

# Strengthening Customary Village Law and Transcendental Communication in The Teruyan Burial Tradition: A Community Engagement Approach in Bali

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## Abstract.

*The mepasah burial tradition practiced by the Bali Aga community in Terunyan Village, Bali, represents a distinctive form of local wisdom in treating the deceased through open-air placement without burial or cremation. This tradition is grounded in customary village law (awig-awig) and sustained through transcendental communication that constructs symbolic relationships between humans, ancestors, nature, and the local cosmological order. In contemporary social developments, the continuity of the mepasah tradition faces increasingly complex socio-legal challenges, including the declining internalization of awig-awig values among younger generations, the emergence of social friction due to differing interpretations of customary norms, and unequal relations between indigenous communities and external actors, particularly the tourism sector and state institutions. These challenges are exacerbated by the limited operationalization of formal recognition of customary village law within public policy practices, resulting in the marginalization of customary norms when confronted with positivist-oriented health and environmental regulations. This Community Engagement Program (Pengabdian kepada Masyarakat/PKM) focuses on strengthening the customary law of Terunyan Village by positioning transcendental communication as a source of normative and cultural legitimacy in the implementation of burial traditions. The program employs a participatory socio-legal approach through the review of awig-awig, participant observation, focus group discussions (FGDs), and in-depth interviews with customary leaders and community members, in line with the constitutional recognition of indigenous communities under Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia and the recognition of customary villages under Law Number 6 of 2014 on Villages. The novelty of this program lies in the design of a customary law strengthening model that integrates transcendental communication as a mediating mechanism between customary norms, the state legal framework, and external tourism pressures. The implementation results demonstrate increased collective legal awareness, strengthened social legitimacy of customary village law, and the formation of transcendental communication patterns that function as mechanisms for social conflict resolution and strategies for customary preservation. These findings affirm that the sustainability of local traditions in Bali requires a harmonious integration of customary law, community social dynamics, and transcendental communication as the foundation of equitable customary village governance.*

**Keywords:** Customary village law; transcendental communication; Terunyan burial tradition; Bali Aga and community engagement.

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## I. INTRODUCTION

Customary law as *living law* occupies a strategic position within the Indonesian legal system, as its validity derives from continuously practiced and socially recognized norms. The existence of indigenous legal communities and their traditional rights receive constitutional legitimacy as long as they remain alive, develop, and align with the principles of the Unitary State of the Republic of Indonesia, as stipulated in Article 18B paragraph (2) of the 1945 Constitution. This normative recognition is further reinforced by Article 28I paragraph (3), which affirms cultural identity and the rights of traditional communities as part of human rights that must be respected. These constitutional provisions underscore that customary law is not treated as a relic of the past but as a normative resource capable of functioning within contemporary social governance and interacting with modern public policies. In Bali, this constitutional recognition is concretely manifested in the Bali Aga community of Terunyan Village through the continuity of the *mepasah* burial tradition, namely the placement of corpses in open spaces without burial or cremation. This tradition is

governed by customary village law (*awig-awig*) and embodies a strong religio-cultural dimension. *Awig-awig* regulates not only ritual aspects but also social mechanisms governing communal relations, role distribution, sacred space management, and normative compliance with customary authority. In this context, customary law operates as a living legal system because its binding force is rooted in cosmological beliefs and collective consciousness rather than merely formal social sanctions. Alongside social transformation, however, the *mepasah* tradition faces multidimensional and structural challenges. Internally, the transmission of *awig-awig* values to younger generations has weakened.

This phenomenon does not always appear as explicit rejection but manifests as a decline in substantive meaning, where customary values are increasingly perceived as cultural symbols rather than binding social norms. Consequently, interpretive differences emerge regarding customary obligations, compliance mechanisms, and the legitimacy of customary sanctions, potentially generating internal social friction. Externally, cultural tourism has become a significant source of pressure. National tourism policies position culture as a key attraction while requiring tourism governance to consider local socio-cultural interests. In practice, however, tourism industry orientations often encourage commodification, reducing rituals and sacred spaces to objects of visual consumption. This situation alters power relations between indigenous communities as holders of symbolic authority and external actors who control visitor flows, cultural narratives, and economic benefits. Additional challenges arise from potential misalignment between customary law and the legal regimes governing health and environmental protection. The strengthening of public health norms under Law Number 17 of 2023 on Health and Government Regulation Number 28 of 2024, as well as environmental governance under Law Number 32 of 2009 on Environmental Protection and Management, introduces new standards for spatial governance and risk perception. In the context of *mepasah*, these regulatory intersections often surface in issues related to hygiene, spatial planning, and visitor impact management. The core issue is not a dichotomy between tradition and health but the absence of normative mediation mechanisms that position customary law as an equal dialogical subject rather than merely an object of adjustment. Institutionally, challenges also arise from the operational limits of customary law recognition in public policy.

Law Number 6 of 2014 on Villages provides a legal basis for recognizing customary villages within the village governance system, further strengthened in Bali through Provincial Regulation Number 4 of 2019 on Customary Villages in Bali. Nevertheless, cross-sectoral practices often fail to position customary village law as an equal partner in setting standards, procedures, and governance frameworks, resulting in functional subordination. In this context, transcendental communication becomes a crucial element both analytically and as a PKM intervention strategy. Transcendental communication is understood as an infrastructure of meaning that sustains the legitimacy of customary law through spiritual relationships between humans, ancestors, and nature as sources of moral authority. When transcendental communication is preserved, *awig-awig* is not merely obeyed as formal rules but internalized as meaningful social values. Conversely, when this dimension weakens due to generational fragmentation or cultural commodification, customary law risks losing its binding force. Therefore, this Community Engagement Program aims to strengthen the customary law of Terunyan Village by positioning transcendental communication as a normative-cultural legitimacy base and a mediating instrument between customary law, state law, and external tourism pressures. Cultural innovation in this context does not entail altering ritual substance but renewing the management of social and institutional relations, including shared narratives, clarification of sacred and public boundaries, regulation of external involvement, and reinforcement of intergenerational transmission of *awig-awig* values. Through this approach, the PKM seeks to reinforce equitable customary village governance that preserves sacred traditions, affirms customary authority, and remains adaptive to modern public policy demands.

## II. METHODS

This Community Engagement Program (PKM) was designed using a participatory socio-legal approach integrating normative analysis of customary law with empirical examination of social practices in Terunyan Village. This approach was selected because customary law cannot be fully understood solely as written norms in *awig-awig*; rather, it must be examined as a living value system continuously practiced and

negotiated within the social, cultural, and spiritual dynamics of the indigenous community. Through the socio-legal perspective, customary law is positioned as *living law*, whose effectiveness depends on value internalization, symbolic legitimacy, and communication practices particularly transcendental communication that sustains social compliance. The PKM participants comprised various community elements of Terunyan Village, including customary leaders, members of the customary village council (*prajuru*), community elders, youth representatives, and residents directly or indirectly connected to the *mepasah* burial tradition. All activities were conducted within Terunyan Village as the primary socio-cultural space where customary law operates.

Participants were selected purposively based on social position, knowledge of customary norms, and involvement in decision-making and value transmission processes, ensuring comprehensive representation of internal community dynamics. Data collection employed several integrated techniques. The first stage involved reviewing *awig-awig* and customary documents to identify norms governing burial traditions, customary authority structures, and sanction and compliance mechanisms. The second stage consisted of participant observation, wherein researchers engaged directly in social and ritual activities to observe interaction patterns, transcendental communication practices, and symbolic relations between the community, sacred spaces, and burial traditions. The third stage involved focus group discussions (FGDs) with customary leaders, youth representatives, and other community members to identify socio-legal issues such as divergent interpretations of customary norms, challenges in value transmission, and relationships with external actors, including tourism stakeholders and government institutions. FGDs also served as collective reflection forums for formulating relevant customary law strengthening strategies.

The fourth stage involved semi-structured in-depth interviews to explore personal experiences and perceptions related to the meaning of *mepasah*, the role of transcendental communication, and social changes affecting the sustainability of customary law. Data analysis employed a qualitative interpretative approach by linking field findings with customary law frameworks, living law theory, and transcendental communication concepts. Analytical procedures included data reduction, thematic categorization, and critical interpretation to uncover relationships between customary norms, social practices and structural challenges. Data validity was ensured through source and method triangulation and member checking with customary leaders and participants. Participation served as a core principle throughout the PKM, positioning the indigenous community as active subjects rather than passive objects and fostering equal dialogue, collective reflection, and legal awareness development toward a contextual, adaptive, and sustainable model of customary law strengthening grounded in transcendental communication.

### III. LITERATURE REVIEW

Indonesian legal scholarship widely conceptualizes customary law as *living law*, meaning law that derives its validity from sustained and observable social practices. This concept aligns with Eugen Ehrlich's view that effective law often emerges and operates within social associations rather than solely within state legislation (Ehrlich, 1913/2002). Within the framework of legal pluralism, customary law is understood as part of a plural legal system coexisting alongside state law and religious norms, each possessing distinct sources of legitimacy and compliance mechanisms (Griffiths, 1986; von Benda-Beckmann, 2007). Consequently, the effectiveness of customary law cannot be measured solely by formal recognition but by the extent to which its values are internalized, supported by social sanctions, and symbolically legitimized by the community. This perspective aligns with Friedman's analysis, which positions legal culture as a key determinant of whether legal norms function effectively within society (Friedman, 1975). In the Indonesian context, recognition of indigenous legal communities is constitutionally grounded. Article 18B paragraph (2) of the 1945 Constitution affirms state recognition and respect for indigenous communities and their traditional rights, provided they remain viable and consistent with national principles.

Similar reinforcement appears in Article 28I paragraph (3), which guarantees respect for cultural identity and the rights of traditional communities. Constitutional law scholars interpret these provisions as conditional recognition, whereby the state acknowledges customary law while situating it within the coherence of the national legal system (Asshiddiqie, 2010). Challenges arise when such normative

recognition is not fully translated into policy mechanisms that position customary law as an equal subject in cross-sector decision-making. In Bali, studies on customary villages indicate that *awig-awig* functions as a normative instrument regulating not only religious rituals but also social governance, communal relations, and spatial management. Nationally, Law Number 6 of 2014 on Villages provides a basis for recognizing customary villages within village governance. More contextual reinforcement is provided by Bali Provincial Regulation Number 4 of 2019 on Customary Villages in Bali, which affirms customary village authority to regulate traditions, customs, and local wisdom through *awig-awig* and *pararem*.

However, policy studies suggest that institutional recognition still faces coordination challenges when customary affairs intersect with tourism, health, and environmental sectors governed by separate regulatory regimes (Windia, 2020). Anthropological studies of the Bali Aga community, particularly in Terunyan Village, conceptualize the *mepasah* burial tradition as a cultural institution that maintains social order and cosmological balance. The practice of open-air corpse placement without burial or cremation is understood as a series of symbolic actions affirming the relationship between humans, nature, and ancestors within a unified meaning system (Geertz, 1973). From a symbolic anthropology perspective, rituals function as a cultural “language” that produces social cohesion and collective identity. Accordingly, pressure on burial rituals impacts not only practice but also the authority of customary institutions underpinning village social order. Cultural transmission literature further emphasizes that the sustainability of customary norms depends on intergenerational value inheritance; when younger generations experience a meaning gap, the legitimacy of *awig-awig* may erode despite formal recognition (Hobsbawm, 1983). In cultural communication studies, transcendental communication refers to communicative practices that extend beyond interpersonal interaction to include symbolic relations with sacred entities such as ancestors and nature. This form of communication functions as a medium for meaning-making, legitimacy construction, and normative compliance in traditional societies.

Carey conceptualizes communication as ritual action aimed at maintaining community and shared meaning rather than merely transmitting information (Carey, 1989). Applied to the Terunyan context, transcendental communication serves as a meaning infrastructure enabling *awig-awig* to be internalized as moral and cosmological obligations rather than merely formal rules. Religious communication literature suggests that social legitimacy in traditional communities often rests on sacred narratives and emotionally binding symbols; when these symbols are reduced or commodified, the symbolic authority of customary law may decline (Littlejohn et al., 2016). Modernization and public policy studies further reveal structural tensions between contextual customary law and positivist state law. Health, environmental, and tourism regulations typically operate through universal standards and technocratic procedures, while customary law is contextual and value-based. The strengthening of health governance through Law Number 17 of 2023 and Government Regulation Number 28 of 2024, alongside environmental governance under Law Number 32 of 2009, introduces standards potentially conflicting with customary practices. Socio-legal literature emphasizes that the primary issue is not normative conflict per se but the absence of mediation mechanisms enabling equal dialogue between customary law and state law (Santos, 2002). Without such mechanisms, customary law tends to be treated as an object of adjustment, leading to the marginalization of customary authority.

Cultural tourism further complicates these relations. Law Number 10 of 2009 on Tourism requires tourism implementation to respect religious norms, customs, and socio-cultural values. However, critical tourism literature highlights that tourism practices often follow market logic, risking ritual commodification and loss of meaning (MacCannell, 1999). In this context, customary law and transcendental communication function as protective mechanisms to delineate sacred and public spaces, regulate external involvement, and ensure fair benefit distribution without sacrificing ritual sanctity. Based on this literature review, strengthening customary village law necessitates an integrative approach bridging normative-institutional, socio-cultural, and communicative dimensions. While numerous studies address customary law, cultural communication, and tourism separately, research that explicitly operationalizes transcendental communication as a strategy for strengthening customary village law within community engagement frameworks remains limited. Therefore, this PKM offers novelty at the model level by positioning

transcendental communication as a normative mediation instrument between customary law, state law, and external tourism pressures, while serving as a foundation for contextual and sustainable cultural governance innovation.

#### IV. RESULT AND DISCUSSION

The implementation of the PKM in Terunyan Village demonstrates that the community's core challenge extends beyond the preservation of the *mepasah* ritual to the strengthening of the normative authority of *awig-awig* amid rapid social change. Initial socio-legal mapping revealed an intergenerational meaning gap: younger community members tend to recognize *mepasah* as a cultural identity marker but do not fully internalize *awig-awig* as binding regulatory norms. This condition expands interpretive space regarding communal obligations, sacred-public boundaries, and the legitimacy of customary sanctions, potentially generating internal friction. These findings confirm that the functionality of law as a system is determined not solely by written norms but by living legal culture within society (Friedman, 1975), and that effective law is often sustained by social norms actively operating within communities (Ehrlich, 1913/2002). From a normative-institutional perspective, PKM activities affirmed that Terunyan Village possesses a strong legitimacy basis to reinforce its customary law, as recognition of indigenous legal communities and cultural identity is constitutionally guaranteed (Article 18B(2) and Article 28I(3) of the 1945 Constitution). At the policy level, recognition is operationalized through Law Number 6 of 2014 on Villages and specifically reinforced in Bali through Provincial Regulation Number 4 of 2019 on Customary Villages.

However, FGDs revealed that the primary issue is not the absence of legal frameworks but their limited integration into cross-sector governance, particularly tourism, health, and environmental sectors that often rely on universal and procedural standards, thereby positioning customary law as an object of adjustment. This condition aligns with critiques of legal pluralism that emphasize the marginalization of customary norms in the absence of equal dialogue mechanisms (Griffiths, 1986; von Benda-Beckmann, 2007). In the dimension of cultural tourism, PKM assistance identified characteristic tensions: increased visitation can generate economic benefits but also poses risks of commodifying sacred spaces and practices when traditions are framed as spectacles. Although national tourism law mandates respect for religious and customary norms (Law Number 10 of 2009), field findings indicate deeper power shifts concerning control over narratives, access regulation, and visitor behavior standards. A key PKM output was the formulation of external engagement protocols grounded in *awig-awig/pararem*, including sacred-public boundary principles, visitation ethics, and spatial arrangements, allowing tourism to continue without eroding customary authority. This finding aligns with critical tourism literature that warns against market-driven simplification of cultural meaning and ritual "staging" (MacCannell, 1999). In the health and environmental dimension, PKM mapped potential norm disharmony points related to hygiene perceptions, spatial governance, and visitation impacts.

The strengthened health regime under Law Number 17 of 2023 and Government Regulation Number 28 of 2024 requires measurable environmental health management, while Law Number 32 of 2009 mandates environmental protection and management responsibilities. PKM findings show that the indigenous community does not reject health and environmental principles but requires normative mediation models enabling modern standards to be integrated without negating the cosmological meaning of *mepasah*. Through collective reflection, integration was framed as governance renewal rather than ritual modification, such as regulating visitor flows, reorganizing spaces, and standardizing community-based hygiene ethics compatible with *awig-awig*. This supports socio-legal arguments that the central issue often lies in the absence of bridging mechanisms enabling equitable negotiation between normative regimes (Santos, 2002). The most prominent outcome of the PKM was the renewal of customary communication through the strengthening of transcendental communication as a meaning infrastructure sustaining compliance. Transcendental communication was not treated as a private spiritual domain but as a collective mechanism for building legitimacy, social discipline, and value consensus. Reinforcing sacred narratives and human-ancestor-nature relationships increased compliance with *awig-awig*, as norms were understood as moral-cosmological responsibilities rather than merely social obligations.

This finding is consistent with the concept of “communication as ritual” that maintains community, belief systems, and meaning order (Carey, 1989), and with views that symbolic authority weakens when sacred practices are reduced to visual consumption (Littlejohn et al., 2016). Overall, PKM results reveal three interrelated achievements. First, collective legal awareness increased regarding *awig-awig* as a legitimate regulatory instrument compatible with state recognition frameworks, reducing customary inferiority in cross-sector forums (Friedman, 1975). Second, a renewed customary communication model emerged, employing transcendental communication as a mediation mechanism to reduce internal interpretive conflict and clarify sacred-public boundaries under external pressures, including tourism (Carey, 1989; MacCannell, 1999). Third, institutional strengthening developed through protocol formulation and reinforcement of *awig-awig/pararem* instruments integrating legal, cultural, health-environmental, and tourism dimensions adaptively, consistent with national and regional mandates (Law No. 10/2009; Law No. 6/2014; Bali Provincial Regulation No. 4/2019; Law No. 17/2023; Government Regulation No. 28/2024; Law No. 32/2009). PKM implementation also demonstrates that strengthening customary law cannot be separated from social education and leadership regeneration. Participatory dialogues identified a paradox among Terunyan youth: while they express pride in *mepasah* as a community identity marker, they simultaneously face modern pressures from formal education systems, digital media, and tourism-oriented economic logic that often conflict with customary rhythms and values.

This condition generates a risk of discontinuity of meaning between generations. Strengthening efforts proved more effective when customary communication was designed as reflective and participatory intergenerational dialogue rather than purely instructive communication, enabling *awig-awig* to be understood as a relevant social ethic rather than merely a traditional obligation. In this context, transcendental communication functions as a strategic cultural pedagogical medium, transmitting customary legal values through symbols, sacred narratives, and collective experiences that engage emotional and spiritual dimensions. This approach bridges cognitive gaps across generations by presenting values not as rigid normative doctrines but as elements of cosmological relationships shaping identity and social responsibility. These findings reinforce the view that communication in indigenous communities cannot be reduced to instrumental models but must be understood as ritualistic and transcendental meaning formation processes (Carey, 1989). Thus, renewing customary communication is not about modernizing messages but recontextualizing meanings to remain alive in collective consciousness. Another important outcome is the strengthened bargaining position of the customary village in its relations with external actors, particularly government and tourism stakeholders. Prior to PKM, these relations were largely asymmetrical, with the customary village reacting to external policies and activities.

Through legal assistance, participatory discussions, and the formulation of *awig-awig/pararem*-based protocols, the community began to perceive customary law as a strategic instrument for more equal negotiation. This shift aligns with regulatory frameworks positioning customary villages as subjects managing tradition and local wisdom rather than mere policy objects (Law No. 6/2014; Bali Provincial Regulation No. 4/2019). From a public policy perspective, PKM findings indicate that integrating customary law with health and environmental regimes is more effective through community-based approaches. Rather than imposing technocratic standards unilaterally, normative dialogue involving customary leaders facilitates shared understanding of protection goals without erasing the cosmological meaning of *mepasah*. This demonstrates customary law's adaptive capacity, provided authority structures and legitimacy mechanisms are respected, supporting socio-legal arguments that legal pluralism is not a policy obstacle but a potential solution when managed through culturally sensitive mediation (Santos, 2002). Conceptually, PKM findings affirm that strengthening customary law is a dynamic process rather than a static condition. It requires continuous renewal at the levels of communication, institutions, and social practice. Such renewal is not aimed at altering the substance of the *mepasah* ritual but at repositioning, communicating, and operationalizing customary law amid modern dynamics.

Through this approach, customary law continues to function as living law that sustains cosmological balance while engaging productively with state law and socio-economic developments. Overall, these findings reinforce the conclusion that PKM success in Terunyan Village lies in its ability to integrate

normative strengthening of customary law, renewal of transcendental communication, and social governance innovation within a single integrative framework. Customary law is not merely reinforced as a cultural identity symbol but reactivated as a legitimate, adaptive, and equitable regulatory system. This PKM provides important lessons that the sustainability of local traditions in Bali and indigenous communities more broadly depends on the capacity of communities and the state to build dialogical, equal, and value-respecting relationships rooted in living transcendental traditions.

## V. CONCLUSION

The Community Engagement Program (PKM) in Terunyan Village affirms that strengthening customary law should not be understood merely as preserving the *mepasah* ritual, but as reinforcing the normative authority of *awig-awig* in responding to social, legal, and cultural change. The *mepasah* tradition functions not only as a religio-cultural practice but also as a social regulatory mechanism maintaining community order, cosmological balance, and the continued operation of customary law as living law. PKM findings indicate that customary law challenges stem from both internal and external factors. Internally, intergenerational meaning gaps threaten the transmission of *awig-awig* values and generate divergent interpretations.

Externally, tourism pressures and health-environment governance create normative disharmony when customary law is not positioned as an equal subject in cross-sector governance. This condition illustrates that normative recognition does not automatically translate into effective implementation. The PKM demonstrates that transcendental communication is a key element in strengthening customary village law. Through reflective and participatory communication, *awig-awig* values are not merely preserved as tradition but recontextualized as social ethics relevant to contemporary challenges. Overall, sustaining local traditions and ensuring the effectiveness of customary law require an integrative approach combining normative strengthening, renewal of transcendental communication, and social governance innovation. Customary law must remain active as a legitimate, adaptive, and equitable regulatory system through dialogical and equal relationships between indigenous communities and the state.

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