

Public Policy and Role of Traditional Security Officer (Pecalang) of Religious Tolerance in the Traditional Village Kuta-Bali¹

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Abstract

This article analyzes Public policy and the role of traditional security officer (*pecalang*) in religious tolerance in Kuta traditional village. When the New Era the role of *pecalang* has not been explicitly stated in the Regional Regulation No. 06 of 1986 about traditional villages in Bali. The foundation of public policy concerning *pecalang* in the Reformasi period is already mentioned in article 17 in Bali Province Regional Regulation Number 3 Year 2001 about Traditional Village. However, the *Pecalang* in the traditional village of Kuta is already written in the local regulation of Traditional village in 1984 Chapter 55, whose main purpose is to curb the tourists of New Year's in tourism activities. Starting from the background of the matter, this paper discusses two issues. Firstly, the public policy and the role of *Pecalang* are implemented based on the birth process of *Pecalang* in the tourism activity in the traditional village of Kuta. Second, What is *pecalang's* activity in various tolerances in the traditional village of Kuta?. Methods, approaches to the type of qualitative research is the analysis of data collection in the field with the consideration of the nature and scope of research problems are multidisciplinary. The results of the research indicate that public policy and the role of *pecalang* in the 1945 Constitution of the second amendment, article 18B paragraph (2), the State recognizes the unity of indigenous and tribal peoples along with their traditional rights throughout life. Means *pecalang* has been recognized as sub-system of traditional village as a form of culture. The role of *pecalang* in religious tolerance participates in maintaining sociolegal in accordance with Regional Regulation No. 3 of 2001 on *Pekraman* village, Article 3 paragraph (7). The form of activity of the *pecalang* in religious tolerance as security guard of temple, mosque, church which is in kuta local village area if there is activity of praying.

Keywords: public policy, traditional security officer (pecalang), religious tolerance.

1. Introduction.

The life of Balinese people must be regulated and enforced in order to maintain order. Not merely regulated, but governed by rules that apply to everything and apply binding everything. These rules are simply understood as public policies. According to R. Dye (2011) defines it as something done by the government, why they do, and the results that make a life together different (public policy is what government government do, why they do it, and what difference it make "). It can be said that policy is "every decision is made as a strategy for realizing the objectives of the State. Public policy is a strategy to deliver people in the early days, to enter society in transition, to get to the society they aspire to.

The Public Policy relating to traditional security officer *Pecalang* is unique to be discussed in order to make a valuable contribution to cultural life in Bali. *Pecalang* is a model of security and order that grows and develops in indigenous society of Bali. In the "contemporary" stage of history (Reform era) in 1998, *Pecalang* has an important role in the political history in Bali. There is an opinion that this *pecalang* is an improvement in the security of traditional villages in Bali or as a "political tool" by the party elite to be used in carrying out its objectives. But it is free from the above debate that *Pecalang* is "played" by the Political Party or begins the "Empowerment" of *Pecalang* in establishing traditional security system as harmonization with State security (Police). Starting from the *PDI Perjuangan* congress was used *Pecalang* as the core security force of the congress in 1998. The success of *pecalang* to secure congress amid fears of various parties to the success of the congress, is a very good achievement for the development and empowerment of the pioneer in the future. Then with the issuance of Regional Regulation concerning Traditional Village Number 3 year 2001, in Article 17 paragraph (1,2 and 3) which is essentially *pecalang* as security and order in traditional village area which carry out security duties within the village in relation to the implementation of local citizen duty and religion. *Pecalang* is the guardian of traditional village security which has the original autonomy, not by the State.

"politicization of *pecalang*" at the *PDI Perjuangan* congress in funding difficulties played by the political

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elite or an advance in the security system in Bali. Even lately there is an interesting attraction between the politics of law and Balinese culture in maintaining the cultural values that live in Balinese Hindu society. *Pecalang* experience a change that is the result of concrete dynamics in Balinese society.

In the Constitution of the Republic of Indonesia the existence of *pacalang* in the constitution of the second amendment of the 1945 Constitution of 2000, Article 18B paragraph (2) The State recognizes the unity of indigenous and tribal peoples as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia regulated with the Act.

Pecalangs who in their duties have a dual role when, political institutions "take advantage" for the purposes that are of interest. Because in essence politics aims to gain power, In Cultural Performance Bali *Pacalang* can as a symbol of Balinese culture in promoting *kesukertan* / order Bali universe. If there is another role, *Pacalang* is "exploited" or "politicized *pacalang*" by the political elite to mobilize their interests so that there is a definite duty in carrying out their duties and obligations in traditional village in Bali.

In the context of a democratic country it is never separated from the existence of political constellation, because in the life of a democratic country there is a political dimension as a condition *sine qua non*. (Jazim Hamidi, et al., 2008: 3). In connection with the background and issue of *Pecalang* in the traditional village of Kuta can be drawn the following issues: first: How public policy is implemented based on the birth process of *Pacalang* in tourism activities. second, how is the activity of *pacalang* in religious tolerance ?

2. Tehoritical Basis

Theories used to discuss the topic of this research, there are three of public policy theory, theory of hegemony, and the theory of power relations. Theories of this critical social group are used eclectically according to the character of the issues discussed in relation to each other.

According Riant Nugroho, public policy is a political decision made by political institutions. Generally there are four types of public policy: 1. Formal policy, 2. Conventions (common practice of public institutions that have been accepted together); 3. Statement of public officials in public forums; 4. The behavior of public officials. Then formal policies are grouped into three, namely a) Legislation; b) the law; c. Regulation. Legislation is a public policy with respect to the State (state) as well as society or society. In this case, legislation is usually movable, so it is dynamic, anticipating and providing space for innovation. For legislation, there are two understandings of the Anglo-Saxon pattern, which are legislative and executive decisions; and a continental pattern that usually consists of macro, messo and micro patterns. For Indonesia by embracing the continental system inherited by the Dutch, then all policies are equated with the law.¹

In Act No. 12 of 2011 on the Establishment of Laws and Regulations, in Article 7, regulates the hierarchy of Regulations as follows:

- a. Republic of Indonesia Constitution 1945.
- b. TAP MPR.
- c. Law / Government Regulation in Lieu of Law
- d. Government regulations.
- e. Presidential decree.
- f. Provincial Government Regulation
- g. Regional Regulations

This study will discuss public policy on the local regulation No. 3 of 2001 on *Pacalang* as a micro policy and as long as there is relevance to the policy of messo, and macro policy. It can be understood that public policy can be grouped into three namely:

1. Public policies that are macro or general, or basic, commonly accepted include the Constitution, MPR Decree, Law, Perpu
2. Messo or intermediate public policies, or implementation explanations, which are commonly accepted include Government Regulations and Presidential Regulations
3. Micro-public policy is a policy that regulates the implementation or implementation of the generally accepted policy generally accepted including the Regional Regulation-Regional Regulation.²

The Hegemonic Theory of Gramsci as the cultural leadership used by the ruling class in the form of policy by making the law product that is in the form of local regulation. The theory of hegemony, power is understood as a relationship that is power relation (state) with civil society that is effort of interference of ruler in custom and law field (local regulation) or social religious institution in Bali. In this case the role of the State can be as guardian and can also as a destroyer against the existing order so as to bring up the resistance of traditional village in the form has not received the name of traditional village as a social-religious institution and still calling traditional village of Kuta. State dominance of villages in hegemonic cultural construction is the

¹ Merta, *op.cit.*, h. 9.

² *Ibid.*, h. 10.

government as a wise teacher, the government is considered to uphold the common interest so that it is considered never guilty.

Then, according to the Foucault theory of power relations and knowledge, power is the relations that work in a certain space and time. Power produces truth because truth is within networks of relationships that work in a certain space and time. Power and power are practiced and not only work through intimidation and violence but first through rules and normalization. Power is related to knowledge.

The research method used is qualitative method. According to Bogdan & Biklen (1982), in qualitative research the research design is temporary. Therefore, as the research progresses, researchers continually adjust the design to the research process and the reality that occurs in the field.

The qualitative method of conducting the research is based on the assumption that meaning and process is crucial in understanding human behavior, that the data is descriptive, that the best analysis is done inductively, and the best data collection is by participant observation, unstructured interview and document analysis.¹

3. Result and Discussion

3.1. Public Policy and the inclusion of the *Pecalang's* Role in the Political stage, local regulation of Kuta's traditional village in tourism activities.

Micro public policy as a political process can be known from the struggle of the Democratic Party of Struggle in Bali Provincial Parliament to "produce" the Bali Provincial Regulation No. 3 of 2001 on traditional village. History notes that the role of *pecalang* is included in the local regulation of traditional village in Article 17 which reads as follows:

1. The security and order of the village area of traditional village is carried out by *pecalang*.
2. *Pecalang* perform security duties within the village of traditional village in relation to the implementation of customary and religious duties.
3. *Pecalang* appointed and dismissed by the traditional village based on village regulation.²

Pecalang in Bali and especially in traditional village of Kuta as a product of Balinese culture becomes public policy in the form of Provincial Regulation of Bali, in its implementation in tourism activity which also require local security arranged by traditional village. This is the state hegemony in the form of Bali Province Regional Regulation No. 3 year 2001 about traditional village. Before the Village Regulation applies the regional regulation of traditional village Number 06 of 1986 does not explicitly mention this *pecalang* institution, although historically this institution in each traditional village has existed. In traditional village of Kuta, where the author's research, *pecalang* was incorporated in local regulation traditional village of Kuta in 1984. In local regulation of Kuta's traditional village is mentioned as follows:

Pawos 55:

- (1) *Upacara rahina nyepi/sipeng patut kemargiang catur peberatan kadi ring sor.*
 1. *Amati geni, sejawaning ; -meduwe rare durung yusa tigang sasih ring genah rare inucap, - matepetin, ring genah sang sungkan; - madruwe layon ring genah sawe inucap.*
 2. *Amati karya tan kengin anyambut gawe, sejawaning pecalang desa lan prajuru dinas miwah sang polih uwak-uwakan (izin) antuk ilikita pastika sakeng sang mawarat.*
 3. *Amati lampah, tan kengin melelungayang.*
 4. *Amati lelanguan, , tan kengin mesuara gora, meoneng-onengan (mepalian) lsp.*
- (2) *Prade wenten krama amurug brata penyepian, kadanda manut pararem, sane kemargiang antuk pacalang desa lan petugas dinas.*
- (3) *Riwusan dina Nyepi kewastaning Ngembak Geni, mapiteges pengelukaran yogasemadi kadulurin antuk pangaksama, soang-soang krama desa/Banjar ring Desa Adat Kuta, maka cihna pengawit Icaka Warsa.³*

From the explanation above about local regulation traditional village of Kuta was established in 1984 that the *pecalang* already exist culturally to anticipate the security of local people, and also for the serenity of tourism life in the traditional village of Kuta. *Pecalang* served for *kesukertan jagat ring penyepian*, which ranging from *melis / mekiis* or *melasti* to securing *brata penyepian*.

Pecalang in Kuta Kuta traditional village is very sacred and only served on *Nyepi* (silence day). Perhaps in other local people in the villages it has grown, which is to assist the village offices in controlling the population, but in traditional village Kuta specifically for religious purposes. However if in urgent circumstances *pecalang* participate take the socio-cultural function, the security of traditional villages on the order of the village chiefa.

At the time of the *melis / mekiis* in traditional village Kuta, the number of *pecalang* members in the village is 39 people. If there are other tasks *pecalang*, it must get permission from the traditional village or village chief.

¹Alsa Asmadi,2004, Pendekatan Kuantitatif & Kualitatif serta Kombinasinya dalam Penelitian Psikologi, Pustaka Pelajar, Yogyakarta, h. 52.

² Perda *Desa pakraman* Nomor 3 Tahun 2001, Pasal 17.

³ *Awig-awig* Desa Adat Kuta,P pasal 55.

According to the originator of *pecalang* in traditional village Kuta, *I Made Minder*, *Pecalang* traditional village of Kuta was inspired by the *gamelan* (traditional music instruments) in *Bengkel* at the time of Bali Governor Ida Bagus Mantra performing Bali Arts Festival which used *pecalang* as the security of Bali Arts Party. The role of *pecalang* traditional village Kuta, in addition to arranging the course of the ceremony in *Nyepi* celebration, also when the *Nyepi Saka* 1930 feast serves to keep the peace and order in the traditional village. Based on SCTV reporting on Friday, March 7, 2008, *Pecalang* Desa Adat Kuta has arrested a woman (Nusantara tourists) wandering in Kuta beach.

Based on the report of *I Made Minder* (advisor *Pecalang* Kuta), when the PDI Perjuangan Congress at Grand Bali Beach Sanur, the pro-Megawati Kuta youth had been turned into a party party to secure the congress. This is related to the figure of Desa Adat Kuta, Drs. *I Made Sumer*, Apt., Who became the special health team at the congress and asked the youth of Kuta to participate in securing the congress in Sanur (photo 5.1, the activities of *pecalang* in cultural and religious performances, especially the traditional village of Kuta, Tuesday, March 4, 2008). At the time of the launching activities in traditional village Kuta in this case the busyness of a *pecalang* in regulating the flow of traffic in ritual pelepasan very thick compared with the traffic police in front of the *Pura Desa Adat Kuta* (like Photo 5.1).

Foto 5.1

Pecalang* Kuta was managing the road traffic in front of traditional village of Kuta temple, tuesday, march 04 2008 on *Pemelastian Tahun Baru Çaka 1930



Source: Foto dan Dokumentasi *I Wayan Wesna Astara*

At the ceremony at traditional village Kuta on Tuesday, March 4, 2008, *pecalang* serves as the organizer of the road of *Pemelastian* ceremony in front of the village temple to *Jalan Pantai Kuta* where the ceremony takes place (in front of Hard Rock Cafe). Similarly in Kuta Beach, this *pecalang* is responsible for arranging the course of *Pemelastian* ceremony so that it runs orderly. The observation for the *Nyepi Çaka* celebration of 1930 was also watched by foreign tourists. When tourists come to the ceremony, there *pecalang* serves as a guiding to convey things that can and should not be done that tourists need to know. *Pecalang* in carrying out its duties and functions is equipped with kris, HT (handy talky), and flute. *Keris* as a symbol of traditional weapons to keep themselves, while HT (handy talky) is as a means of communication in carrying out its duties and functions in the field. Furthermore, the flute is a tool for managing road traffic in the implementation of the ritual ceremony. In connection with this, the key informants and chief village, *I Gusti Ketut Sudira*, stated as follows.

” *Pecalang* already existed prior to the issuance of regional regulation Number 3 Year 2001. This proves that traditional village of Kuta, local and religion relating to Kuta area as a tourism area to protect themselves so that religious activities can be carried out in an orderly and secure manner with guarding *pecalang* desa adat. For that, *pecalang* in the village of Kuta does not call himself *Pecalang Desa pakraman Kuta*. But still calling itself as *Pecalang Desa Adat Kuta* because the *Adat* Village of Kuta does not accept the name of *Pakraman* Village. ” (Interview with *I Gusti Ketut Sudira*, April 30, 2007)

The above phrase illustrates that *pecalang* in Desa Adat Kuta already existed before the formation of the village regulation of *pakraman*. The objective is to anticipate the security of *pemepisan* and *tapa brata penyepian* in traditional village Kuta as tourism area (see Photo 5.2)

Picture 5.2

***Pecalang* Kuta with japanese tourist at Kuta beach on Pemelastian, Tuesday, March, 04 2008.**



Source: Foto dan Dokumen I Wayan Wesna Astara

In this case the Bureau of Bali Police Partners and Bali Cultural Office, 2005 stated that the number of *pecalang* members in Bali is 5970. Furthermore, if the data is analyzed, it can be described that from 1424 traditional villages in Bali, only 607 traditional villages have a *pecalang*, while the rest of 58.6% do not have it, ie by reason not too urgent, in addition to security issues have been handled by the police. However, now the number of *pecalang* throughout Bali reached 7352 people.

In addition to the "local regulations" of the Provincial Government of traditional village Number 3 of 2001, regulating the *Pacalang*, there is a law directly regulating the existence of a *pacalang* (as "forms of self-security") is Law No. 2 of 2002 on the Police of the Republic Indonesia. Article 3 paragraph (1) of the Law states that "the development of the function of the police is Ndgara Indonesia Police assisted by:

- a. Special Police Officer;
- b. Civillian Investigator, and/or;
- c. Form of self-protection.

In the explanation of the article it is explained that what is meant by "forms of securing self-defense is a form of security that is held on the will, awareness and interests of the community itself which later obtained the inauguration of the police of the Republic of Indonesia.

Pecalang became popular, then got a "special" place, after being considered "successful" to secure the PDI Perjuangan congress at Bali Beach Hotel Sanur, October 1998. Furthermore, in traditional village of Kuta, *pecalang* has played a role in Hindu ritual *Pemelisan* and written / written in local regulation of traditional village Kuta in 1992.

In an interview with the Chairman of the Provincial Parliament Bali period 2004-2009, Ida Bagus Putu Wesnawa, B.A. mentioned as follows.

" *Pecalang PDI Perjuangan* "when the congress was raised, considering at that time did not have enough funds in congress security. Then, Wesnawa as Chairman of DPD PDI Struggle Bali Province took the initiative to form the *swakarsa* security of the party based on Balinese culture and not too expensive. The choice is a *pecalang* clothing *slempot poleng*, *udeng* (part of Hinduism religious suit wear on the head) with a vest that reads "*Pecalang PDI Perjuangan*". The most important thing in this case is "*Pecalang PDI Perjuangan Bali*" *matur piuning* (praying) in temple in Bali to beg for the protection and safety of congress and *pecalang* before performing the task.¹

The above phrase is related to the safety of the traditional security officers (*pecalang*) with the lust of the Island of Bali which was made the congress by *PDI Perjuangan*. This method is taken by *PDI Perjuangan Bali* to distinguish the security attributes of each *PDI Perjuangan* other provinces in Indonesia. According to Rahardjo, the share of the local community in its participation in securing and controlling the congress is quite large, as is done by "*pecalang* that is the customary police of Bali." Public policy related to the authority of the established *gamelan* is the security and order of the traditional territory carried out by the *gamelan*; *pacalang* performs security duties within the village of traditional in relation to the implementation of customary and religious duties. The misuse of *pacalang* symbols should receive attention from the *Pakraman Alit* Assembly, the main assembly. Although the formation of Regional Regulation No. 3 of 2001 was formed by the majority of the Democratic Party of Struggle in Bali Provincial DPRD which "gave birth to the local regulation", which gave rise to the role of *Pecalang*. *Pecalang* as the local wisdom of Bali is able to contribute to the development of "Local Security" based on Balinese culture.

Then, after being considered successful in securing the PDI Perjuangan congress, the recalcitrant were activated in securing various PDI Perjuangan activities, such as the IV National Working Meeting held July 17, 2002 at Hotel Kartika Plaza Kuta. *Pecalang* also participated in an international environmental meeting, Prep

¹ Wawancara dengan Ida Bagus Putu Wesnawa ,B.A. Pada tanggal 26 Pebruari 2008 di Gedung DPRD Provinsi Bali Renon Denpasar.

Com IV held May 27 - June 10, 2002 in Nusa Dua. Similarly, active *pecalang* during the evacuation of bomb victims in Kuta (Bali Bombing October 12, 2002), secured the trial of Bali Bombing (Amrosi Cs) held at Nari Graha Denpasar Building, May 2003¹.

In social reality, the function of *pecalang* is shifting like a parking attendant, in addition to the above mentioned, even the security of the *pecalang* in traditional ceremonies in Bali is widening, not infrequently (even in general) for public security activities, no longer for the benefit of village so that this has ignored the common good. One example, the closure of public roads because there is the implementation of traditional ceremonies so that the general public confused, to go through a path that even they are trapped. This is due to technical errors in road closures or without coordination with the police

In the above context, the researcher suggests that regional regulations should be made on the grassroots that contain such matters as: requirements, organizational structure, scope of duties and authority, rights and duties, codes of conduct, and sanctions. In addition, it is necessary to arrange the function of *pecalang* periodically by the village assemblies of *pakraman* and related instutusi so that there is parallelization between traditional values with formal rules so that there is no contradiction.

Juridically, in the constitution of the state, it is recognized the existence of traditional institutions in the form of customary law community (*volkgemeen schappen*) in the 1945 Constitution. In this case with the amendment II more firmly recognized the existence of customary law community (*adat* village / *pakraman* village in Bali on Article 18 B, Paragraph (2), namely as follows.

"The State recognizes and respects the unity of indigenous and tribal peoples along with their traditional rights as long as it is alive and in accordance with the development of society and the principle of the Unitary State of the Republic of Indonesia as governed by law.

From the above quotation, it appears that there is a similarity of direction (parallelization) between the goals of traditional society and the goals of modern organizations (states). This parallelization has the meaning of recognition (recognition) by the constitution against the existence of traditional society. Likewise, on the contrary, traditional societies recognize the existence of the constitution (including *Rechtsidee*: Pancasila) and state law (Pasek Diantha, 2002: 10).

An example of the recognition of traditional / indigenous communities of Kuta against Pancasila, the Constitution and state law can be seen in the *Awig Awards* of Indigenous Villages of Kuta, *Pawos 2* states that *Desa Adat Kuta puniki ngemanggahang pamikukuh: (a) Pancasila, (b) Article 18, (c) Regulation No. 6 of 1986 of the Province of Bali, (d) Trihita Karana manut tatwaning Bhuwana Agung (Awig-awig Desa Adat Kuta, Article 2).*

The phrase reflects that in cultural reality, *pecalang* make substantial contributions to local safeguards (local villages) in religious and local activities. In this regard, Wiana (2002: 2) in the Balinese language "Kepara" or Balinese is common, *pecalang* word comes from the word '*celang*' which means sharp sense of sight and hearing. People who have this sharp sensing are generally chosen by the village manners to perform the tasks of securing the traditional village. Those who get this security duty is called *pecalang*.

Public policy on the birth of Regional Regulation hereinafter referred to as regional regulation of traditional village Number 3 of 2001, that is by the formation of Special Committee of Bali Provincial DPRD in the right of initiative to issue decision Number 26 / KPT / DPRD / 2000 about establishment and composition of Membership of Special Committee of traditional village.

"The task of this comitee (a) accommodate aspirations and to examine issues that develop in society related to customs, customs to preserve the village of traditional village; (b) conduct coordination and consultation with related parties, religious leaders, cultural experts, and practitioners as inputs in drafting local regulation; (c) port the results of his work to the leadership of the Provincial DPRD

Bali"² Implementation of *pecalang* in Bali and especially in indigenous villages in Kuta country "hegemonizes traditional villages and *pacalang*" as a sub-system of Balinese culture.

3.2. Pecalang activity in tolerance of religious life in Traditional Village of Kuta in the context of Local Wisdom.

Religious tolerance in line with the provisions of Article 3 paragraph (7) of Provincial Regulation No. 3 of 2003, which determines: *Parhyangan* and holy places for Hindus and other people in the village, jointly guarded by all citizens based on tolerance and harmony and mutual respect in order to foster a sense of unity and unity of Indonesian society ". In practice the theory of power relations and Faucault knowledge as the "game of truth" is to mention that law as a political product which views law as formulation or as crystallization of political wills interacting and competing and working through rules. Bali Provincial DPRD through DPRD members *PDI*

¹Merta, 2013, *Transformasi Pacalang dan Pergeseran Perpolisian di Indonesia*, Udayana University Press, h.2.

²Keputusan DPRD Provinsi Bali Nomor: 26/KPTS/DPRD/2000 tentang Pembentukan dan Susunan Keanggotaan Panitia Khusus *Desa Pakraman* Provinsi Bali.

Perjuangan faction produces regional regulation of traditional village to preserve *Pecalang* in Bali.

When *Pecalang* made Regional Regulation, the role of *Pecalang* in Kuta traditional village becomes important when the ceremony of Buddhist, and Islam in religious activity is guarded by *Pecalang*. The traditional village of Kuta has original autonomy rather than "state grant" implemented in the concept / philosophy of *Tri Hita Karana* that is human relation with God, human relation with environment, and human relation with human. Then how to organize Hindus and non-Hindus in traditional villages. In Regional Regulation No. 3 of 2001, on traditional village, described in Article 3 paragraph (6), for the local people which is not a Hindu religion only has *pawongan* and *palemahan* bonds in the village area whose rights and obligations are regulated in local regulation respectively. For the weakness/village area mentioned that the weakness of the village area is a territory of customary law community that has certain limits in the bond of heaven three.¹

In the context of the palatial bloc of Kuta, the *Pecalang* assists the role of traditional villages in disciplining immigrant populations especially those who do not respect the laws and regulations on population and squatters. This is done by *Pecalang* when there is an order from Bendesa adat Kuta. In relation to the existence of *krama tamiu* / immigrant population in traditional villages of Kuta in the context of religious tolerance is a historical and socio-cultural process of Balinese Hindu people who uphold the values of *tatwamasi* in interaction of multicultural society. The value of *Tat Twam Asi* = you are me, I am you, implemented in the concept of branding / brothers-befriended in the life of plural society, such as *nyama-Islam*, *nyama-kristen*, *nyama buddha*, and so on.

The legal norm of article 3, paragraph (6) of the Village Law of Pakraman, which is connected with Article 3 Paragraph (8) of the procedure and the requirement to become local people is arranged in local regulation of traditional village respectively. The concept of Hinduism and non-Hinduism in public policy in article 3, paragraph (6), there was a conflict of opinion. According to Ida Bagus Putu Wesnawa., BA (former Chairman of Bali Provincial DPRD) that non-Hindu in village in the context of the Unitary State of the Republic of Indonesia. For example our Muslim moslem / Muslim brothers in traditional village can enter the *subak* organization, when they enter the realm of Parhyangan back to their respective holy places, even the Islamic people who enter the *subak* organization join community self-help in subak tample, when their prayers return to their respective holy places. Such a model should be arranged against the immigrant population in the concept of religious tolerance in *palemahan* and *pawongan* on the philosophy of Balinese Hindus *Tri Hita Karana* and *Tat Twam Asi*.²

I Ketut Sumarta's opinion that which can be regulated in Balinese local regulation is "local people" not "*krama tamiu*" / non migrant residents who are non-Hindu but local people as members of traditional village. Eligible Hindu, owning land / house and sanggah / Parhyangan family. It is necessary to set the Hindus in *Palemahan* so that the land of Bali will not continue to erode with "investors". Hindus in Bali are also too "very brothers and friendly" with investors by annexing Bali's weakness as "excessive tolerance". Balinese Hindus in Bali / Kuta traditional villages are cultured on land / *palemahan* that must be protected by the state / government. Public policy on religious tolerance is strongly believed for the happiness among religious people in Bali.³

The image of tolerance of religious life in Bali, especially in the traditional village of Kuta in line with the view I Nyoman Wijaya, quoting a *Pedanda* (Hindu priest) who says: "Let everyone follow his religion each of the religions of the same purpose as the river flows to the sea. That is the character that is formed from the teachings of the Vedic Hinduism. In the Vedic value that "any path to Me, I accept". Implementation seen in the openness of Hindus to Buddhism, without giving birth to a new religion, even the Buddhist monks must be involved in the implementation of Hindu religious ceremonies. Religion becomes open, Hindus can co-exist with Muslims so as to create syncretism without giving birth to a new religion. Islam remained with its Islamic principles, but Balinese cultural practices, in Balinese language, cloths and so on.⁴

4. Conclusion

Public policy on *Pecalang* is mandated in Bali Province Regional Regulation No. 3 year 2001 about traditional village. The birth of Bali Provincial Regulation as state hegemony to regulate "*Pecalang* role" in cultural domain. History notes that the role of *pecalang* is included in the Village Law of traditional village in Article 17 which reads as follows: The security and order of the village area of traditional village is carried out by the *Pecalang*. The Bali Provincial Legislative Council has the right of initiative to give birth to *Pecalang* in legal products as power relations and knowledge in the domain of power during the reform era. Although the role of *Pecalang* has begun to be established around the IX-X century AD, it plays a role in maintaining the security and order of the village of traditional village from the threat of *pancabahaya* (that is a life-threatening action). New era transition

¹Pasal 4 ayat (2).

²I Wayan Wesna Astara,2010, *Pertarungan Politik Hukum Negara & Politik Kebudayaan, Otonomi Desa Adat di Bali*, Udayana University Press, p.214.

³Ibid., p. 214-215.

⁴Merta,2013, *Transformasi Pacalang dan Pergeseran Perpolisian di Indonesia*, Udayana University Press, Denpasar, p. 112.

to the Reform Order by the Political Party of the Democratic Party of Struggle used Pacalang to maintain the order of the Party Congress in Bali. Then *pecalang* become important that finally made Provincial Regulation of Bali governing role of *Pecalang*. The role of *Pecalang* in Kuta traditional village in the tolerance of the *umamah* is mandated in Bali Provincial Regional Regulation No. 3 of 2001, concerning traditional village Article 3 paragraph (7) of Bali Provincial Regulation No. 3 of 2003, which determines: *Parhyangan* and holy place for Hindu people other people in the village, are guarded together by all citizens in the village based on tolerance and harmony and mutual respect in order to foster a sense of unity and unity of Indonesian society".

Implementation of this normative value has been running long before the village regulation promulgated. Sociologically and philosophically by Balinese Hindus in the interaction that Hindus have the value of local wisdom *nyaya* and *braya Islam*, Christian, Buddhist, Javanese, and so on are always side by side living in harmony and peace in living life in Bali. Even this implementation is shown in the traditional village of Kuta that if the feast of Eid ul-Fitr, Christmas, and Wiasak for Buddhists in the joint watch by *Pecalang*. When the feast of *Nyepi* (Hindu) Pacalang also keep the tourist attractions and tourists in the traditional village of Kuta for the security and order of the feast of Loneliness.

Referemces.

Buku.

- Alsa Asmadi, 2004, Pendekatan Kuantitatif & Kualitatif serta Kombinasinya dalam Penelitian Psikologi, Pustaka Pelajar, Yogyakarta
- Bernard L. Tanya, 2011, Hukum Dalam Ruang Sosial, Genta Publishing, Yogyakarta,
- Jazim Hamidi, dkk., (2008), Teori dan Politik Hukum Tata Negara, Malang, Total Media.
- I Wayan Wesna Astara, 2010, Pertarungan Politik Hukum Negara & Politik Kebudayaan, Otonomi Desa Adat di Bali, Udayana University.
- Yusuf Lubis, 2004, Setelah Kebenaran & Kepastian Dihancurkan, Masih Adakah Tempat Berpijak Bagi Ilmuwan: Sebuah Uraian Filsafat Ilmu Pengetahuan Kaum Postmodernis, Penerbit BYRU, Yogyakarta
- Riant Nugroho, (2013), Metode Penelitian Kebijakan Publik, Yogyakarta, Pustaka Pelajar.
- Roger Simon, 2004, Gagasan-gagasan politik Gramsci, Pustaka Pelajar, Yogyakarta
- Satjipto Rahardjo, 2007, Biarkan Hukum Mengalir Catatan Kritis Tentang Pergulatan Manusia dan Hukum, Penerbit Buku Kompas, Jakarta.
- Merta, 2013, Transformasi Pacalang dan Pergeseran Perpolisian di Indonesia, Udayana University Press, Denpasar.
- Majalah Sarad Nomor 31, Oktober 2002
- Nyoman Wijaya, 2002, Menjadi Beragama dalam Pluralisme Agama di Bali, Makalah pada 3rd International Symposium of the journal Antropologi Indonesia, Rebuilding Indonesia, A Nation of Unity in Diversity Towards a Multicultural Society, Udayana University, Denpasar.
- I Gde Parimartha (dkk), 2004, Pecalang Perangkat Keamanan Desa Pakraman di Bali, Lembaga Pengabdian Kepada Masyarakat, Denpasar

Peraturan Perundang-undangan.

- Peraturan Daerah Propinsi Daerah Tingkat I Bali Nomor 06 Tahun 1986, Tentang Kedudukan, Fungsi dan Peranan Desa Adat sebagai Kesatuan Masyarakat Hukum Adat dalam Propinsi Daerah Tingkat I Bali.
- Peraturan Daerah Provinsi Bali Nomor 3 Tahun 2001, Tentang Desa Pakraman.
- Keputusan DPRD Provinsi Bali Nomor: 26/KPTS/DPRD/2000 tentang Pembentukan dan Susunan Keanggotaan Panitia Khusus *Desa Pakraman* Provinsi Bali.
- Awig-awig* Desa Adat Kuta, tahun 1984.

Informan

- Wawancara dengan Ida Bagus Putu Wesnawa, B.A. Ketua DPRD Provinsi Bali, Pada tanggal 26 Pebruari 2008 di Gedung DPRD Provinsi Bali Renon Denpasar.
- Wawancara dengan I Made Minder Mantan Kelian Pecalang Desa Adat Kuta, 4 Maret 2017.
- Wawancara dengan I Gusti Ketut Sudira, Jro Bendesa Adata Kuta, pada tanggal 30 April 2007