RESOLUTION OF TRADITIONAL CONFLICT BETWEEN *KOMUNING* TRADITIONAL VILLAGE AND BUDAGA TRADITIONAL VILLAGE IN KLUNGKUNG, BALI

I Ketut Wenten Aryawan

State Polytechnic of Bali

Prof. Dr. I Ketut Mertha, S.H.,M.Hum.

Prof. Dr. I Gde Parimartha, M.A

Dr. I Nyoman Dhana, M.A

email: wentenketut@gmail.com

**ABSTRACT**

 This present study discusses the traditional conflict between BudagaTraditional Village and Kemoning Traditional Village, Klungkung Regency, Bali Province. The study is intended to (1) find out the resolution of the traditional conflict between Kemoning Traditional Village and Budaga Traditional Village which was dominated by *MajelisUtamaDesaPakraman* (MUDP); (2) identify the mechanism through which the decision was made by MUDP to settle such a traditional conflict; (3) identify the implication of the settlement of such a traditional conflict on the relationship between Budaga Traditional Village and Kemoning TraditionalVillage after the decision was made by MUDP. This present study is also aimed at finding out the picture of such a conflict between the two traditional villages. The study used the qualitative method. The data were collected through observation, interview, library research, and documentary study. The theoretical approach which includes the theory of hegemony, the theory of mediation, and the theory of deconstruction was also used.

 The result of the study shows that the local traditional law ‘awig-awigdesapakaraman’ could not always be used as a reference to settle the dispute between the two villages. Every attempt made by the MUDP in relation to the resolution which was proposed in the earlier stages was considered unfair. The mechanism through which such a conflict was settled was dominated by the MUDP and did not show any decision which reflected the principles of mediation. The implication of the settlement of such a conflict between the two traditional villages was that the relationship between them had not been in harmony.

Keywords: resolution, traditional conflict, traditional village

**INTRODUCTION**

 The scope of the present study is only limited to the resolution of the traditional conflict between Budaga Traditional Village and Kemoning Traditional Village, Klungkung Regency, Bali Province. The sources available and what was observed from the social harmony and internal conflicts among the Balinese people, an interesting fact, which inspired the writer to explore such a conflict, was found. On one hand, several researchers concluded that the Balinese culture have many local wisdoms which can potentially contribute to the social harmony, as stated by Robinson that the Balinese people are friendly and harmonious. However, many researchers also stated that the local wisdoms which contribute to the social harmony are only what are expected by the Balinese people both those who live in Bali and outside Bali. It can be understood that basically the traditional conflicts in Bali are within the context of fighting over the assets which a village has such as the cemetery and temple. Similarly, the traditional conflict between Budaga Traditional Village and Kemoning Traditional Village basically took place within the context of fighting over the asset they have, namely, the cemetery and temple. The settlement of such a conflict was dominated by the MUDP (MajelisDesaPakraman). The implication of such a conflict on the relationship between the two traditional villages is interesting to be explored in the present study.

 Based on the background of the study described in the background above, the problems of the study can be formulated into three questions; they are (1) why the settlement of the conflict between Budaga Traditional Village and Kemoning Traditional Village was dominated by the MUDP (MajelisUtamaDesaPakraman); (2) how was the mechanism through which such a conflict was settled for the parties that were competent in it so decisions were made by the MUDP; (3) what was the implication of such a conflict on the relationship between Budaga Traditional Village and Kemoning Traditional Village after the decision was made by the MUDP. The theories which were used to analyze the problems of the study are the theory of hegemony, the theory of mediation, and theory of deconstruction.

 This present study was intended to picture and understand the traditional conflict between Budaga Traditional Village and Kemoning Traditional Village. Academically, it is expected that the novelty of the study may contribute to the socio-culture based sciences, traditional law and the *dresta* (tradition) prevailing in Bali in general and at Budaga traditional village and Kemoning traditional village in particular. In practice, it is expected that the novelty of the study may be useful to the traditional village leaders and the governmental institutions.

**RESEARCH METHOD**

An interview guide, an observational format, a documentation sheet, and a camera were used as the instruments for collecting the data in the present study. The object of the study was directly observed in order to obtain the information related to the problems of the study. The question and answer technique involving two or more people was also used to collect the data needed. Such an interview was systematically held and based on the objective of the study. The documentary study was done by collecting both the written data and the data in the form of pictures. The data were classified so that they could be easily analyzed. Various references, the result of the interview, and the result of the data which were traced were processed through stages of analysis; they are data reduction, data display and conclusion drawing.

**DICUSSION**

Gramsci argues that to make power eternal two things are needed. *First,* the things which can lead to violence; in other words, what is needed is the power which can use law enforcement. Such a thing is usually implemented by the State through its legal institutions such as the law, soldiers, the police and even the prison. *Second,* the other thing which is needed is the ability to persuade people and their institutions to be faithful to the ruler through education, arts, religions and even families. This is usually done by the civil society through its institutions such as the non-governmental organization, socio-religious institutions, and interest groups. If power is only acquired through the first, the result will be “domination”; on the other hand, if power is acquired through the second through the institutions related to it, people will be faithful to the ruler, and this can be acquired through religious life, education, arts and even families, and the result will be “hegemony”. As the traditional conflict between Budaga Traditional Village and Kemoning Traditional Village was settled by MUDP using pressure the result was domination, meaning that, as far as the settlement of such a conflict is concerned, the two villages were dominated by MUDP.

 Based on the theory of mediation, mediation involves a mediator, namely, the neutral party. In addition, in theory, mediation should be made based on several philosophical foundations as stated in the principles of mediation. One of such philosophical foundations is that everything which is discussed in the meeting held by the mediator and the parties that are involved in the conflict should be kept secret; nothing can be exposed to the public. In addition, the mediator should keep the secrecy of the content of what is mediated. The parties that are involved in the conflict should voluntarily come to the mediator that will mediate the conflict. Empowerment means that, actually, the party that comes to the mediator has the ability to negotiate the conflict and make the agreement it expects. The mediator is only the witness. Neutrality means that the mediator only mediates the process and the parties involved in the conflict keep the content. A unique solution is the solution which is made through the mediation process which is not in accordance with the legal standard; it is made through the process of creativity of the parties involved in the conflict. As far as the conflict between Budaga Traditional Village and Kemoning Traditional Village is concerned, the mechanism through which the settlement was made by MUDP did not lead to such a solution; as a result, the decision made did not reflect fairness for the two parties.

 As a final conclusion, according to Derrida, there is neither single certainty nor single truth. The only thing which can be stated to be a certainty or truth is the uncertainty of game. Therefore, everything should be deferred while being free with differences. This is what is referred to as postmodernity, namely, the game of certainty. Based on the implication of the settlement of the conflict between Budaga Traditional Village and Kemoning Traditional Village after the decision was made by MUDP, it is suggested that the MUDP Bali should nothave made the decision in a hurry. What is meant is that the decision should be deferred, and then the resolution of the conflict should be acquired through negotiations; in addition, the settlement should be amicably made by the two villages which were involved in the conflict in their own way without being interfered by any other parties including the MUDP Bali. That was not done by the MUDP Bali as the mediator, causing the relationship between the two villages not to be in harmony.

**CONCLUSION AND SUGGESTION**

Basically, the attempt made by MUDP to settle the traditional conflict between Budaga Traditional Village and Kemoning Traditional Village failed in the earlier stages. Such a failure could not be separated from the resoluteness offered in every attempt made to settle the conflict which was considered unfair by the two parties. The MDUP Bali considered that both the mediation and decision proposed by the two parties were the authorization or domination to it; as a result, it could make the decision, which was unfair, freely.

 The mechanism through which the conflict between BudayaPakaraman Village and Kemoning Traditional Village was settled was still dominated by the MUDP Bali. In addition, the decision made did not reflect the principles of mediation, negotiation, and solution. The implication was that the relationship between the two villages was less harmonious.

 It is suggested that the conflict between the two villages should not be dominated by the MUDP Bali. In the mechanism through which the conflict was settled should have referred to theory of mediation. The MUDP Bali should consider the implication on the harmonious relationship between the two villages after the decision was made.

**ACKNOWLEDGEMENTS**

In this opportunity, the writer would like to thank all the parties, which cannot be mentioned one by one, for their assistance in the forms of facilities and funding provided to the writer.

REFERENCES

ABG. Satria Naradha, 2002. *Seputar Desa Pakraman dan Adat Bali* dalam Surpha I Wayan. Denpasar : Pustaka Bali Post.

Barker, C. 2000.*Cultural Stsudies : Teori dan Praktek.* Yogyakarta : Kreasi Wacana

Hadi, Sutrisno. 1993. *Metodo Research.* Lilid I. Yogyakarta: Andi Ofset

Koesnoe, Moh.1979.*Catatan-catatan Terhadap Hukum Adat Dewasa Ini*. Surabaya : Airlangga University Press.

Koentjaraningrat. 1974. *Kebudayaan, Mentalitet dan Pembangunan.* Jakarta : PT Gramedia

Lubis, Akhyasr Yusuf. 2014. *Postmodernisme Teori dan Metode*. Jakarta : PT Raja Grafindo Persada

Marzuki. 1987. *Metodologi Riset.* Yogyakarta: Gadjahmada University Press

Moleong, J. Lexy. 1989. *Metodologi Penelitian Kualitatif*. Cetakan I. Bandung: Remaja Karya

Milles, M.B, dan Huberman, A.Michael. 1992. *Analisis Data Kuaitatif.* (Tjetjep Rohendi Rosidi). Jakarta: University Indonesia Press.

Nordholt, Hank Schulte, 2004. ”Des Adat, Desa Dinas, dan Desa Pakraman di Bali : Tinjauan Historis Kritis”., dalam I Wayan Ardika dan I Nyoman Darma Puta, (ed). *Politik Kebudayaan dan Identitas Etnik .* Denpasar: Fakultas Satra Unud. Hal 15-59.

Robinson, Geoffrey. 1955. *The Daerk Side of Paradise. Political Violence in Bali.* London : Cornel University Press.

Sudipa, I Nyoman. 2014. ”Kemiskinan Dalam Perkembangan Industri Pariwisata di Kelurahan Ubud”. *Disertasi S3*. Kajian Budaya Program Pasca Sarjana Denpasar: Universitas Udayana