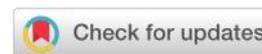




Research Article



## The Future of Bali's *Kerauhan* Tradition: Legal Pluralism, Reforms, and Conflict Adjudication Challenges

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**Abstract:** This study analyzes the regulation of the *kerauhan* tradition in Bali within the framework of legal pluralism from a legal anthropological perspective. Balinese customary law conceptualizes *kerauhan* as a sacred and non-pathological spiritual phenomenon intended to preserve communal harmony and cosmic balance, whereas the national legal system is constructed upon empirical verification and rational causation. This distinction gives rise to a fundamental epistemological divergence between customary and state legal orders. The research applies an empirical juridical method with a qualitative design. It gathers data through in depth interviews with customary leaders, direct observation of ritual practices, and systematic analysis of relevant *awig awig* provisions. This approach enables a contextual evaluation of how plural legal systems operate in addressing incidents related to *kerauhan*. The findings indicate that: first, Balinese customary law recognizes and regulates *kerauhan* as a legitimate sacred mechanism grounded in spiritual authority and communal belief, rather than as a pathological act; second, a structural and epistemological disparity between customary and national law produces legal tension, particularly because customary dispute resolution relies on ritual validation while state institutions require material evidence and objective causation, thereby creating complexity in cases involving bodily injury or property damage; and third, modernization and tourism have commodified *kerauhan*, transforming it into a public spectacle and digital media content, which gradually reshapes its social meaning and influences generational perceptions. The study concludes that the development of a responsive and integrative pluralistic legal framework is necessary to accommodate indigenous epistemology while ensuring legal certainty, accountability, and substantive justice.

**Keywords:** *Awig-Awig*; Customary Law; *Kerauhan*; Tradition;



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## INTRODUCTION

Indonesia constitutionally affirms its identity as a state governed by law by entrenching the supremacy of law as the foundational principle of governance. The General Elucidation prior to the amendment of the 1945 Constitution of the Republic of Indonesia explicitly emphasized that the Republic rests upon law rather than the exercise of power, and Article 1 paragraph (3) subsequently codified this principle by declaring Indonesia a state based on law.<sup>1</sup> This constitutional architecture obliges the state to guarantee human rights protection, implement separation and limitation of powers, ensure legality in governmental action, and maintain an independent judiciary free from external intervention. Accordingly, public authority must operate

<sup>1</sup> Tommy Firman, 'Multi Local-Government under Indonesia's Decentralization Reform: The Case of Kartamantul (The Greater Yogyakarta)', *Habitat International*, 34.4 (2010), 400-405 <https://doi.org/https://doi.org/10.1016/j.habitatint.2009.11.005>



within a normative framework in which legislation functions as the primary instrument for regulating state power and securing public welfare.<sup>2</sup>

The current position of indigenous peoples reflects persistent legal and structural vulnerability, particularly regarding the protection and effective realization of their land rights. The issue extends beyond formal ownership claims to include collective entitlements over natural resources, such as forests, water systems, and mineral deposits, which traditionally sustain indigenous economic, social, and cultural life. Regulatory fragmentation, sectoral legislation overlap, administrative centralization, and extractive development policies frequently undermine indigenous control over customary territories and weaken their bargaining position in resource governance.<sup>3</sup>

The State constitutionally acknowledges indigenous peoples through the 1945 Constitution of the Republic of Indonesia. Article 18B paragraph (2), Article 28I paragraph (3), and Article 32 paragraphs (1) and (2) establish the primary constitutional basis for such recognition. These provisions mandate respect for traditional communities, safeguard cultural identity, and affirm the existence of customary rights within the framework of the unitary state.<sup>4</sup> In doctrinal interpretation, these articles function as foundational norms that guide legislative and administrative measures concerning indigenous status and rights. The constitutional recognition operates within a conditional framework. The relevant provisions require that indigenous communities demonstrate the continued existence of traditional institutions, maintain practices consistent with societal development, comply with the principles of the unitary state, and obtain formal acknowledgment through statutory regulation. These cumulative criteria transform recognition from an inherent acknowledgment of historical existence into a status subject to state verification and administrative validation.<sup>5</sup>

This structure generates a normative tension within the constitutional order. While the Constitution affirms the legitimacy of indigenous identity and customary rights, it simultaneously subjects that affirmation to procedural qualification and institutional assessment. Consequently, many indigenous communities encounter evidentiary burdens, bureaucratic barriers, and political constraints when seeking formal recognition. Such obstacles directly affect their capacity to secure legal protection over land and natural resources.<sup>6</sup> The resulting disparity between constitutional promise and practical implementation constitutes a central concern in contemporary

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<sup>2</sup> Kiky Srirejeki and Khairurrizqo Khairurrizqo, 'The Role of Community Engagement as Corruption Control Strategy in Local Governments: Insights from Indonesia', *International Journal of Public Sector Management*, 38.7 (2025), 872–94 <https://doi.org/https://doi.org/10.1108/IJPSM-12-2024-0407>

<sup>3</sup> Yuyun Purbokusumo and Anang Dwi Santoso, 'Predictor for Local Government Social Media Use in Indonesia', *Digital Policy, Regulation and Governance*, 23.6 (2021), 533–52 <https://doi.org/https://doi.org/10.1108/DPRG-12-2018-0082>

<sup>4</sup> Didik Sukriono and others, 'Local Wisdom as Legal Dispute Settlement: How Indonesia's Communities Acknowledge Alternative Dispute Resolution?', *Legality: Jurnal Ilmiah Hukum*, 33.1 (2025), 261–85 <https://doi.org/10.22219/ljih.v33i1.39958>

<sup>5</sup> Evi Siti Sofiyah and others, 'Local Willingness to Fund Climate-Resilient Water Utilities in a Tourism-Dependent Region of Indonesia', *Utilities Policy*, 96 (2025), 102018 <https://doi.org/https://doi.org/10.1016/j.jup.2025.102018>

<sup>6</sup> Richard Herz, 'Legal Protection for Indigenous Cultures: Sacred Sites and Communal Rights', *Virginia Law Review*, 79.3 (1993), 691 <https://doi.org/10.2307/1073451>



scholarship and policy discourse on indigenous rights protection in Indonesia. The Indonesian legal system recognizes both written and unwritten law as integral components of its normative order. Written law consists of statutory regulations enacted by constitutionally authorized institutions, whereas unwritten law develops through sustained social practice and collective acceptance. Customary law occupies a central position within this unwritten domain and continues to regulate social relations in indigenous communities as a living legal system. As a constitutional state, Indonesia acknowledges customary norms insofar as they remain consistent with constitutional principles and national legal standards.<sup>7</sup>

In Bali, the state formally recognizes customary villages through Law Number 6 of 2014 concerning Villages and Regional Regulation of Bali Province Number 4 of 2019 concerning Traditional Villages. These regulations standardize the terminology of traditional villages and integrate local institutions into the national administrative structure while preserving socio cultural characteristics. Historically, Balinese customary villages evolved through Bali Aga communities rooted in pre Majapahit settlements and Bali Madya communities associated with Majapahit descendants. Despite historical variation, Balinese customary life is predominantly structured by Hindu theological values and guided by the philosophical doctrine of *tri hita karana*, which emphasizes harmony among human beings, the natural environment, and the divine. The coexistence of 1,493 customary villages alongside formal governmental institutions illustrates the practical manifestation of legal pluralism within Indonesia's constitutional framework.<sup>8</sup>

Customary villages in Bali constitute territorial and genealogical communities bound by spiritual affiliation and regulated by *adat norms*. These communities exercise authority over social organization and environmental management in accordance with local wisdom. Normatively, each customary village bears the right and obligation to preserve and develop its traditions, including the regulation of *Tata Sukerta Parahyangan* within its religious sphere. Scholarly analysis characterizes the customary village as a sacral institutional entity grounded in philosophical and theological foundations that confer normative legitimacy upon its internal governance.<sup>9</sup> The interaction between religion and culture forms the sociological basis of indigenous social order. Religion provides moral orientation and transcendent legitimacy, while culture operationalizes religious values into collective practices, symbols, and behavioral patterns. This dialectical relationship produces distinctive communal identities and normative diversity, even among communities sharing the

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<sup>7</sup> Jansen Edinata Simanjuntak and others, 'Customary Law and Multiple Legal Systems in Criminal Justice: Indonesia's Penal Reform Experience', *Architecture Image Studies*, 6.3 (2025), 1864–80 <https://doi.org/10.62754/ais.v6i3.528>

<sup>8</sup> Dewa Krisna Prasada and others, 'Sad Kerthi as a Legal Concept of Self-Determination for Indigenous People in Bali', *Human Rights in the Global South (HRGS)*, 3.1 (2024), 25–52 <https://doi.org/10.56784/hrgs.v3i1.82>

<sup>9</sup> Made Oka Cahyadi Wiguna, 'Mempertimbangkan Aspek-Aspek Non Legal Formal Dalam Penyelesaian Sengketa Tanah Adat Di Bali', *Masalah-Masalah Hukum*, 53.3 (2024), 249–60 <https://doi.org/10.14710/mmh.53.3.2024.249-260>



same religious affiliation. Consequently, the state assumes responsibility for maintaining social harmony and preventing conflict within plural religious contexts.<sup>10</sup>

From a sociological perspective, religion manifests empirically through ritual observance, sacred symbolism, communal ceremonies, and religious leadership. Through internalization and externalization, religious norms become embedded within customary institutions and shape collective consciousness. This process generates integrative solidarity while simultaneously creating the potential for tension when divergent interpretations emerge.<sup>11</sup> The Balinese customary society, social organization remains closely linked to magico religious values. One significant manifestation is *kerauhan*, commonly translated as spirit possession. *Kerauhan* denotes the perceived entry of a spiritual entity into an individual, whether invoked ritually or occurring spontaneously. Balinese Hindu theology recognizes this phenomenon as part of religious cosmology, and communities generally accept it as a legitimate cultural expression. Nevertheless, interpretative approaches and regulatory mechanisms differ among customary villages, reflecting normative plurality within a shared religious tradition.<sup>12</sup>

Contemporary manifestations of *kerauhan* increasingly extend beyond ritual contexts and, in certain cases, intersect with acts of violence or unlawful conduct. Publicly reported incidents include fatal injuries during ritual performances in Denpasar, stabbing episodes involving traditional weapons during temple ceremonies in Bali, and criminal acts outside Bali attributed by communities to possession states. These events reveal the intersection between trance phenomena and criminal liability, thereby raising doctrinal questions concerning intent, culpability, and the evidentiary assessment of altered consciousness.<sup>13</sup> Public concern regarding *kerauhan* arises from multiple factors. The absence of scientific consensus generates uncertainty, while strong associations with spiritual belief evoke fear of invisible forces. Some cases may correlate with dissociative or trauma related conditions, yet social interpretation frequently frames them exclusively as supernatural occurrences, potentially reinforcing stigma and delaying medical intervention. Social media amplification further intensifies perceptions of prevalence.<sup>14</sup> Indonesian positive law does not explicitly regulate trance phenomena, thereby producing ambiguity in their classification as cultural, psychological, medical, or criminal matters. This normative gap may enable misuse, including fraudulent spiritual claims or coercive ritual practices that implicate

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<sup>10</sup> I Gde Pitana, 'Pundukdawa Movement: In Search of Identity, Deconstructing Ideology of Hierarchy in Contemporary Bali', *Jurnal Kajian Bali (Journal of Bali Studies)*, 15.3 (2025), 913–29 <https://doi.org/10.24843/JKB.2025.v15.i03.p02>

<sup>11</sup> Dik Roth, 'Environmental Sustainability and Legal Plurality in Irrigation: The Balinese Subak', *Current Opinion in Environmental Sustainability*, 11 (2014), 1–9 <https://doi.org/10.1016/j.cosust.2014.09.011>

<sup>12</sup> Agung Wardana, 'Alliances and Contestations in the Legal Production of Space: The Case of Bali', *Asian Journal of Comparative Law*, 9.1 (2014) <https://doi.org/10.1515/asjcl-2014-0030>

<sup>13</sup> *The Revival of Tradition in Indonesian Politics*, ed. by Jamie Davidson and David Henley (Routledge, 2007) <https://doi.org/10.4324/9780203965498>

<sup>14</sup> Franz von Benda-Beckmann and Keebet von Benda-Beckmann, 'The Dynamics of Change and Continuity in Plural Legal Orders', *The Journal of Legal Pluralism and Unofficial Law*, 38.53–54 (2006), 1–44 <https://doi.org/10.1080/07329113.2006.10756597>



human rights concerns. Tensions also emerge between secular legality and religious dispute resolution mechanisms, particularly when serious harm occurs.<sup>15</sup>

Philosophically, Balinese customary society interprets *kerauhan* through ontological, epistemological, and axiological dimensions. Ontologically, communities regard trance phenomena as part of a metaphysical order predating formalized Hindu civilization in Bali. Certain *awig awig* provisions, including those of Ubud, establish verification procedures and sanctions for unfounded claims. Epistemologically, Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia recognizes customary law communities and affirms their authority to regulate internal affairs. This mandate is implemented through statutory and regional regulations governing traditional villages. Axiologically, customary adjudication seeks restoration of balance within the *tri hita karana* framework, transforming disorder into communal equilibrium.<sup>16</sup>

The governmental competence must derive from clearly defined legal mandates to ensure certainty and accountability. Ambiguity in the allocation of jurisdiction between state institutions and customary-authorities risks undermining uniform enforcement of criminal law. The evidentiary dimension intensifies this challenge. Criminal procedure distinguishes between admissible evidence and the process of proof required to establish judicial conviction. The burden of proof, encompassing both persuasion and production of evidence, decisively shapes adjudicative outcomes. When alleged violent conduct occurs during states of unconsciousness attributed to possession, the requirement to establish *mensrea* and *culpability* becomes particularly complex.<sup>17</sup> Community perception frequently regards *kerauhan* as a condition beyond individual volition, complicating attribution of criminal responsibility under positive law. Although Article 18B paragraph (2) constitutionally recognizes customary autonomy, national criminal procedure mandates proof of intent and conscious action. Divergence between spiritual verification methods within *adat* institutions and statutory evidentiary standards produces interpretative tension between customary autonomy and the principle of legality. Sociological and anthropological analysis reveals that many possession related incidents are resolved through restorative mechanisms within the *adat* framework, including cases involving serious harm. While such approaches prioritize communal harmony, they raise questions concerning equal protection, deterrence, and consistency within a plural legal system.<sup>18</sup>

Previous scholarship on legal pluralism and institutional interaction provides conceptual foundations for examining these tensions. John Griffiths<sup>19</sup> conceptualizes legal pluralism as the coexistence of multiple normative orders within a single social

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<sup>15</sup> Stroma Cole, 'A Political Ecology of Water Equity and Tourism', *Annals of Tourism Research*, 39.2 (2012), 1221–41 <https://doi.org/10.1016/j.annals.2012.01.003>

<sup>16</sup> Pitana.

<sup>17</sup> Carol Warren, 'Community Mapping, Local Planning and Alternative Land Use Strategies in Bali', *Geografisk Tidsskrift-Danish Journal of Geography*, 105.1 (2005), 29–41 <https://doi.org/10.1080/00167223.2005.10649524>

<sup>18</sup> Abdul Helim, Sabarudin Ahmad and Padliator Padliator, 'Bapalas as Alternative Dispute Resolution of Fighting on Muslim Dayak Community in Muara Teweh, Central Kalimantan', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 6.1 (2022), 331 <https://doi.org/10.22373/sjhk.v6i1.12379>

<sup>19</sup> John Griffiths, 'What Is Legal Pluralism?', *The Journal of Legal Pluralism and Unofficial Law*, 18.24 (1986), 1–55 <https://doi.org/10.1080/07329113.1986.10756387>



field, while Carol Warren<sup>20</sup> demonstrates how local legal consciousness mediates the implementation of formal law. I Nengah Subadra<sup>21</sup> highlights the governance capacity of local institutions, and Cok Istri Ratna Sari Dewi, et al<sup>22</sup> explains institutional transformation through interaction between formal rules and informal constraints. Although these scholars illuminate structural and epistemological challenges in plural systems, they do not specifically address the doctrinal regulation of *kerauhan* within Indonesia's constitutional context.

This research intends to develop an analytical framework that harmonizes indigenous normative systems with constitutional notions of legality, accountability, and justice. The research aims to enhance legal pluralism theory by elucidating methods for organized interaction between customary and state institutions. It aims to develop policy proposals that enhance institutional coherence while maintaining cultural autonomy and protecting fundamental rights within Indonesia's criminal justice system.

## METHOD

The research employs a descriptive–analytical design within an empirical juridical framework to examine the implementation of normative law in Balinese customary communities in addressing the *kerauhan* phenomenon. It categorizes the study as explanatory legal research because it analyzes causal relationships that clarify how and why customary institutions regulate and resolve *kerauhan* related cases. The research focuses on law in action by assessing the interaction between formal legal norms and their practical enforcement in community life.<sup>23</sup> The study applies a socio-legal approach that integrates doctrinal analysis with empirical field investigation. It systematically examines customary legal instruments, including *awig-awig* and *perarem* (village decrees), as well as relevant statutory regulations, to identify their normative structure and regulatory intent. It then compares these written provisions with their implementation in traditional villages to determine the extent of normative compliance and institutional consistency.<sup>24</sup>

The research relies on primary and secondary data. It collects primary data through in-depth, unstructured interviews with purposively selected informants, including customary leaders, religious authorities, community members, cultural experts, and legal scholars who possess direct knowledge of *kerauhan* practices and dispute

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<sup>20</sup> Carol Warren, 'Mapping Common Futures: Customary Communities, NGOs and the State in Indonesia's Reform Era', *Development and Change*, 36.1 (2005), 49–73 <https://doi.org/10.1111/j.0012-155X.2005.00402.x>

<sup>21</sup> I Nengah Subadra, 'Understanding the Cultural Ecosystem Service of Heritage Tourism', in *Management of Tourism Ecosystem Services in a Post Pandemic Context* (London: Routledge, 2022), pp. 320–38 <https://doi.org/10.4324/b23145-25>

<sup>22</sup> Cok Istri Ratna Sari Dewi and others, 'Local Wisdom in Corporate Social Responsibility: Tri Parartha-Based Practices at the Village Credit Institution of Gelgel Customary Village, East Bali', *Jurnal Kajian Bali (Journal of Bali Studies)*, 15.2 (2025), 742–69 <https://doi.org/10.24843/JKB.2025.v15.i02.p12>

<sup>23</sup> *Ratio Legis*, ed. by Verena Klappstein and Maciej Dybowski (Cham: Springer International Publishing, 2018) <https://doi.org/10.1007/978-3-319-74271-7>

<sup>24</sup> Adam Dyrda, 'The Real Ratio Legis and Where to Find It', in *Ratio Legis* (Cham: Springer International Publishing, 2018), pp. 3–17 [https://doi.org/10.1007/978-3-319-74271-7\\_1](https://doi.org/10.1007/978-3-319-74271-7_1)



resolution mechanisms.<sup>25</sup> It also conducts direct observations in selected traditional villages, both those that formally regulate *kerauhan* and those that do not, to capture variations in governance practices. The study gathers secondary data from customary legal documents, statutory instruments, academic literature, and theoretical works on legal pluralism and criminal responsibility. The researcher analyzes the data qualitatively by classifying and categorizing information according to regulatory themes, institutional roles, and adjudication procedures. The analysis identifies recurring normative patterns, evaluates conflict resolution mechanisms, and assesses their conformity with national legal principles. Through this structured analytical process, the research explains the operational dynamics between customary law and state law in the governance of *kerauhan* cases.<sup>26</sup>

## RESULT AND DISCUSSION

From an anthropological perspective, Balinese *adat* represents an extensive normative framework that governs interactions among humans, ancestral spirits (*pitara*), divine beings (*dewata*), and the natural environment. This system embodies a cosmological perspective that positions equilibrium between the divine (*niskala*) and empirical (*sekala*) qualities at the core of social and spiritual existence. *Adat* functions not merely as a standalone legal system but incorporates metaphysical beliefs, ritual duties, and communal administration into a unified framework of significance and practice. Balinese *adat* is expressed through ceremonial performances, symbolic representations, mandated restrictions, communal responsibilities, and collective accords formalized within customary regulations like *awig-awig*. These factors operate collaboratively to maintain social order and cultural continuity. *Adat* not only dictates behavior, it encapsulates a cultural identity that is perpetually recreated through engagement in ceremonial activities and collective discourse. Anthropological analysis positions Balinese *adat* as a cohesive value network that amalgamates religious doctrine, social standards, and cultural expression under a singular normative framework.<sup>27</sup>

The *kerauhan* phenomena in Balinese tradition represents a multifaceted spiritual manifestation that delineates the connection between humans, ancestral spirits, and *niskala* forces. In customary and religious ceremonies, the community perceives *kerauhan* not merely as an individual mystical experience but as a collective event imbued with legal, social, and cultural importance. Thus, Balinese customary law positions *kerauhan* inside a normative structure that governs eligibility, ritual context, spatial limits, and communal reaction. When an event aligns with established standards, the community acknowledges it; when it diverges, traditional authorities may implement corrective actions, from reprimands to formal penalties.<sup>28</sup> Legal

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<sup>25</sup> Mikołaj Hermann, 'How Can Ratio Legis Help a Lawyer to Interpret a Legal Text? Employing the Purpose of a Regulation for Legal Interpretation', in *Ratio Legis* (Cham: Springer International Publishing, 2018), pp. 187–205 [https://doi.org/10.1007/978-3-319-74271-7\\_9](https://doi.org/10.1007/978-3-319-74271-7_9)

<sup>26</sup> Tomáš Ledvinka, 'Právo a Antropologie: Distinkce, Jež Neskomírá', *Český Lid*, 107.1 (2020), 3–21 <https://doi.org/10.21104/CL.2020.1.01>

<sup>27</sup> I. Nengah Subadra, 'Cloud Tour Services in Paradise: A Newly Marketing Paradigm in Bali Tourism History', in *Tourist Behaviour and the New Normal, Volume I* (Cham: Springer Nature Switzerland, 2024), pp. 147–71 [https://doi.org/10.1007/978-3-031-45848-4\\_9](https://doi.org/10.1007/978-3-031-45848-4_9)

<sup>28</sup> I Putu Gede Sridana and others, 'Conflict and Harmony Between Desa Adat and the Bali Provincial Government Following the Enactment of the Regional Regulation on Customary Village 2019', *Jurnal*



anthropology offers an analytical framework for comprehending this regulation. This discipline perceives law not solely as codified positive norms but as a dynamic system of values, symbols, and practices integrated within social life. From this viewpoint, Balinese customary law embodies an institutional expression of cosmological beliefs and social structure. A comprehensive analysis of *kerauhan* necessitates consideration of two interrelated dimensions: law as culture and sanctity as a social force. In Balinese society, participants frequently view *kerauhan* as an occurrence that surpasses conventional logical agency and emanates from *niskala* entities who briefly possess the human body during ritual circumstances. The significance of *kerauhan* originates from its incorporation into a religio-magical cosmology governed by traditional institutions.<sup>29</sup>

The theoretical assertion that law operates as a cultural system is systematically developed in the work of Clifford Geertz, who contends that in numerous traditional societies, legal and religious organizations act as interconnected symbolic frameworks. In this interpretive framework, legal standards gain legitimacy through ritual performance, mythological storytelling, and shared conviction. In Bali, *kerauhan* exemplifies this fusion. It functions concurrently as a sacred embodiment and as a tool for social legitimacy, strengthening communal unity while establishing normative limits.

Anthropological investigation regards law as a dynamic process instead than a fixed collection of regulations. Researchers investigate how societies develop legal significance through practice, negotiation, and symbolic representation. This investigation may transform existing interpretations by demonstrating how legal consciousness influences and modifies social narratives.<sup>30</sup>

The examination of *kerauhan* not only enhances doctrinal analysis but also shifts the focus to the cultural rationale that underpins normative authority. The notion of law as a cultural system entails several analytical ramifications. The law cannot assert universal neutrality; it embodies historical developments, cosmological beliefs, and social systems particular to a single community. Secondly, legal processes operate as culturally ingrained performances. Customary mediation, ritual validation, and sanctioning procedures function as both regulatory mechanisms and symbolic affirmations of collective identity. Third, legislation produces language that elucidates social reality and maintains public order. It conveys common ideals and establishes legitimacy through culturally comprehensible language. Within this paradigm, Balinese customary answers to *kerauhan* cannot be evaluated exclusively by comparison with statutory positive law. Customary regulation articulates ideals of balance, ancestral reverence, and communal cohesion. Law originates from a

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*Kajian Bali (Journal of Bali Studies)*, 14.2 (2026), 567–86  
<https://doi.org/10.24843/JKB.2024.v14.i02.p12>

<sup>29</sup> Putu Sri Murtini, Syamsul Alam Paturusi and Ida Bagus Gde Pujaastawa, 'Pengelolaan Hutan Adat Sebagai Kawasan Ekowisata Berbasis Masyarakat Di Desa Tenganan Pegringsingan Karangasem Bali', *Jurnal Kajian Bali (Journal of Bali Studies)*, 13.2 (2026), 469–95  
<https://doi.org/10.24843/JKB.2023.v13.i02.p05>

<sup>30</sup> I Komang Sudirga, Made Mantle Hood and Ni Ketut Dewi Yulianti, 'Strengthening Ideological Values through Pasantian Singing: Problematizing the Nexus Between Local Cultural Practices and Globality in Bali', *Jurnal Kajian Bali (Journal of Bali Studies)*, 14.2 (2026), 348–72  
<https://doi.org/10.24843/JKB.2024.v14.i02.p03>



common story and shared cosmology rather than only from centralized power. Consequently, customary law emerges from social practices and embodies the community's continuous endeavor to sustain equilibrium between the tangible and intangible domains.<sup>31</sup>

In Balinese cosmology, *kerauhan* serves as a conduit of divine communication connecting the *niskala* realm with the empirical *sekala* world. Individuals undergoing *kerauhan* are seen as temporary conduits for ancestral spirits (*pitara*), deities (*dewata*), or other transcendent beings. The messages delivered during such events may include wisdom, warnings, or ceremonial instructions that have considerable communal significance. The community assigns significant spiritual importance to these transmissions, making it unable to dismiss them without jeopardizing cosmological equilibrium.<sup>32</sup> The sacred significance of *kerauhan* simultaneously requires institutional validation. Customary authorities utilize ritual instruments like *tirtha* and assemble deliberative councils based on *awig-awig* to assess authenticity. This technique differentiates authentic spiritual phenomena from possible deception or psychological disorder. The community incorporates holy communication into social governance through these processes, thereby mitigating misuse. Consequently, *kerauhan* embodies both a transcendent experience and a structured social institution. It encapsulates traditional norms that govern interactions between individuals and unseen forces, guaranteeing that spiritual messages are respectfully and responsibly integrated into the legal and cultural framework of Balinese society.<sup>33</sup>

*Kerauhan* in the Context of Customary Dynamics and Living Law in Bali  
Within a positivistic legal framework, the phenomena of *kerauhan* may seem irrational or abnormal as it does not adhere to empirical norms of proof. When analyzed from the viewpoint of law as a cultural system, *kerauhan* holds a prominent role as a symbolic and social process integral to customary government. In specific traditional communities, especially during ritual impasses or ceremonial ambiguities, *kerauhan* serves as an interpretative marker of ritual legitimacy. Communities may perceive the emergence of *kerauhan* as validation that a ceremony occurs with transcendent endorsement. In certain areas of Tabanan Regency and in Jasan, Sebatu, Gianyar Regency, local communities frequently perceive *kerauhan* as an indication of divine presence. Other communities view the same phenomena variably based on the concepts of *desa*, *kala*, *patra*, and *sima dresta*, which underscore contextual adaptation to location, time, and circumstance.<sup>34</sup> v

<sup>31</sup> Annabel Jackson, Michael John Hitchcock and Putu Diah Sastri Pitanatri, 'Macau, Bali and the Malay World: A Gastronomic Perspective', *Jurnal Kajian Bali (Journal of Bali Studies)*, 14.2 (2026), 401–22 <https://doi.org/10.24843/JKB.2024.v14.i02.p05>

<sup>32</sup> Ni Made Utami Dwipayanti and others, 'Socio-Ecological Barriers to Women's Empowerment in Sanitation in Eastern Indonesia', *Health & Place*, 96 (2025), 103554 <https://doi.org/https://doi.org/10.1016/j.healthplace.2025.103554>

<sup>33</sup> Amandangi Wahyuning Hastuti and others, 'Spatiotemporal Analysis of Shoreline Change Trends and Adaptation in Bali Province, Indonesia', *Regional Studies in Marine Science*, 76 (2024), 103598 <https://doi.org/https://doi.org/10.1016/j.rsma.2024.103598>

<sup>34</sup> Mohammad Basyuni and others, 'Mangrove Aboveground Biomass Estimation Using UAV Imagery and a Constructed Height Model in Budeng-Perancak, Bali, Indonesia', *Ecological Informatics*, 86 (2025), 103037 <https://doi.org/https://doi.org/10.1016/j.ecoinf.2025.103037>



The notion of living law offers an analytical basis for comprehending this variety. Living law denotes normative systems that evolve naturally via social interaction, inherited customs, and communal acknowledgment, rather than through formal official codification. Its distinguishing feature is flexibility. Living legislation adapts to social changes while maintaining the core ideals of the society.<sup>35</sup> Examples include the subak irrigation system in Bali and the sasi customary system in Maluku, both of which exhibit authoritative power despite minimal formal codification. The primary difficulty of living law in modern circumstances is its capacity to remain pertinent in the face of globalization and heightened interference by state legal systems. In this context, *kerauhan* signifies an embodiment of living law in Balinese culture. Individuals experiencing *kerauhan* are seen as intermediaries of transcendent energies whose messages may impact collective decisions. These lessons are integrated into the enforcement of customary law not via textual stipulations but via communal spiritual interpretation. Consequently, *kerauhan* may function as a mechanism for dispute resolution, ethical rectification, or validation of societal standards. Its legitimacy stems from collective conviction and ceremonial affirmation rather than from formal judgment.<sup>36</sup>

Legal anthropology underscores the varied interpretations within customary cultures. The interpretation and procedural management of *kerauhan* vary not only between regencies but also within villages within the same administrative area. Certain cultures perceive it as divine revelation, while others adopt a cautious stance and subject it to critical examination. This variety illustrates that *kerauhan* serves as a locus of normative negotiation where values, authority, and identity converge. It does not constitute a definitive or homogeneous institution; instead, it operates as an interpretive domain influenced by local power dynamics and shared memory.<sup>37</sup> The variety of perspective illustrates the multiplicity of Balinese customary communities. While Balinese society generally subscribes to common philosophical tenets like Tri Hita Karana and Hindu Dharma, each traditional village uniquely interprets these principles based on its specific historical experiences and ritual customs. The assessment of *kerauhan* within communities is heavily influenced by local history, mythology, social organization, and the authority of customary authorities such as *pemangku* and *balian*. In certain villages, it represents spiritual benediction and fortifies cosmological connections; in others, it necessitates regulatory supervision via designated ceremonies to avert misinterpretation or misuse.<sup>38</sup>

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<sup>35</sup> Dwi Haryanti and others, 'Coral-Killing and Competitive Sponges in Nusa Dua, Bali, Indonesia', *Regional Studies in Marine Science*, 80 (2024), 103921 <https://doi.org/https://doi.org/10.1016/j.rsma.2024.103921>

<sup>36</sup> Andi Eka Sakya and others, 'Sow the Seeds of Tsunami Ready Community in Indonesia: Lesson Learned from Tanjung Bena, Bali', *International Journal of Disaster Risk Reduction*, 87 (2023), 103567 <https://doi.org/https://doi.org/10.1016/j.ijdr.2023.103567>

<sup>37</sup> I Made Sukmayasa, Jaime Soza-Parra and Dick Ettema, 'The Role of Parental Involvement and Gender on Travel Mode Decisions to School in Bali, Indonesia', *Journal of Transport Geography*, 126 (2025), 104250 <https://doi.org/https://doi.org/10.1016/j.jtrangeo.2025.104250>

<sup>38</sup> Yulianto Suteja and others, 'From Sea to Table: Assessing Microplastic Contamination in Local and Non-Local Salt in Bali, Indonesia', *Chemosphere*, 374 (2025), 144192 <https://doi.org/https://doi.org/10.1016/j.chemosphere.2025.144192>



*Kerauhan* in the Context of modernity Balinese customary law serves as a normative framework that generates social order through consensus, ritual enactment, and communal obligation. Every individual holds a certain role within the established hierarchy, and social interactions occur inside institutional contexts such as *banjar* and traditional communities.<sup>39</sup> When cooperation deteriorates or conflict arises, communities address conflicts via deliberative forums termed *paruman adat* or through ritual reconciliation. In this structure, legislation functions not merely as control but also as a ceremonial reaffirmation of communal cohesion. Modern Bali, however, undergoes structural transition propelled by globalization, urbanization, and technological advancement. These influences engender novel value orientations that frequently deviate from traditional communal values. Heightened exposure to digital culture cultivates individualism, materialism, and material ambition. Younger generations, particularly, may value career mobility, personal branding, and financial advancement over communal responsibilities such as *ngayah* or involvement in ceremonial duties. This transition progressively undermines the solidaristic underpinning that has traditionally supported customary institutions.<sup>40</sup>

Legal disputes and traditional resolution in instances of *kerauhan* In Balinese society, *kerauhan* often entails an altered state of consciousness typically characterized as trance or possession. Under this state, the individual may encounter reduced consciousness, compromised willpower, and partial or total amnesia subsequent to the occurrence. From a legal perspective, such a condition prompts inquiries regarding criminal accountability.<sup>41</sup> Contemporary legal law typically necessitates the presence of intent and conscious control as components of culpability. Therefore, if an illegal act transpires during a confirmed state of unconsciousness, the perpetrator may assert a lack of *mensrea* as a *defense*, contending the absence of purposeful activity. In several legal systems, unconsciousness may serve as a potential exculpatory basis if the accused can prove that the act stemmed from a transient mental disturbance beyond voluntary control. When applied to *kerauhan*, this theory posits that violent behavior or property destruction occurring during a trance is devoid of intentionality. Nonetheless, courts do not automatically accept such allegations. Judicial assessment necessitates a thorough investigation of authenticity, incorporating expert testimony from psychology, psychiatry, or religion studies, alongside factual evidence demonstrating true dissociation at the time of the act. The adjudicating authority must ascertain whether the conduct resulted exclusively from impaired consciousness or from deliberate concealment.<sup>42</sup>

<sup>39</sup> Sapta Suhardono, Chun-Hung Lee and I Wayan Koko Suryawan, 'Trends in Citizen Influencing Willingness to Participate in Marine Debris Management and Social Well-Being in Bali Metropolitan, Indonesia', *Urban Governance*, 4.4 (2024), 362–73 <https://doi.org/https://doi.org/10.1016/j.ugj.2024.12.005>

<sup>40</sup> I Ketut Mahaputra and others, 'Strategies for Improving Sustainable Rice Seed Supply Chain Performance in Indonesia: A Case Study in Bali Province', *Sustainable Futures*, 10 (2025), 101484 <https://doi.org/https://doi.org/10.1016/j.sftr.2025.101484>

<sup>41</sup> Fajara Kurniawan and others, 'Indonesia Local Government Information Completeness on the Web', *Procedia Computer Science*, 124 (2017), 21–28 <https://doi.org/https://doi.org/10.1016/j.procs.2017.12.125>

<sup>42</sup> Blane D Lewis and Adrianus Hendrawan, 'The Impact of Majority Coalitions on Local Government Spending, Service Delivery, and Corruption in Indonesia', *European Journal of Political Economy*, 58 (2019), 178–91 <https://doi.org/https://doi.org/10.1016/j.ejpoleco.2018.11.002>



Customary Law Communities are structured legal bodies established via genetic lineage or territorial association. Members maintain collective cohesion by upholding inherited norms, institutional frameworks, and shared cultural values. These communities establish obligatory customary regulations that dictate internal behavior and empower traditional leaders to enforce adherence. They oversee designated areas that serve as jurisdictional domains for traditional governance, incorporating adjudicative systems that address conflicts via established internal protocols. A Customary Law Community functions as an independent normative entity based on shared lineage or habitation, possessing the ability to create and uphold its own legal framework.<sup>43</sup>

The constitutional framework of Indonesia acknowledges and safeguards the traditional rights of Customary Law Communities. Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia mandates the state to recognize and honor these communities and their traditional rights, contingent upon their continued existence, alignment with societal progress, adherence to the principles of the Unitary State of the Republic of Indonesia, and regulation through statutory law. This constitutional provision incorporates customary communities into the national legal framework while preserving the primacy of state law within the legislative hierarchy.<sup>44</sup> In Bali, Customary Law Communities establish their authority via traditional villages that enforce customary standards within defined territorial limits. The Provincial Regulation of Bali Number 4 of 2019 explicitly acknowledges Traditional Villages as legal entities under the regional governance framework. Their membership primarily comprises Balinese Hindus connected by geographical affiliation and ancestral relationships. These institutions govern religious, social, and cultural life in alignment with the philosophical idea of *Tri Hita Karana*, which delineates harmonious interactions among the divinity (*parhyangan*), the human community (*pawongan*), and the natural environment (*palemahan*).<sup>45</sup>

Customary Law Communities constitute organized legal organizations founded by genealogical descent or territorial affinity. Members sustain group cohesion by retaining inherited norms, institutional frameworks, and shared cultural values. These communities develop binding customary regulations that control internal conduct and authorize traditional leaders to oversee compliance. They administrate designated territories that operate as jurisdictional realms for customary governance, including adjudicative systems that resolve conflicts through established internal procedures.<sup>46</sup> Accordingly, a Customary Law Community acts as an autonomous normative organization grounded in common ancestry or domicile and capable of producing and executing its own legal system. The constitutional framework of Indonesia

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<sup>43</sup> Raffles Brotestes Panjaitan and others, 'The Role of Central Government and Local Government and the Moderating Effect of Good Governance on Forest Fire Policy in Indonesia', *Benchmarking: An International Journal*, 26.1 (2019), 147–59 <https://doi.org/https://doi.org/10.1108/BIJ-12-2017-0336>

<sup>44</sup> Harun Harun and others, 'Understanding the Forces and Critical Features of a New Reporting and Budgeting System Adoption by Indonesian Local Government', *Journal of Accounting & Organizational Change*, 16.1 (2020), 145–67 <https://doi.org/https://doi.org/10.1108/JAOC-10-2019-0105>

<sup>45</sup> Purbokusumo and Santoso.

<sup>46</sup> Sumiyana and others, 'Partnership Building between NGOs and Indonesian Local Governments: A Case Study of Integrative Leadership Immersing Itself in Innovativeness', *International Journal of Social Economics*, 49.7 (2022), 1029–48 <https://doi.org/https://doi.org/10.1108/IJSE-07-2021-0377>



recognizes and protects the traditional rights of Customary Law Communities. Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia obliges the state to acknowledge and respect these communities and their traditional entitlements, provided that they continue to exist, conform to societal development, adhere to the principles of the Unitary State of the Republic of Indonesia, and receive regulation through statutory legislation. This constitutional provision integrates customary communities into the national legal system while maintaining the supremacy of state law within the hierarchical framework of legislation.<sup>47</sup>

A rigorous constitutional analysis requires a clear distinction between the two normative provisions contained in Article 18B of the 1945 Constitution of the Republic of Indonesia. Article 18B paragraph (1) regulates the recognition of regions endowed with special or asymmetrical autonomy within the framework of the unitary state. This provision establishes the constitutional basis for legislative arrangements governing regions granted specific administrative status, including Jakarta, Papua, Yogyakarta, and Nanggroe Aceh Darussalam. In this context, the constitutional norm concerns the distribution of governmental authority and the institutional design of regional administration. By contrast, Article 18B paragraph (2) addresses the recognition and protection of customary law communities and their traditional rights. This paragraph does not regulate territorial autonomy in an administrative sense; instead, it affirms the juridical existence of socio-cultural entities grounded in customary norms, inherited institutions, and collective identity. The implementation of this constitutional mandate depends upon statutory provisions that define recognition procedures, substantive rights, and institutional criteria.<sup>48</sup>

The constitutional framework concerning indigenous peoples extends beyond Article 18B paragraph (2). Article 28I paragraph (3) protects cultural identity and traditional community rights within the human rights regime, while Article 32 paragraphs (1) and (2) obligate the State to respect and preserve cultural diversity, including customary traditions. These provisions collectively construct a layered constitutional structure that integrates indigenous recognition into the broader domains of governance, human rights, and cultural policy. Maintaining a doctrinal separation between Article 18B paragraph (1) and paragraph (2) remains essential. The former regulates special regional governmental status, whereas the latter concerns the legal acknowledgment of customary communities and their rights of origin.<sup>49</sup> Conceptual clarity prevents normative conflation and ensures coherent constitutional interpretation. Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia establishes a declarative constitutional basis for the recognition and protection of customary law communities and their traditional rights. The provision explicitly affirms state acknowledgment of their existence; however, it simultaneously subjects such recognition to the fulfillment of cumulative requirements. Indigenous

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<sup>47</sup> Rian Hilmawan and others, 'Public Sector Innovation in Local Government and Its Impact on Development Outcomes: Empirical Evidence in Indonesia', *Heliyon*, 9.12 (2023), e22833 <https://doi.org/https://doi.org/10.1016/j.heliyon.2023.e22833>

<sup>48</sup> Khudzaifah Dimiyati and others, 'Indonesia as a Legal Welfare State: A Prophetic-Transcendental Basis', *Heliyon*, 7.8 (2021) <https://doi.org/10.1016/J.HELIYON.2021.E07865>

<sup>49</sup> Fuad Rakhman and Singgih Wijayana, 'Human Development and the Quality of Financial Reporting among the Local Governments in Indonesia', *Journal of International Accounting, Auditing and Taxation*, 56 (2024), 100634 <https://doi.org/https://doi.org/10.1016/j.intaccudtax.2024.100634>



communities must demonstrate their continued institutional presence, ensure that their practices align with societal development, confirm compatibility with the principles of the unitary state, and obtain regulation through statutory legislation. This constitutional formulation vests the State with authoritative competence to determine the juridical status of customary communities.<sup>50</sup>

They contend that the verification requirement reflects a centralized model of governance in which state institutions exercise unilateral discretion to define and validate indigenous identity. In practice, customary communities must initiate recognition procedures, submit formal applications, and provide documentary or empirical evidence of historical continuity and normative cohesion. The burden of proof therefore rests primarily on the communities themselves, while governmental authorities retain the final power to approve or reject recognition. This procedural configuration recharacterizes constitutional acknowledgment as contingent upon administrative endorsement rather than as an inherent constitutional guarantee.<sup>51</sup> The framework also raises broader normative concerns. Constitutions ordinarily function to secure fundamental rights, including access to natural resources, environmental sustainability, and an adequate standard of living. Nevertheless, Article 18B paragraph (2) conditions the effective enjoyment of these rights upon prior recognition. Such dependency evokes regulatory approaches historically associated with colonial administration, which subordinated customary institutions to external validation. After constitutional reform, the Government implemented this mandate through Law on Regional Government, which reintroduced diversity in village governance and affirmed villages as legal community entities grounded in rights of origin. Subsequent legislative developments and constitutional interpretations issued by the Constitutional Court of the Republic of Indonesia further influenced indigenous recognition while preserving its conditional character.<sup>52</sup>

International law has developed a progressively sophisticated framework governing the legal status and rights of indigenous peoples through successive normative instruments. An early articulation appeared in the Indigenous and Tribal Populations Convention, 1957 (No. 107), which characterized indigenous communities as socially disadvantaged populations requiring integration into dominant national societies. This integrationist orientation reflected the enduring influence of the classical *\*terra nullius\** doctrine, under which indigenous territories and normative systems received minimal juridical acknowledgment.<sup>53</sup> As global human rights standards matured, empirical evidence of systemic discrimination, land dispossession, and cultural marginalization repositioned indigenous peoples as priority

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<sup>50</sup> Srirejeki and Khairurrizqo.

<sup>51</sup> Alqiz Lukman, 'Community-Based Management of the USAT Liberty, Bali, Indonesia', *Journal of Cultural Heritage Management and Sustainable Development*, 10.3 (2020), 217–31 <https://doi.org/https://doi.org/10.1108/JCHMSD-05-2019-0053>

<sup>52</sup> Muhammad Alif K Sahide, Abdurrahman Abdullah and Moira Moeliono, 'Policy Forum: Indigenous Forest Rights at a Crossroads? A Critical Look at Indonesia's Planned Forestry Law Amendment', *Forest Policy and Economics*, 185 (2026), 103730 <https://doi.org/https://doi.org/10.1016/j.forpol.2026.103730>

<sup>53</sup> Vandy Yoga Swara and others, 'River's End: The Violence of Indigenous Riverine Urbanization in the Making of Indonesia's New Capital', *Habitat International*, 165 (2025), 103555 <https://doi.org/https://doi.org/10.1016/j.habitatint.2025.103555>



subjects within international protection regimes. A decisive normative transformation emerged with the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169). This Convention rejects assimilationist assumptions and obliges states to respect indigenous cultures, spiritual traditions, and their intrinsic relationship with ancestral lands. It affirms substantive entitlements, including rights to self-determination, development, property, health, and cultural preservation.<sup>54</sup>

The principle of self-determination derives philosophical justification from conceptions of human autonomy and equal dignity, and it finds positive legal grounding in the Charter of the United Nations and related international instruments. Legal scholarship increasingly regards this principle as embedded in customary international law and, in certain aspects, as possessing peremptory status. The normative trajectory culminated in the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the United Nations General Assembly on 13 September 2007. The Declaration categorically prohibits discrimination and advances substantive equality through targeted and affirmative measures. It affirms that indigenous peoples hold rights by virtue of their historical existence, independent of state concession. Within human rights theory, the originality of indigenous rights signifies inherent, *prima facie* entitlements that attach to the community's existence. These rights differ fundamentally from statutory rights created by legislative enactment. Accordingly, states must recognize and protect inherent rights, whereas statutory rights merely require formal conferral and regulation.<sup>55</sup>

## CONCLUSION

Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, together with Law Number 6 of 2014 concerning Villages, establishes the constitutional and statutory framework for the recognition of customary legal communities in Indonesia. This framework affirms the coexistence of state law and customary law within a plural legal order. In Bali, this pluralism operates dynamically and finds tangible expression in the socio spiritual phenomenon of *kerauhan*. The study demonstrates that *kerauhan* does not merely represent a religious experience but also functions as living law that reinforces communal norms and legitimizes customary authority through ritual instruments and deliberative mechanisms. From the standpoint of legal anthropology, *kerauhan* constitutes a normative structure embedded in collective belief systems and social practices. It serves as an instrument of social regulation by affirming moral obligations and restoring communal equilibrium. Nevertheless, when incidents associated with *kerauhan* involve material loss or physical harm, the phenomenon encounters the formal criminal justice system. In such circumstances, state institutions must apply principles of legality, evidentiary standards, and individual accountability. This interaction reveals structural tensions between spiritual explanations grounded in customary belief and rational proof

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<sup>54</sup> Tyas Ismi Trialfhianty, Claire Helen Quinn and Maria Beger, 'Engaging Customary Law to Improve the Effectiveness of Marine Protected Areas in Indonesia', *Ocean & Coastal Management*, 261 (2025), 107543 <https://doi.org/https://doi.org/10.1016/j.ocecoaman.2025.107543>

<sup>55</sup> Dikshit Sarma Bhagabati, 'Dancing by the Juniper: Notes from the Performative Space of the Brokpa's Cultural Enactment', *Asian Journal of Social Science*, 49.2 (2021), 109–19 <https://doi.org/https://doi.org/10.1016/j.ajss.2021.01.002>



requirements embedded in national criminal law. Contemporary social transformation further influences the position of *kerauhan*. Processes of commercialization, tourism expansion, and digital dissemination have altered public perception and, in some cases, reduced sacred rituals to cultural performances. Moreover, segments of the younger generation increasingly interpret the phenomenon through psychological or medical perspectives. Despite these pressures, Balinese customary law demonstrates adaptive capacity through restorative approaches guided by *desa kala patra*, which emphasize contextual harmony and proportional resolution.

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