

Customary Violations and Sanctions: A Comparative Study of Two Indigenous Communities in Bali and South Sulawesi

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Abstract: This comparative study examines how customary sanctions are applied in response to traditional law violations in Tenganan Pegringsingan (Bali) and Kajang Tanah Towa (South Sulawesi), and how these sanctions sustain ecological balance and social harmony. The research was conducted using in-depth interviews and participatory observation. Various types of sanctions are regulated by written and unwritten rules (traditional written customary law) of Tenganan Pegringsingan, including *dosen*, *penging*, *sikang*, *sapa sumaba*, and *kesah*. Meanwhile, in the Kajang Tanah Towa indigenous community, violations of the pasang (oral customary guidelines) are met with mild to severe sanctions. Serious violations are punished with *poko' ba'bala* (base of the whip – for severe violations), *tangnga ba'bala* (middle of the whip – for moderate violations), and *cappa ba'bala* (tip of the whip – for minor violations). This study contributes to a deeper understanding of how indigenous legal systems function as effective mechanisms for environmental governance and community resilience.

Keywords: customary violations; Tenganan Pegringsingan indigenous community; Bali; Kajang Tanah Towa indigenous community; South Sulawesi

1. Introduction

Indonesia is home to diverse indigenous communities, defined by AMAN (Aliansi Masyarakat Adat Nusantara) as those living in a specific customary area, with sovereignty over land and natural resources, governed by customary laws (Husain et al., 2010). These indigenous communities continue to adhere firmly to their customs and traditions. AMAN reports that Indonesia is home

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to over 17 million indigenous people organized into approximately 2,300 communities spread throughout the archipelago. Currently, 538 indigenous legal communities have received formal recognition from local governments, based on 17 regional legal products (laws, decrees or regulations) across 13 districts/cities in ten provinces (Aliansi Masyarakat Adat Nusantara, 2017).

The Tenganan Pegringsingan community in Bali and the Kajang community in South Sulawesi, the focus of this study, comprise two such indigenous communities (Undaharta et al., 2024). The Tenganan Pegringsingan community is part of the Bali Aga or Bali Mula group. Historical Javanese Hindu influences during the Majapahit era led to two main Balinese communities: Majapahit Balinese (lowland), influenced by Hindu court culture, and Bali Aga (mountainous), retaining pre-Majapahit traditions and regarded as the island's oldest indigenous groups (Reuter, 2002). Bali Aga communities have distinct socio-religious systems, ecological practices, and communal institutions which contrast to lowland Balinese. In Bali Aga, customary villages (*desa adat*) govern all aspects of community life, whereas in lowland Bali, their role is mainly cultural and religious (Umiyati, 2023). Unlike lowland Balinese, Tenganan Pegringsingan lacks a caste-based language system due to its more egalitarian social structure.

The Tenganan community rejects the label *Bali Aga*, which they consider derogatory, preferring *Bali Mula* (original Balinese) or *Bali Turunan* to highlight ancestral lineage (Qodim, 2023; Sari et al., 2022). They interpret *Bali Aga* as implying ignorance or backwardness. In terms of environmental relations, Lansing (2007) notes that *Bali Aga* communities manage resources communally and spiritually. Tenganan Pegringsingan, for instance, practices forest conservation (*karang*) and strict land management rooted in animist beliefs predating Hindu-Balinese influence.

The Tenganan Pegringsingan community is considered a small-scale community based on its limited territorial scope and relatively low population. The village covers about 917.2 hectares with around 670 residents (Sumunar et al., 2017; Yayasan Wisnu, n.d.). Its small size leads to minimal internal diversity, with members experiencing life holistically (White et al., 2022). Customary law in Tenganan Pegringsingan, Bali, is integral to social and cultural life, regulated by written and unwritten rules covering marriage, kinship, and religious ceremonies. It is enforced mainly through fines and expulsion. Violations to customs like exogamous marriage incur fines called *artadanda*, payable in money or property. Serious violations, such as marrying outside the village, may lead to expulsion and bans from sacred places. Customary law maintains community identity and harmony, serving as legal norms and moral-ethical guidelines for daily life.

The Kajang Tanah Towa community, located near Makassar, South Sulawesi, distinguishes between *Kajang Dalam* (Inner Kajang) and *Kajang Luar* (Outer Kajang), which reflect differences in identity, with the former emphasizing simplicity and humility (Husein et al., 2021).

Residents of the *Kajang Dalam* region strictly adhere to customary traditions and live by the *kamase-masea* principle, which emphasizes a simple and austere way of life. This principle is reflected in their rejection of modern technology and in their traditional architectural styles. The houses in this area are constructed entirely from wood or bamboo, or a combination of both, with no structures made of stone or concrete—not even the residence of their highest customary leader, the *Ammatowa*.

This study aims to examine the implementation of customary sanctions in two indigenous communities: Tenganan Pegringsingan and Kajang Tanah Towa. A comparative understanding of these sanction mechanisms in more than one indigenous community is crucial to appreciating the role of indigenous law in environmental conservation and social cohesion.

This study is significant because it offers a comparative analysis of customary sanction systems in two distinct indigenous communities, thereby contributing to the broader discourse on legal pluralism and community-based environmental governance. By demonstrating how customary law operates as a living regulatory framework that integrates social control, spiritual values, and ecological protection, this research provides empirical evidence of the continued relevance of indigenous legal systems in sustaining environmental conservation and social cohesion in contemporary Indonesia.

2. Literature Review

Extensive research has been conducted on the Tenganan Pegringsingan region. One of the first studies in this area before Indonesia's independence focused on customary law and laid the foundation for subsequent legal studies (Korn 1932, 1933). Later, anthropological studies emerged, initiated by Gede Bagus and followed by other faculty members and students, including the notable early work *The Settlement Structure of the Tenganan Pegringsingan Village Community* (1964).

Anthropological studies in the region have revealed that the community follows a linear settlement pattern and a social structure oriented toward seniority. The economic system is based on communal land ownership, while cultural transmission follows a traditional mechanism known as *metruna nyoman* (Astika, 1985:6).

According to Warren (1993), Tenganan Pegringsingan has a unique village government system with the concept of “written and unwritten rules” which are

very strict and passed down from generation to generation. In 2017, Kristiono conducted a study on the Tenganan Pegringsingan community, focusing on the lifestyle patterns and the role of written and unwritten rules (customary regulations) in daily life, particularly in relation to marriage practices.

Despite modernization, customary values persist. Ardika & Setiawan (2020) highlight the decline in youth interest in *Geringsing* weaving, while Sari et al. (2022) report renewed engagement following digital marketing via social media. Based on recent studies, the Tenganan Pegringsingan community is continuously adapting to change without abandoning its cultural roots. Recent research highlights how people navigate modernization challenges, preserve cultural heritage, and manage tourism in a community-based manner. Tenganan Pegringsingan serves as a living example of how indigenous communities uphold local wisdom while managing their environment and facing socio-cultural transformations. Through the implementation of written and unwritten rules (customary law), traditional education, and adaptation to tourism developments, the community has successfully maintained a balance between heritage conservation and modern demands, as demonstrated in recent ecotourism developments that integrate local values with global tourism trends (Suyadnya et al., 2025; Suyadnya, 2021; Murtini *et al.*, 2023).

Similar to the Tenganan Pegringsingan community in Bali, which has garnered significant attention from researchers, the indigenous community of Tanah Toa Kajang in South Sulawesi has also been the subject of several studies. A preliminary study by Husain et al., (2021) provided fundamental knowledge essential for understanding general aspects of this community. This study highlighted the Tana Towa people's unwavering adherence to *pasang*, a way of life inherited from their ancestors and held in the highest regard. In other words, while the Bugis-Makassar people adhere to Islam and worship Allah SWT, the Tanah Towa community believes in *Turi'e Ara'na* as their supreme deity. This belief is deeply embedded in the theological teachings of *pasang* (Talib, 2024).

The Tanah Towa belief system, *Patuntung*—meaning “learning,” “peak,” or “seeking”—requires each Ammatoa to pursue truth through *Pasang ri Kajang*, a set of oral teachings in the Konjo dialect guiding worldly and spiritual life (Zainuddin et al., 2023; Rohr, 2024). As leader of *Patuntung ri Kajang*, the Ammatoa preserves this wisdom across generations (Husain & Kinasih, 2010; Erawati et al., 2022; Zainuddin et al., 2023).

This study examines how customary sanctions in both communities sustain environmental and social harmony.

3. Research Methodology

This study employs an ethnographic approach, focusing on the collection, classification, and analysis of customary sanctions imposed on community members who violate traditional regulations in both Tenganan Pegringsingan and Tanah Towa Kajang (Isser, 2011; Kurczewski, 2023).

Data collection was conducted through multiple methods, including field studies, in-depth interviews, and literature review. Fieldwork was carried out between March and August 2025, with approximately three months spent in Tenganan Pegringsingan (Bali) and three months in Tanah Towa Kajang (South Sulawesi). During this period, the research team conducted direct observation of daily community life and actively participated in several customary rituals and village assemblies to gain an in-depth understanding of local normative practices.

In-depth interviews were conducted with customary leaders, forest guardians, community elders, and selected residents who had experienced or witnessed the implementation of customary sanctions. Each interview lasted between 60 and 120 minutes and was conducted in Indonesian or the local language with assistance from community interpreters when necessary. These interviews aimed to explore the procedures, meanings, and social implications of customary sanctions in both communities.

The interviewees included not only those residing within the customary areas but also individuals living outside these territories who were less bound by traditional customs. The objective of these interviews was to gather as much information as possible regarding various forms of customary violations and the sanctions imposed on offenders. These interviews were conducted during fieldwork in 2025. During fieldwork, the researchers engaged in participatory observation and conducted interviews with traditional leaders, forest guardians, and community members who had experienced or witnessed the implementation of customary sanctions.

Third, the research team conducted an extensive literature review of previously published studies related to these two communities. The collected data were analyzed using the Interactive Analysis Model popularized by Miles and Huberman (Jones, 2023). This model consists of three key components: (1) Data Reduction – Data collected from field interviews and participatory observations was classified and filtered by identifying recurring themes related to customary violations and their sanctions, while irrelevant information was excluded; (2) Data Presentation – Categorized data was systematically organized into tables and narrative descriptions to highlight patterns of customary sanction practices in both communities; and (3) Conclusion Drawing – Conclusions were drawn by synthesizing identified patterns and interpreting the cultural significance of

sanctions based on comparative analysis between Tenganan Pegringsingan and Kajang Tanah Towa.

4. Results and Discussion

4.1 Origins of the Indigenous Communities of Pegringsingan and Kajang Tanah Towa

4.1.1 Origins of the Pegringsingan Indigenous Community

The history of Tenganan Pegringsingan Village can be understood through its name. As noted by Ramseyer (1984), the name *Tenganan Pegringsingan* signifies that the village is centrally located and is protected from disease and negative influences. Consequently, Tenganan Pegringsingan is considered a pure village, isolated from other communities in Bali (Maria & Rupa, 2007). The unique *gringsing* fabric, made through a lengthy natural dyeing process using indigenous plants, is believed to ward off illness (Wartawan, 1987:58) and is extremely valuable, selling for millions of rupiah per piece.

The village's origin is linked to sacred traditions involving Lord Indra, symbolizing divine protection and reinforcing the sacredness of customary laws. The population consists of two groups: indigenous *Wong Tenganan (Krama Gumi)* and non-indigenous settlers, *Wong Angendok*, brought for specific roles. According to Gorys (cited in Astika, 1985), the community is divided into ten kinship groups (*soroh*): (1) *Soroh Sanghyang*, (2) *Soroh Ngijeng*, (3) *Soroh Batu Guling Maga*, (4) *Soroh Batu Guling*, (5) *Soroh Mbok Buluh*, (6) *Soroh Prajurit*, (7) *Soroh Pande Emas*, (8) *Soroh Pande Besi*, (9) *Soroh Pasek*, and (10) *Soroh Bendesa*. These groups are symbolized by ten stone mounds at Pura Batan Celagi, their sacred historical gathering site (Maria & Rupa, 2007).

Everyday social interaction in Tenganan Pegringsingan unfolds within a spatial order shaped by customary norms, where domestic spaces, ritual practices, and communal life are closely intertwined. These customary values are embedded in daily practices and function as an informal mechanism of social regulation. The distinction between indigenous Tenganan people and non-indigenous settlers results in differences in customs, rituals, and residential zones. Only the indigenous group holds rights such as being core village members, receiving communal land profits (*tika*), and participating in traditional governance. Non-indigenous settlers cannot hold leadership positions, receive land shares, or join village-wide religious ceremonies. Indigenous status, however, can be lost due to death, intermarriage, offenses like theft in the Bale Agung [the village meeting hall], other crimes, or old age, after which individuals are classified as *warga unngu* (Wartawan, 1987:75).

Tenganan Pegringsingan's governance follows a hierarchical structure based on customary laws (written and unwritten rules), comprised of: (1) *De*

Mangku, (2) *Luanan*, (3) *Bahan Duluhan*, (4) *Bahan Tebanan*, (5) *Tambalapu Duluhan*, (6) *Tambalapu Tebanan*, and (7) *Pengeluduan*. Membership in the *desa adat* depends on marital order and is recognized only through marriages conducted under local custom (Parimarttha, 1971; Wartawan, 1987). Kinship in Tenganan Pegringsingan is bilateral, acknowledging both paternal and maternal lines, granting equal inheritance rights to men and women (Maria & Rupa, 2007). This contrasts with broader Balinese society, where males hold greater authority and the birth of a son is more highly celebrated (Sartini, 2020).

The Tenganan Pegringsingan customary village (*desa adat*) is inhabited by a territorial community that emphasizes collective responsibility. The residents share the duty of maintaining the village's sacredness. Within the community's value system, there is a prevailing belief that human beings cannot live in isolation but must exist within a social framework based on solidarity and kinship. This communal spirit is manifested in a cooperative labor system known as *ngujangaji*, a traditional form of mutual assistance practiced by all core village members (*krama desa inti*). Consequently, *ngujangaji* is frequently mentioned in ritual discourse as an integral aspect of communal ceremonies.

The *ngujangaji* system is categorized into four types:

1. *Ngujangaji Paon* (kitchen construction) – collective efforts to build kitchens.
2. *Ngujangaji Sanggah* (sacred shrine construction) – joint efforts by all villagers to construct shrines for religious ceremonies, particularly during the *sasih kasa* ritual cycle.
3. *Ngujangaji Anyunan* (swing installation) – communal labor to erect traditional swings.
4. *Ngujangaji Mabulung* (cleaning rituals) – village- a tradition that still continues today, although recent developments such as tourism have led to certain adjustments in its practice.

These forms of *ngujangaji* are not merely ritual or communal activities; they institutionalize collective responsibility and mutual supervision within the village. Through these practices, social cohesion is strengthened and compliance with written and unwritten rules is reinforced, including regulations related to environmental management and customary sanctions. Thus, *ngujangaji* serves as an important social foundation that supports the effective enforcement of customary law in Tenganan Pegringsingan.

4.1.2 *Origins of the Kajang Tanah Towa Indigenous Community*

Historical records on the Kajang indigenous community in Tanah Towa are scarce, but key developmental phases are known. Oral traditions, resembling Gowa and Bone histories, tell of small clan-based groups and a kingship myth

centered on *Tau Manurung*, a celestial being who founded the noble lineage.

Ammatoa, the highest leader, is considered *Tau Mariolo* (first human) who descended on *Tana Towa*—a *tombolo*-shaped land surrounded by water—accompanied by the mythical bird *koajang*, from which “Kajang” may derive (Usop, 1985:96). The first leader, *Bohe Tomme*, vanished (*sajang*, immortal), leaving descendants (*tau kentarang*) who produced successive Ammatoa leaders, including *Bohe Ta’bo*, *Puto’ Sompe ri Pangi*, *Puto’ Palli ri Tombolo*, *Soba ri Tombolo*, *Puto’ Sembang*, and *Puto’ Cacong ri Benteng* (Usop, 1985:96–97; Maarif, 2012:29). Kajang cosmology holds that *Turie A’ra’na* (God/Causa Prima) created the universe from an initial vast ocean and *tombolo* landform (Anonymous, 1985: 14). According to Puto Palasa, Ammatoa was sent to establish *adat* (customary law), *arung* (governance), and kingdoms (Interview with Ammatoa [Puto Palasa], 25/4/2009).

Governance is led by the Ammatoa, also called *bohe* (father), who protects all groups—*Tau Dongo* (uneducated), *Tau Macca* (educated), *Tau Kalumanyyang* (wealthy), and *Tau Kasi-asi* (poor)—and applies laws equally without discrimination (Interview, 25/4/2009). In carrying out his governance duties, the *Ammatoa* is assisted by a council of customary officials, which includes: (1) *Galla Pantama*; (2) *Galla Lombo*; (3) *Galla Puto*; (4) *Galla Malleleng*; (5) *Karaeng Tallu*; (6) *Labbiriya*; (7) *Sallihatang*; (8) *Moncongbolea*; (9) *Galla Lembanna*; (10) *Galla Ganta*; (11) *Galla Sangkala*; (12) *Galla Sapa*; (13) *Galla Bantala*; (14) *Galla Jojjolo*; (15) *Galla Pattongko*; (16) *Anrong Gurua*; (17) *Kadahaya*; (18) *Totoa Ganta*; (19) *Totoa Sangkala*; (20) *Lompo Karaeng*; (21) *Lompo Adat*; (22) *Loha*; (23) *Kamula*; (24) *Panre*; (25) *Kali Kua*; (26) *Galla Bonto* (Interview, Saturday, 25/4/2009).

The mention of these customary officials is essential because the enforcement of *pasang* and the implementation of sanctions in Kajang Tanah Towa are not carried out solely by the Ammatoa, but through a structured institutional system. This hierarchical council ensures collective decision-making, supervision, and the execution of customary trials (*abborong ada’*). Therefore, the governance structure is directly related to the article’s focus, as it provides the institutional foundation that enables customary sanctions to function effectively in maintaining social order and environmental protection.

4.2 Forms of Sanctions for Customary Violations

4.2.1 Violations and Sanctions in the Tenganan Pegringsingan Indigenous Community

To provide a clearer understanding of how customary sanctions are enforced according to the *awig-awig* in Tenganan Pegringsingan, the following are two case examples derived from observed practices and local narratives.

(1) A resident was found selling coconut trees inherited from communal land without prior approval from the customary village assembly. According to

the *awig-awig*, this act constitutes a violation of resource governance principles. The individual was sanctioned with a fine of 400 *kepeng* [old Chinese copper coins] and temporarily banned from attending meetings at the Bale Agung for one month. The continued use of *kepeng* as a monetary sanction is not merely economic but symbolic. *Kepeng* coins have long been embedded in ritual transactions and customary exchanges in Bali, representing historical continuity and sacred legitimacy. The Indonesian rupiah is not used because customary sanctions operate within the autonomous domain of adat law, which seeks to preserve its institutional distinction from the state legal and monetary system. Thus, *kepeng* functions both as a punitive instrument and as a cultural marker reinforcing the authority and continuity of customary law.

(2) A young man was caught bringing his partner from outside the village without following the officially recognized marriage procedures outlined in the *awig-awig*. This action breached the prohibition against exogamy. As a result, he received a *sapasumaba* sanction (limited social exclusion) and was required to publicly apologize during the next *patipanten* assembly.

In the Tenganan Pegringsingan community, these sanctions vary depending on the severity of the violation. Everyday social interaction in Tenganan Pegringsingan takes place within a communal setting that enables continuous social supervision. This social environment reinforces compliance with *awig-awig*, as customary norms are embedded in daily interactions and shared traditional spaces (Figure 1).



Figure 1. The atmosphere of Tenganan Pegringsingan Village, Karangasem, East Bali. The uniqueness of its traditional culture makes this village a major tourist attraction (Photos Darma Putra).

The people of Tenganan Pegringsingan adhere strictly to customary rules outlined in the written and unwritten rules which regulate various matters such as marriage and environmental conservation (Sugianto, 2014). Most articles included in the written and unwritten rules are inscribed in lontar manuscripts stored in the Bale Agung (Kristiono, 2017). Violations of these customary regulations are met with sanctions proportionate to the severity of the offense. The following are the types of sanctions imposed (Darmika, 1992):

- (a) *Dosen* – This sanction includes a warning, a fine, and the obligation for the offender to carry out tasks assigned by the community, such as collecting palm fibers (*ijuk*) or gathering river stones for village use. The offender must also formally apologize at the *Bale Agung* during a routine *ngelebang saya* [release of duty] meeting.
- (b) *Penging* – This sanction prohibits the offender from walking in front of the village temples and from entering the *Bale Agung*.
- (c) *Sikang* – Under this sanction, the offender is banned from entering neighbors' houses, visiting temples, and accessing the *Bale Agung*.
- (d) *Sapasumaba* – This sanction forbids any form of social interaction with the offender. If the offender asks a question, they may only receive a single response. Anyone who responds more than once is also subject to a *dosen* sanction.
- (e) *Kesah* – This is the most severe sanction, whereby the offender is expelled from the customary village and permanently exiled from its territory.

If observed closely, almost all written and unwritten rules (customary regulations) in the Tenganan Pegringsingan indigenous community include sanctions for violations. These regulations are highly strict, governing various aspects of life, from clothing to behavior within the village. The following is the essence of these written and unwritten rules, from an Indonesian translation (Wartawan, 1987):

“Awignam astu. The implementation guidelines of the written and unwritten rules of Tenganan Pegringsingan customary village, which are enforced by village members (*krama desa adat*) at the *Bale Agung* on every *patipanten* (first day of the local lunar calendar). During the village assembly (*pesangkepan*), tasks are assigned and accepted by village members. During these meetings, all members must wear a belt (*ikat pinggang*) and a *sabuk tubuhan* over their traditional wrap (*saput*) and carry a dagger (*keris*). All members present must not engage in playful behavior, fights, or the use of foul language, nor are they allowed to draw their *keris*. Any violation of these rules results in a temporary suspension of village membership. If the same individual

commits three violations, they are fined 2,000 *kepeng*. The fine must be paid during the *patipanten* meetings in accordance with longstanding customs.”

These rules serve as basic guidelines for organization and communal life in Tenganan Pegringsingan. Violations are met with specific sanctions, as stated in the text. The community generally obeys customary rules because of their high awareness of the importance of maintaining tradition and community harmony. The reasons for violating customary law include marriages with people outside the Tenganan Pegringsingan village, the influence of modernism and social change, accidents, economic conditions and internal disputes. In general, the decisions of the village head and traditional leaders in Tenganan tend to be accepted by the defendant, but in some cases, there is the possibility of negotiation or objection, generally through the customary deliberation mechanism. However, given the strong social system and traditional values in Tenganan, most people prefer to accept customary decisions in order to maintain the harmony and sustainability of the community. The presence of written and unwritten rules and their enforcement ensures an orderly and respectful society. As a result, *patipanten* meetings rarely witness heated arguments, fights, or verbal abuse—issues that are often encountered in conventional governance structures.

Family Life in the Tenganan Pegringsingan Community

Marriage customs in Tenganan Pegringsingan enforce unity by requiring couples to adopt a single family name, symbolizing lifelong commitment. Divorce and adultery are prohibited under customary law to maintain social harmony and communal identity. Should anyone violate the strict prohibition of divorce, they are expelled from the village, as has been the custom since ancient times. Any residents found guilty of adultery or maintaining concubines are to be excluded from participating in customary village activities and prohibited from engaging in the village’s traditional organizations. Marrying a widow or a previously married woman (*nyapihang*) from outside the village is also strictly forbidden. Violators of this rule are exiled from the village and denied residence in Tenganan Pegringsingan, illustrating the strict enforcement of this law in the community. Although specific cases are not detailed here, this rule is actively upheld to maintain order and harmony. However, an unmarried woman who adheres to the village’s religious beliefs may marry a local resident and reside in Tenganan Pegringsingan, though she will not be granted village membership. If she bears children, whether male or female, they are permitted to participate in customary gatherings at the *Bale Agung* and *Bale Petemon* (youth meeting halls).

To this day, the Tenganan Pegringsingan community firmly believes that the forest they have protected for generations is inhabited by I Tundung. As a result, no member of the community dares to disturb or exploit the sacred forest. In addition to this mythological belief, the enforcement of written and unwritten rules (customary law) also supports forest conservation, as outlined in Article 14 of the traditional regulations (Maria & Rupa, 2007:98-99):

“Any resident of that village who cultivates trees within the territory of Tenganan Pegringsingan Village, including on dry land (*tegalan*) of Tenganan Pegringsingan, must care for and use as needed trees such as jackfruit (*nangka*), teak (*tehep*), candlenut (*tingkih*), pangi, champak (*cempaka*), durian, and palm trees (*enau*). It is strictly prohibited to cut down palm trees which still blossom located west of the river in the northern part of the village. Only once the palm tree has finished bearing fruit may it be felled. Any violation of this regulation will be fined by the village 400 *kepeng*, and the felled tree should be confiscated by the village in accordance with [rules] already in effect. East of the village to a hill to the east, cutting down palm trees is permitted. If a villager burns things in their area of the village territory, resulting in the burning of trees or sacred structures, for example, it is appropriate that the ones who burned replace [or restore] the things burned or things destroyed to the original condition. Additionally, it is appropriate for the responsible party to be fined by the victim based on the severity of the wrong and they must perform purification (a cleansing in accordance with adat) in accordance with existing [traditions].”

Based on these customary laws, penalties for violators of written and unwritten rules are further detailed as follows (Sutaba et al., 1976; Maria & Rupa, 2007):

1. Theft of Timber by Outsiders
 - a. If an outsider steals timber from the village, they will be fined the value of the stolen wood plus an additional penalty of 2,000 *kepeng*, payable to the village.
 - b. If the stolen wood belongs to an individual, it must be returned to the rightful owner.
 - c. If the theft is discovered after the stolen wood has left the village and is confirmed by the village authorities, the penalty is doubled.
2. Theft of Timber by a Village Resident
 - a. If a resident of the village commits timber theft, they will face severe penalties, which may include expulsion from the traditional community.

3. Illegal Cutting of Protected Trees
 - a. If an individual cuts a prohibited tree branch (*neteb*), and the branch has a diameter equivalent to a human thigh—potentially harming or killing the tree—whether the violator is a resident or an outsider, they will be fined 10 *catu* of rice (1 *catu* = 2.5 kg).
 - b. Additionally, the illegally obtained wood must be returned to its rightful owner.
4. Unauthorized Harvesting of Fruits
 - a. If an outsider is caught collecting fallen fruits from protected trees, they will be fined 10 *catu* of rice.
 - b. The same penalty applies to individuals caught picking fruit directly from the trees.
5. Unauthorized Fruit Harvesting by Village Residents
 - a. If a village resident is found guilty of picking fruits unlawfully, they will be expelled from the traditional community.
 - b. If the offender holds a *pengeluduan* (traditional leadership) position, they will be immediately dismissed from their role.
 - c. Other officials (*roas* and *dapa ungguan*) may also be removed from their positions unless their services are still required, in which case they may be reinstated three days after the offense, following a village council meeting.
6. Unauthorized Cutting of Palm Trees
 - a. A resident found guilty of cutting down a palm tree will be fined 400 *kepeng*, and the felled tree will be confiscated by the village.
 - b. If the violator fails to comply, they will face a stricter penalty, including being banned from entering sacred village sites.
 - c. If the fine is not paid within one month, the offender will be subjected to *hukuman penganing* (a form of social punishment), prohibiting them from passing in front of temples or sacred places.
 - d. If the penalty remains unpaid, the punishment will escalate to *sapa sumaba*, in which the individual is socially ostracized and forbidden from engaging in conversations with fellow villagers.
 - e. If they persist in defying the sanctions, the ultimate punishment is *kesah*—permanent expulsion from the traditional community.

The people of Tenganan Pegringsingan recognize the term *ngambeng*, which refers to the process of producing *tuak* (palm wine). *Tuak* is essential for traditional ceremonies, both as an offering and as a beverage served during specific rituals. As a result, the traditional village (*desa adat*) requires a steady

supply of *tuak* for its religious and cultural events. Every villager who harvests the trees used to produce *tuak* is required to contribute a portion of the *tuak* to the village, a practice known as *atakeh acutak* (a customary measurement for village contributions). Failure to comply with this rule results in sanctions, as stipulated in the following written and unwritten rules (Wartawan, 1987):

“Whenever the traditional village community of Tenganan Pegringsingan requires *tuak*, one section of a plantation (*tanding*) must provide one *tambang* (a specific quantity) of *tuak*. If a villager refuses to contribute, they will be fined 400 *kepeng*, with the entire amount being deposited into the village treasury.”

The Tenganan Pegringsingan community maintains a profound connection to their ancestral land. This connection extends to the concept of space—referring to the place of birth, the place of life, and the place of death. Consequently, land within this village cannot be sold or mortgaged to outsiders. This principle is explicitly stated in the written and unwritten rules of Tenganan Pegringsingan:

“Outsiders are strictly prohibited from purchasing land or acquiring rice fields (*sawah*) and dry fields (*tegalan*) within Tenganan Pegringsingan. The village has the right to confiscate any land that has been sold or mortgaged. Additionally, any villager found selling or mortgaging land will be fined half of the sale price. This regulation has been unanimously agreed upon by the community.”

The written and unwritten rules of Tenganan Pegringsingan continue to be strictly adhered to, as they impose firm sanctions on violators. Despite modernization, the village has successfully preserved its traditional values. Through the enforcement of written and unwritten rules and the commitment of its people to environmental conservation, the forests surrounding the village remain well-preserved.

One key environmental regulation enforced by the village requires official permission before trees can be felled. Kristiono (2017) identifies several articles within the written and unwritten rules of Tenganan Pegringsingan that regulate environmental conservation, including Articles 8, 10, 13, 14, 36, 38, 51, 54, 55, and 61. The content of these regulations has been discussed previously, but a summary of their main provisions will be provided below.

4.2.2 Violations and Sanctions in the Indigenous Community of Kajang Tanah Towa

While the indigenous community of Tenganan Pegringsingan bases its customary guidelines and sanctions on written and unwritten rules, the

indigenous people of Kajang adhere to *pasang*. These *pasang* are passed down from generation to generation in various forms, including folklore.

Pasang not only prescribes good practices that must be followed but also prohibits harmful actions. *Pasang* governs the complex social structure of the community, regulating not only relationships between humans and the Creator or among community members but also emphasizing the importance of maintaining harmony with nature, particularly the forest (Figure 2).



Figure 2. The Forest in Kajang Tanah Towa and Puto Rudding, a Forest Guardian (Photo: Author's Documentation).

The forest, referred to as *borong* in the local language, is classified into three types:

1. Panai Forest (*Hutan Panai*) – This forest is accessible to all members of the community for living and working. Tree felling is permitted for personal needs; however, young saplings must be left untouched and preserved.
2. Ade Forest (*Hutan Ade*) – In this forest, timber can be harvested, but only with the knowledge and approval of customary authorities. Unauthorized logging results in sanctions.
3. Karrasa Forest (*Hutan Karrasa*) – This forest is strictly protected, and no resources— including wood or even leaves—may be taken by the community (Interview with Puto Rudding, 26/4/2009).

Guided by the *pasang*, the Kajang community practices a *kamase-masea* (modest living) philosophy, emphasizing simplicity, environmental conservation, and reverence for ancestral wisdom.

The following are three examples of *pasang* articles related to environmental and forest management:

1. *Anjo boronga anre nakkule nipanraki. Punna nipanraki boronga, nupanraki kalennu.* (The forest must not be destroyed; if you destroy the forest, it is the same as destroying yourself.)
2. *Iya minjo boronga kunne pusaka, anjo boronga angngontaki bosiya, aka'na kajua akkapaloppo tumbusu.* (The forest is our sacred heritage; it brings rain, and tree roots enhance the flow of spring water.)
3. *Punna ni ta'bangngi kayunna, nuni papi ronga ngurangi bosi, pantare rumbusu.* (If the trees are cut down, rainfall will decrease, leading to water shortages in wells.) (Puto Rudding, Forest Guardian, Interview, 26/4/2009)

These three *pasang* articles illustrate at least two key principles. First, the Kajang people consider themselves an integral part of nature and, therefore, must not exploit it recklessly. Second, they possess awareness and knowledge that forests serve as a crucial component in maintaining ecosystem balance.

The perspectives, knowledge, and environmental consciousness of the Kajang community regarding forest conservation are not merely normative but are actively practiced in daily life. This practice is embodied in their *kamase-masea* (modest living) way of life, following the traditions of their ancestors. They live simply, utilizing only what is available in their surroundings while reserving the surplus for ritual obligations. This way of life fosters a harmonious relationship between the community and nature. For them, nature is a sacred trust that must be preserved.

To ensure the forests' continued existence, particularly the sacred forests (*borong karama'*), a specialized system of guardianship is led by *Sulapa Tana*. Additionally, the *Ammatowa*, as the indigenous leader, assigns five individuals (*Tau Limayya*) to oversee different territories. These five guardians are: (1) Dalanju in Bagana; (2) Damanggasan in Bulangbuna; (3) Dakoda in Tuaka; (4) Dangempa in Tuli; and (5) Tumutung in Sobbu.

These forest guardians are responsible for monitoring individuals who may attempt to damage the forest and its ecosystem. If a violation occurs, the offender is first reported to *Tumutung*, the guardian residing in Kampung Sobbu. *Tumutung* verifies the legitimacy of the report. If the violation is confirmed, the perpetrator is summoned to face a customary court (*sidang adat*), presided over by the *Ammatowa* and other customary elders. During this trial, the offender is held accountable and sentenced according to the seriousness of their actions (Interview with *Ammatowa* (Puto Palasa, Saturday, April 25, 2009).

Customary violations in Kajang are classified into three levels—severe, moderate, and minor—with corresponding sanctions designed to protect social harmony and natural resources.

1. Severe violations (*poko' ba'bala* – base of the whip) carry a fine of 12 *real* or 24 *ohang* (Vereenigde Oost-Indische Compagnie - VOC rupiah). Today, this is equivalent to Rp1,200,000, along with a *kain kafan* (burial shroud) measuring 24 *siku* (approximately 12 meters) for Muslim offenders.
2. Moderate violations (*tangnga ba'bala* – middle of the whip) incur a fine of 8 *real* or 16 *ohang*, equivalent to Rp 800,000.
3. Minor violations (*cappa ba'bala* – tip of the whip) result in a fine of 4 *real* or 8 *ohang*, equivalent to Rp 400,000. (Interview with *Ammatowa* (Puto Palasa, Saturday, April 25, 2009).

The implementation of sanctions for forest-related violations follows a structured system: cutting down trees without permission is classified as a severe violation, obtaining permission for one tree but cutting down two is considered a moderate violation, while felling a tree without taking it is categorized as a minor violation (Usop, 1985: 157).

Table 1. Violations of Forest Products and Its Sanctions

No.	Tenganan Pegringsingan		Kajang Tanah Towa	
	Violation	Sanction	Violation	Sanction
1	Timber theft	<ul style="list-style-type: none"> - A fine equivalent to the price of the timber plus 2000 <i>kepeng</i> coins - The timber is returned to its owner. 	Severe violations with the punishment of <i>poko' ba'bala</i> (handle of the whip)	<ul style="list-style-type: none"> - A fine of 12 <i>real</i> or 24 <i>ohang</i> (VOC currency). Today, the fine is equivalent to IDR 1.200.000 - The provision of a burial shroud, for those who moslem, measuring 24 cubits or approximately 12 meters.
2	The cutting of branches (<i>neteb</i>) and collecting fallen or dropped fruit carried out by outsiders of the village.	<ul style="list-style-type: none"> - A fine of 10 <i>catu</i> (the rice quota determined by the customary village government) - The branch or fruit that falls is returned to its owner. 	Moderate violation with the punishment of <i>tangnga ba'bala</i> (middle of the whip)	A fine of 8 <i>real</i> or 16 <i>ohang</i> (VOC currency). Today, the fine is equivalent to IDR 800.000

No.	Tenganan Pegringsingan		Kajang Tanah Towa	
	Violation	Sanction	Violation	Sanction
3	Fruit theft	- Expelled from the customary village or demoted in the customary village position	Minor violation with the punishment of <i>cappa ba'bala</i> (tip of the whip)	A fine of 4 <i>real</i> or 8 <i>ohang</i> (VOC currency). Today, the fine is equivalent to IDR 400.000
4	Felling of the nipa palm, jackfruit, <i>tehep, tingkih, pangi,</i> champaca, and durian tree	- A fine of 400 <i>kepeng</i> coins - The tree is returned to the customary village. - Prohibited from entering sacred places in the village of Tenganan.		

Source: Husain et al. (2021); Sartini (1998); Usop (1985)

The severity of the violation and the corresponding punishment are determined through a customary court hearing (*abborong ada'*), attended by the accused and the entire indigenous community as witnesses. If a suspect refuses to pay the fine or denies committing the offense, the customary council applies two traditional methods of truth-seeking:

1. The Burning Crowbar Test (*attunu panroli'*) – The accused is required to hold a heated iron crowbar. If guilty, their hand will burn and blister; if innocent, the crowbar will feel cool to the touch.
2. The Burning Incense Test (*attunu passau'*) – The smoke from the burning incense will seek out the true offender, even if they are across the ocean. The guilty party will suffer from skin diseases (such as leprosy), chronic illness, or even death (Usop, 1985: 157, Interview with Abd. Salam (*Galla Lombo*), April 26, 2009).

This entire environmental preservation system is deeply intertwined with the indigenous worldview regarding nature. The Kajang people believe that nature possesses unseen forces, and mistreating it will lead to disaster. This belief is reflected in one of the Kajang *pasang*:

Mingku u'rangi to'i larroi linoa rikau talerie' nalapngngu'rangia (Beware, for if nature becomes angry at you, it will not provide any warning beforehand.) (Akib, 2008: 56).

The Kajang people firmly believe that nature was created by the Supreme Being for human use, but it must not be exploited irresponsibly, as this will lead to catastrophe: “*Punna larroi linoa rikau tála pattajángngi sinampe ammuko nacallako dewata* (If nature is enraged with you, it will not wait until tomorrow or the day after. God will punish you.)” (Interview with Abd. Salam (*Galla Lombo*), April 26, 2009).

The environmental management system established through *pasang* has ensured the preservation of the Kajang or Tanah Towa forest to this day. Today, it is still possible to find centuries-old trees, as well as various species of animals and birds. It is our collective hope that this well-maintained forest ecosystem remains intact for generations to come, serving as one of the Earth’s vital lungs amid the increasing threat of deforestation and environmental exploitation.

The practical implementation of customary law is clearly observable in the daily lives of indigenous communities such as those in Tenganan Pegringsingan and Kajang Tanah Towa. In both communities, customary law functions not merely as a symbolic institution, but as a living regulatory system that governs the relationship between humans and the natural environment. One of the most frequent violations in Tenganan Pegringsingan involves the unauthorized picking of fruit directly from trees in the customary forest areas without prior permission.

Sanctions for such violations in Tenganan Pegringsingan are imposed in accordance with *awig-awig*, the customary code passed down through generations. For minor offenses such as fruit picking without permission, offenders are required to offer specific ritual offerings to ancestral spirits and deliver a public apology before the customary community. In contrast, the Kajang Tanah Toa community adopts a more preventive approach. Although illegal tree cutting is relatively rare, it is still treated as a serious offense, reflecting the community’s commitment to ecological integrity.

The enforcement of customary law in both communities demonstrates that the effectiveness of legal implementation is determined not solely by the content of the rules, but also by the value systems and social solidarity that bind community members together. Customary sanctions, which are educational in nature and aimed at restoring the balance between humans and the environment, tend to be more acceptable to offenders than punitive approaches. A sustainable enforcement of norms is supported by a combination of collective monitoring, local wisdom, and exemplary leadership from traditional authorities.

Table 2. Implementations Violations of Forest Products and Its Sanctions

Year	Community	Harvesting Fruit Without Permission	Tree Cutting Without Permission	Total Cases	Compliance with Penalties	Refusal of Penalties
2020	Tenganan Pegringsingan	10	2	12	11	1
	Kajang Tanah Towa	4	1	5	5	0
2021	Tenganan Pegringsingan	13	2	15	13	2
	Kajang Tanah Towa	5	1	6	6	0
2022	Tenganan Pegringsingan	14	3	17	14	3
	Kajang Tanah Towa	5	2	7	7	0
2023	Tenganan Pegringsingan	15	4	19	15	4
	Kajang Tanah Towa	6	2	8	8	0
2024	Tenganan Pegringsingan	12	3	15	13	2
	Kajang Tanah Towa	5	2	7	7	0
Total		99	22	121	109	12

Source: Authors’ field data based on interviews, participatory observation, and customary records (2020–2024), collected during fieldwork in 2025.

The Table 2 presents data on violations related to harvesting fruit and cutting trees without permission in two communities, Tenganan Pegringsingan and Kajang Tanah Towa, from 2020 to 2024. Tenganan Pegringsingan consistently shows a higher number of violations compared to Kajang Tanah Towa, with a noticeable increase in cases each year. The total number of violations for Tenganan Pegringsingan over 5 years is 99 cases, while Kajang Tanah Toa reports only 22. In terms of compliance with penalties, the majority of individuals in both communities adhered to the sanctions, with Tenganan Pegringsingan having 109 cases of compliance and Kajang Tanah Towa also showing full compliance in most years. However, Tenganan Pegringsingan had 12 cases where individuals refused to accept the penalties, whereas Kajang Tanah Towa reported no such refusals.

The data indicates that violations are more prevalent in Tenganan Pegringsingan, both in terms of frequency and refusal to accept penalties, which suggests a potential issue with enforcement or community attitudes

toward rules in this area. On the other hand, Kajang Tanah Towa demonstrates a more compliant behavior, with no refusals of penalties across the years. This comparison highlights the need for targeted interventions to address the growing number of violations in Tenganan Pegringsingan and to explore the factors contributing to the high level of compliance in Kajang Tanah Towa.

5. Conclusion

The indigenous communities of Tenganan Pegringsingan in Bali and Kajang Tanah Towa in South Sulawesi are deeply committed to their customary laws, fostering an orderly and disciplined society. Fear of violating these laws is ingrained, as transgressions bring material consequences and social disgrace. In Tenganan, environmental conservation is central to their worldview, with written and unwritten rules (customary regulations) imposing strict rules and sanctions against environmental destruction. Similarly, in Kajang Tanah Towa, *pasang*—oral traditions passed down through generations—govern behavior and sanctions.

Sanctions in Tenganan vary from mild penalties to expulsion, including *dosen*, *sikang*, *sapasumaba*, and *kesah*, contributing to a self-reliant and prosperous society where communal land is distributed based on marital status and customary hierarchy. In Kajang, violations are classified as minor, moderate, or severe, with corresponding sanctions aimed particularly at preventing deforestation.

These measures have preserved their sacred forest, maintaining its biodiversity and integrity. Both communities view nature as sacred, intertwining environmental conservation with their spiritual beliefs. Nature is respected as a sacred trust, and its violation is believed to invite disaster, reinforcing a collective commitment to its protection.

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