field owner to suffer losses:

- a) Subject to a fine according to mutual agreement
- b) By detaining or plundering animals that destroy crops."

In practice, there are no fines or detaining animals that damage plants, but only warnings and discussions as a family. Article 27 paragraph (2) does not need to be revised, because the formulation of this provision is important to maintain. With the aim of anticipating if a family approach cannot solve the problem.

## **b. Sad Kerthi**

The substance of Hinduism to guide its adherents to practice compassion for nature and compassion for fellow human beings as a form of devotion to God is described in the Balinese Lontar Purana. called Sad Kerthi are six noble things that must be done to develop nature and humans. These six noble things called Sad Kerthi were created by the Governor of Bali, Wayan Koster, to become: Nangun Sat Kerti Loka Bali. The essence of Sad Kerti is six, namely: Atma, Samudra, Wana, Danu, Jagat and Jana Kerti. But in the next process it can develop to be clearer. The following is the implementation of Sad Kerthi on awig-awig Subak Anggabaya.

### **i. Atma Kerthi**

Based on the implementation of the provisions regarding aspects of Atma Kertha, in general it has gone well. However, there are several provisions that have been modified and cannot be implemented. Norms that have been running well include Article 17 paragraph (2).

#### **ii. WanaKerthi**

Based on the implementation of the provisions regarding the Wana Kertha aspect, in general it has gone well. However, there are several provisions that have been modified and cannot be implemented. Norms that have been operating well include Article 18 paragraph (3), Article 19 paragraph (1), (2), (3), and Article 20 paragraph (1).

#### **iii. DhanuKerthi**

Based on the implementation of the provisions regarding the Danu Kerthi aspect, in general it has gone well. However, there are several provisions that have been modified and cannot be implemented. Norms that have been operating well include Article 21 paragraphs (1), (2), (3), Article 22, and Article 23 paragraphs (1), (2).

#### **iv. Jana Kerthi**

Based on the implementation of the provisions regarding the Jana Kerthi aspect, in general it has gone well. However, there are several provisions that have been modified and cannot be implemented. Norms that have been running well include Article 4 paragraph (1), (2) Article 5 (1), (2) (3), Article 6 Paragraph (1), (2), Article 7 Paragraph (1), (2).

#### **v. JagatKerthi**

Based on the implementation of the provisions regarding the Jagat Kerthi aspect, in general it has gone well. However, there are several provisions that have been modified and cannot be implemented. Norms that are already working well include Article 18 (3).

## **4. CONCLUSION**

Based on the analysis described in the discussion, it can be concluded as follows.

1. The arrangement of Tri Hita Karana in awig-awig Subak Anggabaya is reflected in the elements of Tri Hita Karana, namely the parhyangan aspect, the pawongan aspect and the palemahan aspect. The provisions of the articles in the awig-awig Subak Anggabaya regulate these three aspects. Meanwhile, the Sad Kerthi arrangements consisting of atma kerthi, ocean kerthi, wana kerthi, dhanu kerthi, jana kerthi, jagat kerthi are not fully regulated. This is because none of the articles in the Subak Anggabaya awig-awig regulates Samudra Kerthi. In the Subak Anggabaya awig-awig there are no provisions governing the Kerthi Ocean or relating to beaches and oceans. In the Subak system, irrigation comes from rivers. So the regulation is only limited to the water flow.
2. Overall, the implementation of Tri Hita Karana at awig-awig Subak Anggabaya went well. Although there are several norms whose implementation has been modified and do not work. Modifications are made to adapt to situations and conditions, but do not conflict with the substance of the norms. Norms whose implementation does not work are mostly due to the events stated in the norms never occurring. However, there are several norms that need to be reviewed so that they are more in line with reality, such as Article 23 paragraph (2) and Article 25 paragraph (3). Meanwhile, the implementation of Sad Kerthi on the Subak Anggabaya awig-awig has gone well overall.

## **5. SUGGESTION**

Based on the conclusions outlined above, the following can be recommended.

1. The regulations regarding Tri Hita Karana and Sad Kerthi in the awig-awig Subak Anggabaya should be maintained as long as they are relevant to the empirical conditions of Subak. As local geniuses, Tri Hita Karana and Sad Kerthi will become symbols of Balinese civilization. So it is important to maintain these two local wisdoms in an awig-awig Subak.

2. Implementation of norms that are already running well must be maintained. Likewise with the implementation of norms that are carried out with modifications, as long as they do not conflict with the substance of the norms. In connection with several norms that do not work, it is necessary to review them to revise problematic phrases. So, legal development in Subak Anggabaya is truly beneficial for every Subak member.

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