

POLICY BASED ON GENDER MARRIAGE NYENTANA (MATIARKI PROCESS) BASED ON INDIGENOUS PERSPECTIVE BALI HINDU

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ABSTRACT

This research is motivated by the presence of one of the factors that determine the validity of a marriage, if not carried out according to the law, a marriage is legal if it is done according to the law of each religion and belief it; each marriage is recorded in accordance with applicable laws and regulations. In Bali Hindu customs, marriage is generally done through a religious ceremony called Mekala kanaan led Pinandita. This is consistent with the provisions of Article 2 of Law No. 1 of 1974 on Marriage. Matriarki forms of marriage are generally held at the Balinese Hindu community often identified by the term nyentana (nyeburin) when assessed at a glance looks like a form of marriage matriarki found on society Kabau Minang (West Sumatra). In the process was similar to that of marriage matriarki, but essentially aligned with Purusa or patriarchal system developed by Balinese Hindu community. So, there is accommodation of a combination of two elements that indicate no gender role in it blend harmoniously integrated and support the effective enforceability of law in indigenous communities. It can be viewed from the perspective of gender studies in customary law that is based on the structural-functional theory nyentana mating system that is identified with a form of marriage matriarki in reality refers to the direction of the inheritance system plates to Purusa. In general, this study aims to develop a model-based marriage laws gender-oriented Balinese Hindu Customary Law. The results of the study, meaning that the forms of marriage matiarki mistaken in some areas could lead to the rejection of traditional institutions ini. Penguatan form of marriage in terms of sanctions and compliance provides the connective power of its own to the applicable law, and if necessary confirmed by awig awig customs that have holding capacity in terms of validity. Nyentana as an alternative form of marriage in a keluarha not have male offspring so that the status of women confirmed to be a man (putrika) indicating an appreciation on the role of gender harmony as progressors descent.

Keywords: Customary Law Hindu Bali, gender, matriarki, nyentana, marriage, putrika, Purusa, cemetery Rajeg.

I. Introduction

A. Background

Legality of marriages under Law No. 1 of 1974 on Marriage, the validity of the marriage if it qualifies Article 2 which states that: (1) Marriage is legal if it is done according to the law of each religion and belief it; (2) Every marriage is recorded in accordance with applicable laws and regulations. Article 2 indicates that marriage in Indonesia is not primarily eye with regard to the personal nature of civil relations only. The article also the interference of religion or belief of individuals aiming to carry out their religious worship. In the OF legislation can be seen that in the implementation of marriage in society can not be separated from the influence of customary law in force in each -masing area, where customary law is the law of the people who life and not written in the form of state legislation. In this case one of them is the customary law of Bali.

Hilman Hadikusuma (1990: 10 and 27) said that the Law No. 1 Year 1974 on Marriage does not regulate how the discipline of custom made bride to enter into marriage. Legality of marriages under customary law for customary law communities Indonesia, especially for adherents of a particular religion, depending on the religion embraced mostly by the indigenous peoples. If implemented according to the law, it is usually the marriage was considered valid by custom. Marriage Law, according to Hilman (1990: 28-29), putting the law as one of the factors that determine the validity of the marriage. If not carried out according to the law, then the marriage is not valid. In Bali Hindu customs, marriage is generally done through a religious ceremony called Mekala kanaan led Pinandita.

Balinese society is a society known as the people who adhere to the tradition customs. The tradition of the Balinese customs law is heavily influenced by Hinduism as a religion professed by the majority of people in Bali, one of which is in the case of marriage, Nuriane (2013: 2). Based on research in the first year already in progress, basically in the form of marriage matriarki Balinese Hindu community strongly influenced by the customs and legal traditions of Hinduism so sustainability is also based on mutual agreement of the local indigenous villagers. The results of the research in the first year indicates the fact that the form of marriage matriarki are generally held at the Balinese Hindu community often identified by the term nyentana (nyeburin) when assessed at a glance looks like a form of marriage matriarki found on society Kabau Minang (West Sumatra). It is seen from an interesting marriage procession entered the male partner to families and women who play an important role in relation to the continuing descent and inheritance. However lies the difference is clear, that the system nyentana (nyeburin) is meant here is the same as the download child marriage is to marry a boy to become a member of the family of the woman and stayed there anyway. Nyentana / nyeburin is also known as pekidih or required, meaning that the men were asked to become law and continue the descendants of the woman. This marriage is generally done because the woman is an only child and did not have a brother. Seandaiya woman to mate normally, then he came out of his family, so no one else to continue the family lineage (Artadi, 2007: 172).

Nyentana in marriage, a man involved in his wife's family, stay at home wife, and all his descendants took the wife's lineage. Van Dijk (1991: 35) writes that the man was released from the group of his relatives and moved into the class of relatives of the woman. Consequently, children born out of marriage nyentana it would be the heir of his mother's lineage. So the clan members who continued the father-in-law.

Based on the deliberations (pauman) core family and the family dadia, the daughter who was appointed as successor to the family lineage of its status as a cemetery Rajeg putrika (confirmed its role as a boy in the family) by mutual agreement according to Dharma Pula (decided in the family meeting). So in terms of the position and role of marriage nyentana system is fixed in accordance with the system of patriarchy purusa or mating system that developed in the Balinese Hindu community. Therefore, within customary law communities Bali to certify a marriage, marriage is not just to get recognition from the law, but also must obtain recognition of the family, and the law or society which is done with religious activities and implemented by three (3) namely the testimony: god of witnesses, Manusa witness, and the witness Bhuta.

The main purpose nyentana is a concern no offspring progressors (Soekanto: 1958: yy). It is associated with high appreciation Balinese culture patrilineal basis. At least, Chidir Ali (1981: 33) and R. Subekti (1991: 9) to load the jurisprudence of the Supreme Court which upheld the patrilineal system. The Supreme Court decision No. 200K / Sip / 1958 confirm that under customary law Bali, in the case of a father to have a son, the son is the sole heir.

Balinese generally patrilineal. According to Ter Haar (1991: 158), only boys who can continue the legacy of his father and be able to resume his position as head of the family. If there are no boys, then it can be a tad taken the child, either by the father or by his widow on her behalf if the father died. Instead it can be the father lifted his daughter into a cemetery. The girl was given the rights and obligations as a son of the oldest.

To sharpen the research studies that are intended nyentana mating system similar procession but the intent and purpose retaining plate to Purusa inheritance system. It can be viewed from the perspective of gender studies in customary law that is based on the structural-functional theory nyentana mating system that is identified with a form of marriage matriarki in reality refers to the direction of the inheritance system plates to Purusa. Because based on the structure function of the role is portrayed by each party, both boys and girls of Bali in the family, there are fundamental values are steady fixed maintained its continuity as (1) the norm or rule in the family should remain adhered to such as respect to parents, obedient, dutiful, suputra, satya, and so forth. (2) the status or position in the family, such as parents, especially Father / dad can not be separated from her daughter; wife always supported her husband in all things that are positive; when the girl's status as a mother when it had a son, he will be very dependent on her son. (3) The role that must be acted girl is swadharmaning pianak, swadharmaning rabbi, swadharmaning rerama.

Model reconstruction policies by gender was drafted in the first year in the form of an academic paper which contains prihal: (1) study the philosophical, that the value of harmonization in order of common life of the indigenous peoples of Bali in conjunction with a charge of gender in customary law marriages nyentana in Bali in the process is matriarki similar to that of marriage, but in essence aligned with Purusa or patriarchal system developed by Balinese Hindu community. So, in academic papers contained accommodation from a combination of two elements that indicate no gender role in it blend harmoniously integrated and support the effective enforceability of law in indigenous communities. (2) study of socio cultural regarding public views that still needs to be clarified regarding the forms of marriage matriarki from processing of the forms of marriage nyentana that are fundamentally different in terms of its essence inclined plate to purusa (male) and not as an understanding among the people of Bali in general who tend to view that marriage nyentana inclined plate to Predana (female); and (3) assessment of judicial, jurisprudence MA No. 200K / Sip / 1958 on the patriarchal system adopted by the Balinese Hindu community with the aim not to cause multiple interpretations of the intent and purpose of the enforceability of the law itself.

B. Problems

Based on the background of the above problems, as for mapping the realization of the policy during the study in the first year to more in the second year, researchers examined the changes or not there is a paradigm in terms of society, the implementation of the policy as well as the target of a policy designed. So we propose some research problems, among others include:

1. What are the factors causing that in parts of the province are ever there is resistance to forms of marriage matriarki?
2. to what extent the formal legitimacy of the Decision of the Village People in the form awig awig on Marriage Nyentana considered important for the connective power of indigenous peoples?
3. How is the realization of gender-based policy design that is already contained in the form of academic texts in the first year can be poured into the form of positive law in the second year?

C. Special Purpose

- 1) To determine the factors causing that in parts of the province are ever there is resistance to forms of marriage matriarki. Tujuannya is to straighten out the stigma that is still wrong on the form of marriage matriarki the Balinese Hindu community.
- 2) To determine the formal legitimacy of the verdict in the form of Desa Adat awig awig on Marriage Nyentana considered important for society adat. Tujuannya holding capacity so that there are codified in the form of Sima, Perarem, and Awig-Awig).
- 3) To determine the realization of gender-based policy design that is already contained in the form of academic texts in the first year can be poured into the form of positive law in the second year. The goal, megidentifikasi constituendum ius changes in the form of academic texts into ius constitutum the indigenous policy contained in Sima, Perarem, and Awig-indigenous Awig as positive law.

D. Urgency (Virtue Research)

Contribute to the reversal of thinking among Balinese Hindu community that women can also be the successor hereditary and acquired the rights to the legacy of their parents if the status is confirmed as putrika (cemetery Rajeg), the girls agreed by pauman nuclear family or the family dadia that is in question is believed to be the heir and successor offspring with notes bore sons to carry on the continuity of the family periodically.

E. Benefits Research

The benefits gained by their findings / research innovations, namely in the form of a model formulation of policy concerning forms of marriage matriarki gender-based in the form of draft academic paper to accommodate the community paradigm that is still wrong in terms of the understanding of gender in customary law marriages Hindu Bali, as a response to efforts dissemination of information about the draft policy models have been targeted in the first year of academic drafted the manuscript, and in the next year will be an academic text input for the design of policies regarding marriage matriarki shape in terms of its application in order to support the construction and development of indigenous populist.

II. Research Methods

The design of this research using normative juridical approach to the assessment of Balinese Hindu customary law in reviewing the forms of marriage matriarki. Their erroneous perception among the public between the process and the essence of the marriage need to be clarified publicly matriarki to provide real-time information to the indigenous peoples of the importance of understanding the rights and responsibilities of each individual based on the Hindu customary law so as to create harmony in life together.

B. Research Location

The choice of location is purposive researchers determined according to the needs of research by taking samples in the southern part of Bali compared with the northern part of Bali, as well as the Eastern part of Bali area compared to western part of Bali. With regards to the research goals in the 2nd year to see the implementation of the design model policy for its success in previous years the need for a comparative study among several areas, namely (Denpasar to Singaraja, and Tabanan in Karangasem).

C. Subject and Object Research

In this study, the subject of his research is the respondents who rated contribute to the study of research problems and judged competent to provide accurate information to research problems that occur. The research subjects were intended, namely: namely: (1) couples who do marriage matrilineal, (2), parents and families, married couples do marriage matrilineal, (3), religious leaders and commentators Vedas (religious scriptures Hindu), (4) traditional leaders (elder people in every village customs), (5) public figures formal (legislative, executive, and government leaders other areas), (6) and youth leaders (7) members of the public, (8) PHDI (supreme Hindu organization) of Bali.

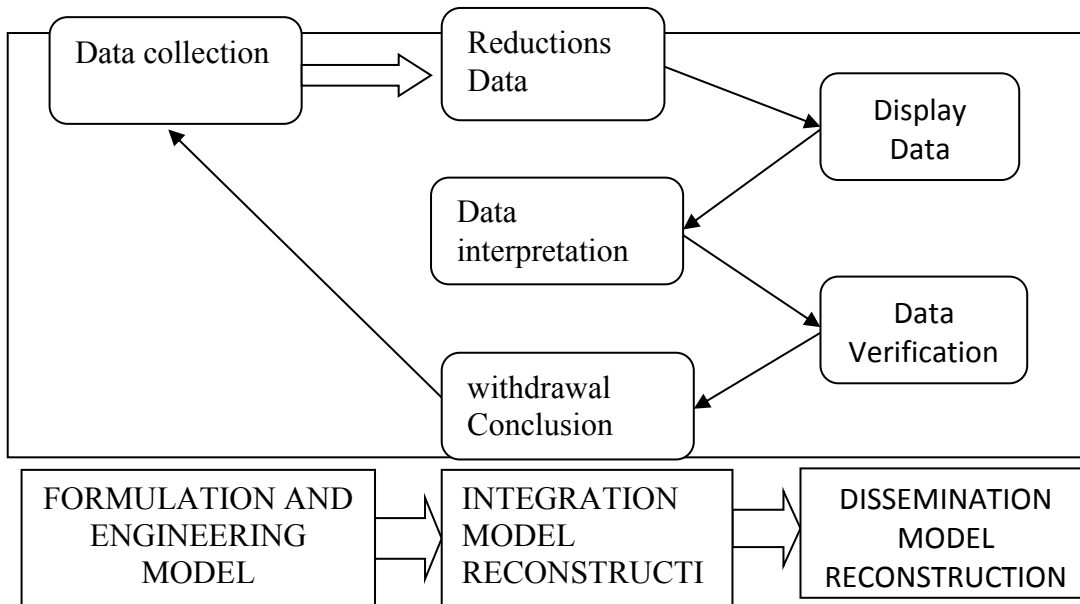
While the focus of the research object of study in the second year is: a factor in most of Bali province ever be a rejection of forms of marriage matriarki; Decision of the Village People in the form awig awig on Marriage Nyentana formally sought to own legitimacy; the realization of gender-based policy design that is already contained in the form of academic texts in the first year can be poured into the form of positive law in the second year.

D. Data Collection Methods

In doing so, researchers using several data collection tools, namely: (1) in-depth interviews, (2) participant observation, (3) the recording of documents, (4) The questionnaire is open and closed, (5) focus groups discussion.

E. Data Analysis

The data collected in this study a quantitative and qualitative data. Overall these data were analyzed using descriptive and statistical analysis techniques in accordance with the characteristics of the data required to parse each research problems. Miles and Huberman (1992: 83), suggests that activity in the qualitative data analysis performed interactively and runs continuously until complete. Diagrammatically, the process of data analysis to be performed can be described as follows:



III. Discussion

A. Causes that In the majority of Bali Provincial Past Rejection of the Marriage Forms matriarki

Judging from its implementation, in the form of marriage matriarki found its presence in the area of Bali which is commonly known by the people of Bali with the term marriage nyentana. Based on the application, in some areas in the province of Bali there is resistance to this form of marriage, while the causes are the following, among others:

(1) Effect of Traditional Law and Culture Society Hindu Bali

Before any of this universe, there Hyang Widhi or God Almighty has been there first. After the universe was created (Rg. Weda X.89.2), Hyang Widhi Wasa create Purusha (adam) and was followed by the creation of Pradana (ava). The two human (Purusha and Pradana) revealed to the world (marcapadana) to manage and develop natural offspring. In the Bhagavad Gita III.10 called: "yore Prajapati (God Almighty) created humans along with the service offering and said: with this Management's universe should Avg (orderly), based on the law, because Hindus should not neglect the truth and law. "Sathyam na pramaditavyam = Do not neglect the truth; "Dharma na pramadiviyam = Do not neglect dharma. This is expected to be the basic foundation of the family (grhastha) a happy, peaceful, peaceful, and happy emotional and physical.

Development descendants is the development of offspring in the bond of husband and wife, which means that men who want to continue descent should be the husband of legitimate, as well as women who want to develop offspring should be a legal wife, so that the social order to be good and the kids have a notch surely.

In building a family (grhastha) the necessary requirements, among others; intentions round, clear intent, the will is strong and brave to face all odds. Speaking of marriage also will spread in the inheritance system. Special Balinese Hindu society is patrilineal system of inheritance (paternal line) marriages should really pay attention to the prevailing custom system. Many cases that occurred in Bali nyentana relating to marriage, a boy loses disinherited for mating nyentana. In marriage nyentana boy was legally considered dead kedaton "break up" with his family, so every right to continue the inheritance under customary law Bali also be disqualified.

Special Balinese Hindu community, the patrilineal system of inheritance (paternal line) marriages should really pay attention to the prevailing custom system. Many cases of Bali a boy mewarisnya lose rights as to marriage considered contrary to the prevailing custom that is due to perform marriages nyentana. Nyentana marriage ie marriage where a man took part in his wife's family, stay at home wife and all of his descendants belonged to the wife's family.

Rules in nyentana marriage with marriage prevalent in the general population is also a bit unique. In ordinary marriage, usually a man who applied for a girl to be his wife. But in marriage nyentana applying the gadislah the man to be subsequently invited her to stay at home sigadis. Meanwhile offspring will belong and continue the descendants of his wife's family earlier.

Marriage nyentana or nyeburin, in this case the man who meawak luh (status of women or Predana) and left his family to become a member of her family who meawak Muani (status as male or purusa) and still resides in the family at when the marriage took place. Women who marry are nyeburin status as Rajeg cemetery, which continue the descent family. In nyentana form of marriage, a family man who had a son certainly will not agree, because this family will be abandoned by the only son owned.

Most Balinese nyentana argued that marriage should not be done. Because they are concerned about their offspring that become the female side of the family will "pain" and the difficulty in determining kawitannya (the origin of the offspring). The next problem that many feared that associated with the division of inheritance and the fate of his son during a divorce with his wife. In the indigenous people of Bali, when a man followed his wife's family is usually by her family and the environment to be booted and called "Kepaid Bangkung". Actually, this is a very rough *uangkap* feared by the family of man whose son nyentana.

Various problems occur in the community yang shows most 35% understanding of the people of Bali in general, interpret it nyentana with a different perspective of the true essence. So that people who embrace purusa system, nyentana often rejected because men should join the wife's family, contrary to the principle of patriarchy where women come to the family of the boy. The general public does not know that the woman who nyaluk cemetery Rajeg confirmed its position as putrika (purusa / male) with the reasons the family has no male offspring. In a process similar to that of marriage nyentana matriarki in Sumatra, but in nyentana status remains a patriarchal form of marriage because putrika status attached to Predana impact on purusa position for the woman who nyaluk cemetery to continue the descent and as the heir of the family.

The implications of marriage nyentana of the position of women who bear putrika status, namely customary obligation is on the side of women, then women (Predana) is recognized as the bearer of responsibility or *ayahan banjo*. "The women can participate in meetings or *sangkepan banjo*. This is rated unnatural women are given rights equal to men by the people outside the village approve marriage nyentana models. Because of the wrong understanding is that it raises the refusal of men to form a marriage nyentana or matriarki in the process because it considered women took over the role of men, which is the process of implementation can be observed women applying for male and on the other hand are not searched more in status, putrika status as men is a form of patriarchal marriage.

Although nyentana have a strong base, and opponents only berdalilkan habit. Keep in mind, the prevailing custom in some indigenous communities have enormous consequences, both family and yourself. Does not rule out the possibility, when a when a person commits a violation of the customary logical prevailing in the environment, we will be subject to severe sanctions. Namely the family will be scorned and consequently we disposed of by the family, and where we have never been recognized as part of the family. Sanctions *kesepekang* of "pasemetonan" (aside from kinship).

(2) Clarification of Public Perception Mistaken Meaning of Marriage Form matriarki

Legally implementation nyentana with *bangkung kepaid* different. Because the process nyentana obviously done with a ceremony so that the status of the groom are also clearly part of the family of his wife. While *kepaid bangkung* is still ambiguous because usually male-battery status remained in his family only lived at home wife. That is usually called *kepaid bangkung*.

Talking about marriage is very complex. Because marriage is not just about the bond between a man and woman to marry. But more of that marriage is an institution that is very sacred because it involves a matter of belief in God and involve family. Remember, talking marriage also will spread in the inheritance system. Special Balinese Hindu community, the patrilineal system of inheritance (paternal line) marriages should really pay attention to the prevailing custom system. Many cases of Bali a boy *mewarisnya* lose rights as to marriage considered contrary to the prevailing custom that is due to perform marriages nyentana. Nyentana marriage ie marriage where a man took part in his wife's family, stay at home wife and all of his descendants belonged to the wife's family.

The pros and cons of marriage nyentana is still debated. This condition is actually not excessive because it involves the inheritance system including concerns about the descent. For people who apply nyentana mating systems, raised a family cemetery where the family concerned does not have a son as an heir who will continue his descendants. Thus, to continue the family lineage is concerned, the families who do not have these boys feel the need to assign one of his sons as a cemetery cemetery Rajeg who will seek to be invited to stay at his home.

However, the purpose of marriage as contained in the Marriage Law No. 1 1974 is to establish an eternal households based on God. Thus, any argument, nyentana marriage legally valid during conducted by elements like both like and performed according to the religion that applies to both parties. Definition of Marriage According to Law No. 1 of 1974 on Marriage, which is called the inner and outer Marriage is a bond between a man and a woman as husband and wife to form a happy family and eternal based on God. Kind of marriage there is also a variety that is generally divided into two namely ordinary marriage and marriage nyentana. If you make regular marriage ie logical man woo the woman to be his wife will not be problematic. The next mating types namely nyentana or *nyeburin* where men groom women. Mating types is the big issue. In this marriage, the woman's status as *Sentana Rajeg* will continue offspring. In the Balinese Hindu community, the boy does have significant value in continuing the descent. Because, children men who will inherit and continue the customary "sidikara" in society. It is different with girls who do not have an obligation as a boy. As a result, families who do not *memiliki* boys will try to find cemetery to continue his descendants.

The results showed that putrika is the process of changing the status and position of indigenous women to be men even though biologically still a woman. So that women putrika own position and responsibilities: (1) As a male in the family in terms of determining the family. (2) The heir to the family. (3) Successor family lineage. (4) The board of the family. (5) Being a member of the indigenous villages have the same rights and obligations. (6) Continuing a tradition that has been passed down the family. (7) To build family unity.

According to Hindu law, nyentana legitimate marriage. At principles on kinship systems in Balinese society embraced patrilineal system. In which, the offspring born to the family followed her father's side. The purpose of marriage is visible only to continue

the descent of a family (dynasty). Problems will arise when a family does not have a son as successor descent. Thus, to avoid keputungan family (breaking descent) families who do not have these boys will appoint one daughter as a cemetery Rajeg (enhanced its status of being a man who would inherit the property of their parents).

In Hinduism, there is no clause prohibiting sloka ataupun nyentana marriage. As the family man will be deemed to have no self-esteem. Book of Hindu law as a source of positive law for Hindus explicitly states on the status of children of women who upheld as a successor descent as Putrika (women who changed their status to male). Sloka 127 of the book explicitly mentions " He who has no son can make her the woman to be so (status male) according to event designation of children a woman by telling her boys were born thereof will conduct a funeral " , The sloka from the description, it is clear that marriage nyentana allowed. Men who want nyentana is called Sentana. Thus, the argument that says the prohibition against marriage nyentana should be considered unwarranted because it has no clear legal basis. Likewise with the inheritance within marriage Nyentana. In Cloka 132 Hindu law mentioned, " Son of a woman elevated to the status of being a man sesungguhnya will receive also the inheritance of his father who did not berputra men (grandfather). He will hold Tarpana for both parents, as well as her grandfather ". Furthermore, Sloka 145 menyebutkan "Anak born to women whose status improved would be the heir as their own legitimate from him. Because the results generated from the landowner is to it by law '.

As is the case with the registration of marriages in general, registration of marriage nyentana was also in the Civil Registry Law No. 23 Year 2006 concerning Population Administration (revised by Law No. 24 of 2013 confirms a valid marriage by legislation must be reported to the implementing agency (in this case the Civil) no later than 60 days from the date of the marriage. The assertion was formally marriage nyentana have been listed on the Registry, namely in Article 67 of Presidential Decree No. 25 of 2008 on the Terms and Procedures for Registration of Population and Civil Registration mention the registration of marriages performed by qualified, among others, (a) there has been a marriage certificate from religious leaders / pastor or marriage penghayat letter signed by leaders Trust Trust seeker; (b) KTP husband and wife; (c) photograph husband and wife; and (d) an extract of Birth Certificate husband and wife.

(3) Match Settings prihal Marriage in Implementation In Each Region at the Provincial Bali

Throughout our search of the literature, marriage customs cemetery or nyentana in Bali has long been a concern. Mr. B Ter Haar, for example, write down the cemetery in relation to a daughter be a 'successor' family. Balinese generally patrilineal. According to Ter Haar, only boys who can continue the legacy of his father and be able to resume his position as head of the family. If there are no boys, then it can be a tad taken the child, either by the father or by his widow on her behalf if the father died. Instead it can be the father lifted his daughter into a cemetery. The girl was given the rights and obligations as a son of the oldest (1991: 158).

The main motive is a concern nyentana no offspring progressors (Soekanto: 1958: yy). It is associated with high appreciation Balinese culture patrilineal basis. At least, Chidir Ali (1981: 33) and R. Subekti (1991: 9) to load the jurisprudence of the Supreme Court which upheld the patrilineal system. The Supreme Court decision No. 200K / Sip / 1958 confirm that under customary law Bali, in the case of a father to have a son, the son is the sole heir.

Nyentana in marriage, a man involved in his wife's family, stay at home wife, and all his descendants took the wife's lineage. Van Dijk (1991: 35) writes that the men had 'removed from the group of his relatives and moved into the class of relatives of the woman'. Consequently, children born out of marriage nyentana it would be the heir of his mother's lineage. "So the members of the clan who continued the father-in-law," wrote Van Dijk.

Outside the common forms of marriage, some areas in Bali, especially Tabanan, Badung, Gianyar and Bangli is commonly encountered forms of marriage are also now commonly called nyeburin. In some places this form of marriage is better known as nyentana or nyaluk cemetery (Korn, 1978). In this form of marriage is precisely husband who follows his wife. At first glance, this appears distorted form of marriage from kepurusa system which emphasizes that the descent followed by a male offspring (purusa). But if observed carefully, nyeburin marriage has remained consistent with the kinship system kepurusa because in this marital status of wife is purusa because it has been designated as a cemetery Rajeg in his family.

Sentana Rajeg (cemetery = descendants, heirs; Rajeg = staunch, upright; karajegang = confirmed, enforced) is the daughter yangkerajegang cemetery which confirmed the status of a successor descent or Purusa. In the Book of Manawa Dharmacastra (IX: 127), cemetery Rajeg termed putrika the same position with the boy, named as successor descendants and heirs to the property of his parents (Sudantra, 2002a).

Forms of marriage matriarki (nyentana) or nyeburin which was first developed in Tabanan society is widely accepted by the people of Bali, particularly South Bali. Model nyentana mating is a solution capable of solving family problems which have only female offspring. In a further development to be an alternative if the marriage nyentana have only female offspring.

Rules in nyentana marriage with marriage prevalent in the general population is also a bit unique. In ordinary marriage, usually a man who applied for a girl to be his wife. But in marriage nyentana applying the gadislah the man to be subsequently invited her to stay at home sigadis. Meanwhile offspring will belong and continue the descendants of his wife's family earlier. Because the consequences of this is the result of marriage nyentana widely repudiated by the people of Bali, especially in the area of Karangasem.

In the middle of the rejection by some of Bali in a specific region of the marriage nyentana, on the other hand it legalized marital nyentana customary. Banjar Kekeran in the village Penatahan, Penebel, Tabanan be a similar model village by a non-governmental organization (NGOs) and activists in Bali. The village is considered to have and apply customary law that sense of

fairness and equality for women and children. Based on information from the village head I Nyoman Sugiarta Kekeran, that the women and men have equal rights and obligations in customs and family. "Our ancestors have given an example of how to live in peace, which is an important agreement. Hereditary habit is not known when it started. This equity exposures because traditional leaders and citizens flexible with the rules of marriage and customary obligations. For example, there is no difference or discrimination when nyentana and approved the concept of On Gelahang.

Other responses came from the area of Klungkung and Jembrana that the area is not melazimkan form of marriage nyentana (matriarkhi in the process), even if the family does not have a male heir, the family can take the alternative to designate the family side of the line of purusa (male behavior) to act as heirs or by road to adopt a child with a ceremonial procession. While in Buleleng district resembles a form of marriage marriage nyentana (matriarki in process) found just still be counted on the fingers. Holding of this form of marriage is unknown parties who accept them because village officials and village customs duty only appear as a witness and a Reporter in the registration of marriage. In the event of conflict in the future legal status and inheritance is not known exactly who the parties contributing contribute to helping its completion. Guarantee the legal status is weak because in the majority society still adheres to the mating system of patriarchy in the area.

This provision concerns a civil registry, it still requires explanation to be enforced in all jurisdictions Indonesia which significantly each region has a culture that is nationally recognized and respected as well as the provisions of article 2, paragraph (2) of Government Regulation No.9 of 1975 which regulates about marriage documentation for those who enter into marriage in addition to the Islamic religion, the recording is done by employees of the marriage registrar at the office of civil caiatan. This rule was subsequently reaffirmed by the decree of the Minister of State Emitter 221 a year in 1975, which determined that the registration of marriage and divorce for Hindus and Buddhists do in a registry office.

The provisions above would create problems for the Hindu community in Bali. For the Hindu community in Bali did not record Sipil marriage records office, but recorded by Banjar, because banjar members adaiah Hindus who are married (Astiti, 1981: 6).

To anticipate the above issues, on September 19, 1975, the Governor of the Province of Bali issued Decree No. 16 / Kesra / IUC / 504/1975, to refer the camats across Bali as a marriage registrar for Hindus and Buddhists.

On October 1, 1988, the SK is replaced by Decree of the Governor of Bali 241 1988 whose contents point to the extension of Hinduism at the district level, Bendesa Indigenous / Kelian Adat as a servant maid marriage registrar.

Then on January 1, 1990 applies SK Gubemw of the Province of Bali # 233 of 1990, which would replace Decree 241 in 1988. Material 233 Gubernw SK 1990 is menunjilk envoy heads the government district, Bendesa Indigenous / Kelian Adat in village in the province of Bali as a maid servant perkawiann recording for both Hindus Indonesian citizens in their respective areas.

In relation to the validity of the marriage, the Balinese people actually do not recognize these terms (legitimate). Which is known to recognize that marriage is a term puput (finished). In this case that the validity of marriages under customary law Bali difficult indicated by an event (events) only due to the validity of the marriage need to go through a chain of events that increasingly grows to enhance the position of husband and wife is concerned. Marriage certificate and registration of marriage is not a sign of the validity of a marriage, but are just as authentic proof of marriage, and the recording is essentially administrative function only.

Gede Pudja also argued that a marriage according to the Hindu law is valid if made in accordance with the religion and not on administrative procedures, but for legal certainty, it is necessary as a means of administrative evidentiary. Although it fl akukan ratification precedes marriage, according to the Hindu law of marriage is not recorded but will be made marriage and marriage is no guarantee that it will be valid according to religion.

A. Formally legitimacy of the verdict Village People in the Form Awig-Awig on Marriage Nyentana Graded important for Indigenous Peoples Power Tie

In the talk about marriage missing if not talk about Hindu religion, whether related to the development of Hindu marriages in Indonesia and Bali. The two are intimately relevance, to deepen understanding of the Hindu religion it must be accompanied by their religion centered on an island that is Bali. The Balinese people are Hindu rather widely spread in Indonesia, then the source of the activity of religious life is still centered in Bali. When here will talk about marriage matriarki terms of process (nyentana), then the talks were limited to matters that are closely related to the Hindu religion.

Hinduism has grown and developed in the process of marital harmony, which is the beginning are still vague that increasingly there are more shades up until now. This growth is intimately with the development nyentana marriage on society in Bali, which is influenced by the system kekebaratan leaning Purusa. In marriage on Undang- No. 1 1974 through a transition process in the field of Hinduism, so the alignment form of marriage with the kinship system in Bali continues to grow.

In the Hindu religion known also on customary rules. Customary in a Hindu religion is absolute, necessary, functional. Functional for customs aims to hold reforms in the field of spiritual communities in Bali. Indigenous issues in Hinduism one of them centered on the form of marriage in Bali, the essence of life, and the customary rules from time to time.

In this nyentana forms of marriage, the husband's status as pradana released its legal relationship with the family of origin the next entry in the family kepurusa his wife. Thus the descendants in the family kepurusa was continued by the status purusa. Anak

child born of this marriage legal domicile in his mother's family, thus fulfilling the obligation (Swadharma) and obtain redress (swadikara) in the mother's family.

Clues that a form of marriage is nyeburin not merely because the husband (usually) stay at home wife's family, but rather can be seen from the fact that the ceremony attestation of marriage (pasakapari) held at the family home the bride and the bride's family is women who deliver sajen -sajen pemelepehan (jauman) to the family home of the bridegroom as a means to release legal relations of the bridegroom to the family of origin (Panetja, 1986).

Some people consider that this form of marriage nyeburin as a tribute to the women of Bali due to its status as a cemetery appointed Rajeg married women kaceburin also become heirs of the estate of his parents. Associated with inheritance, perhaps this view is true for girls which was originally not as heirs may be heir to the wealth of their parents. But in certain cases, in fact this view is not entirely true, especially if it is associated with the freedom of girls in choosing a mate. Tangungjawabnya result of which will be designated as cemetery Rajeg should "stay at home" he had to be careful fell in love with a man, because he must investigate and make sure in advance that the man who approached him would nyentana. In the era where many families carry out family planning with the slogan "two children are enough, men, women just the same," of course is quite difficult to find a man who besedia nyentana. Thus, women can be "imprisoned" by its status as a cemetery Rajeg.

Chairman of the Village Council Pekraman (MDP) Tabanan, Suartanyasa, said the ability of traditional leaders Kekeran village is a good example affect public confidence. "Awig awig or customs regulations must also consider the rights of women and children and human rights".

MDP new Tabanan disseminate results of the Order of the Great III Main Assembly Rural Pekraman (MUDP) is to 150 Pakraman of 346 Pakraman owned by Tabanan regency. Some results Pasamuhan MUDP Bali late last year resulted in specific decisions about the rights of women and children in customary law Bali.

Socialization of this decision in Tabanan do with the training of cadres of cultural education on gender. The target PKK. Two villages, namely Penebel and Kediri, a pilot project on gender education. Destinations that include a gender education in education through a field of study or extracurricular for the younger generation to understand what role it plays in society. To allay the fears of young kids Bali on customs. Ida Ayu adnya Ning, a teacher claimed to agree if indigenous issues immediately put into education. "In order for students early on to know how exactly the Balinese customary law that also respects the rights of women," he said. According to him, the introduction of the nation's indigenous including character education that can be implemented in all areas of study. Daily Management MUDP Bali I Ketut Sudantra said Bali customs already accommodate the voices of women. In the Order of the Great III MDP Bali October 15, 2010 has decided the marriage between a gelahang acceptable, as an outlet for families who have a child, whether male or female only. Marriage in gelahang can also be chosen as an alternative to marriage nyentana. It all depends on mutual agreement between the two couples who are getting married and their families.

Ritual patiwangi, which is a type of severe punishment that can deprive the rights of women in their own family. Therefore ritual patiwangi degrading the dignity of women was also abandoned. The Order of the Great III MDP also decide the rights and obligations of husband and wife. In the event of divorce women get the right to property to the rich, as many as one-third of the joint property. Customary law also allows the mother still raising children without menutuskan relationship with her father as purusa. Originally while maintaining good relations between the child and his father and extended family. Women who return back to their original homes after a divorce, received back by their own families with mulih status daa. So is the man who never married nyentana. Men have returned to their original homes with mulih status cadets. From then on they will carry out the duties and have the right in the family home again.

Ni Nengah Budawati, Director of the Institute for Legal assistance from the Women's Association for Justice (LBH) said Banjar Bali Kekeran gave the example goes on fairness and equality. Not only awig awignya support, but also the role of traditional leaders. "Marriage in gelahang and nyentana become the norm," he said. Caste women who are married to ordinary men, he added, no penalties and discrimination as Patiwangi ritual.

Religious teachings and customs rules have a very tightly interwoven. The basis of the rules in the Hindu religion is in practice a reasonable life should be followed and used as an absolute guideline. Hindu religious teachings are very necessary for the life of the individual and the people of Bali, because it is the thread merahyang lead lives of individuals and communities towards harmony actions and behavior. Without the custom in a community life, it will experience a disaster and destruction. In terms of religion, it is customary it is none other than the materialization of religious adherents in behavior.

Marriage nyentana based on the habits prevailing in the local area and the laws of Hinduism, as put forward by Soeripto in writing that: Hadat is the original law of Indonesia, which is generally unwritten, which gives guidance to the majority of Indonesian people in everyday life, in relation between the one and the other both in the cities as well and more so in the villages, the law that is based on the law of the Malay Polynesia here and there coupled with religious law. If the dispute over nyentana marriage can not be settled amicably, then the community will take the case to the court of indigenous villages. Traditional village court is open people's court, and the communities in which convicted offenders are concerned.

According to customary law community which is determined by factors genealogical or blood relationship, there are three kinds:

1. Blood Relations by the male line.
2. Blood Relations by the female line.

3. The relationship of blood along the lines of Mom and Dad.

Blood relationship by the male line, where the position of men more prominent influence on the position of women in inheritance. If the blood relationship by the female line, where the status of women more prominent influence on the position of men in inheritance, whereas blood relations along the lines of Mom and Dad, wherein the position of men and women are not distinguished in the inheritance.

The composition of customary law communities Bali is hereditary male or Mr. (saking kepurusa). Generally referred to as a single objection, dadya single, or single kawitan. The term means a family that has a singularity of the father and his spirit was always revered shrine in the form of corrected or merajan, and pura pura dadya kawitan. Balinese customary law which obliged to hold traditional ceremonies and rites. pengabenan to parents who died and took care of the assets are boys. Similarly, on the families who carry out the whole marriage nyentana above obligations imposed on women who holds the status putrika.

The purpose of the nyeburin marriage is to enter it into the future husband and wife caste candidates regarded as if he was a woman, while the candidate's wife as a man. This is because in the customary law community Bali and boys is the successor to his person on this descent. If sa.tu family had only daughters alone, so that there is a continuing descent of her parents, the girl will be mated nyeburin so that no payment be honest.

Nyeburin marriage as the aforementioned status parempuan children are on the increase becomes a boy called Rajeg cemetery or cemetery luh and boys who married the daughter of his status as a daughter. So in this marriage the husband and wife entered into caste out of the family ties of origin.

C. Actual Draft Gender-Based

Gender roles are roles that can be done by anyone, whether male mapun women, including in the areas of inheritance and marriage, both men and women have the right to be the heir and continue the family line. It seems equilibrium condition of men to women is the culmination of which will be the goal of every community, including the people of Bali. This condition is characterized by increasingly luesnya customary laws that apply to the people of Bali who initially embraced the ideology patriarhi "genuine".

Rational design selection and model of law formulation marriages were to explore and formulate marriage matriarki form of application and its influence on the status and position of women in society Desa Adat Bali needs to be deepened further in this study were required supporting data acceptance by the people of Bali to the form of marriage matriarki according to law custom, mating, and socio-cultural values grow and develop in society Desa adat Bali. Fundamental considerations that need to be taken by the researchers before giving recommendations on the model of policy formulation in the form of innovation paradigms of society, that pradana (women) can Rajeg status as cemetery or purusa (male).

In this matriarki forms of marriage, the husband's status as pradana released its legal relationship with the family of origin the next entry in the family kepurusa istrinya.bentuk matrilocal marriage (nyeburin) as a tribute to the women of Bali due to its status as a cemetery appointed Rajeg married women kaceburin well as a the heirs of the estate of his parents.

Associated with inheritance, perhaps this view is true for girls which was originally not as heirs may be heir to the wealth of their parents. Putrika mean girl "modified" status and position customarily be boys, so they can take the boy to be invited relatives of the woman's house.

The implication putrika have the same authority as men to inherit wealth and corrected (sanctum family) as befits a man laki.memformulasikan matriarki marriage application form and its influence on the status and position of women in society Desa Adat Bali.

In the middle matriarki form of marriage in terms of the process (nyentana) growing, in fact Balinese people still embrace patriarchal forms of marriage. This is evidenced by inheritance status is still in the purusa, either on a regular marriage or marriage nyentana. Purusa status on a regular marriage in the hands of men, and marital status on nyentana Purusa (matriarki in terms of the process) is in the hands of women who have been confirmed as putrika or Rajeg cemetery. With no break one of the two, on the one hand the people of Bali are still abiding by the inheritance system purusa which has been in force, with the changing dynamics of social order and the manifestation of respect for the men against women in customary Hindu law.

IV. Closed

A. Conclusion

(1) Based on the application, in some areas in the province of Bali there is resistance to this form of marriage, while the causes are the following, among others: the influence of Traditional Law and Culture Hindu people of Bali; clarification of the meaning of mistaken public perception about this form of marriage matriarki and relevance of its implementation in each region.

(2) In the marriage in Undangⁿ No. 1 1974 through a transition process in the field of Hinduism, so the alignment form of marriage with the kinship system in Bali continue berkembang.Di in Hinduism known also on customary rules. Customary in a Hindu religion is absolute, necessary, functional. Functional for customs aims to hold reforms in the field of spiritual communities in Bali.

(3) The condition equilibrium between men with women is the culmination of which will be the goal of every community, including the people of Bali. This condition is characterized by increasingly luesnya customary laws that apply to the people of Bali.

B. Suggestions

If the forms of marriage nyentana (matriarki terms of process) in the Balinese Hindu community is not based on a solid legal basis will lead to various issues relating to the status, position, and the responsibility of each party. The marriage should meet the requirements that have been established in accordance with the provisions of the laws and customs applicable rules. In order for the village of Indigenous and local government in setting policy must observe the rules of customary law that takes into account the rights of women in Bali in terms of gender equality.

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