DOI <https://doi.org/10.18551/rjoas.2018-04.15>

CONTROVERSY OF MARRIAGE PADA GELAHANG IN BALINESE HINDU COMMUNITY IN KARANGASEM REGENCY

Dipa I Wayan Artha*, Gelgel I Putu, Darmika Ida Bagus

Doctoral Program of Religious and Cultural Studies, Graduate Program,
Hindu University of Indonesia, Denpasar, Indonesia

*E-mail: arthadipa56@gmail.com

ORCID 0000-0003-3148-3319

ABSTRACT

Marriage Pada Gelahang has become controversial issue among Balinese Hindu community in Karangasem Regency. The controversy include various aspects related to marriage Pada Gelahang. This study reveals the controversy that is directed at three main issues, namely causes, forms, and implications. This research is designed as a qualitative research with descriptive-interpretative approach. Data were obtained through interviews, focus group discussions, and document studies, then analyzed with theories of social change, reception, social system theory, and family evolution theory. This study concludes that the causes of Marriage Pada Gelahang are different perspective toward social change in customary (adat) system; the discourse of inheritance rights for women; reflection of knowledge and experience; and Hindu marriage law.

KEY WORDS

Controversy, marriage, Pada Gelahang, Balinese Hindu community.

For Balinese Hindu community, a marriage system is related to a patrilineal system (father's line or purusa). In the patrilineal system, the family tree is drawn from the father's lineage (purusa) which can then be drawn straight up to certain ancestors. The patrilineal system indicates the importance of the existence of a male heir (sentana purusa) in a family that will continue the rights and obligations of parents or ancestors in social, customary, cultural and religious activities (Geriya, 2000).

In this patrilineal system, the absence of boys (sentana purusa) is often a serious problem. This condition brings out an unusual type of marriage (altenative) such as *nyentana* and *pada gelahang*. Marriage *pada gelahang* is a type of marriage that sets the status of purusa to both bride and groom. That means, both bride and groom have the rights, obligations and responsibilities to continue the obligations of parents and ancestors in two families, so also called *negen dadua* or *gelahang bareng* (Windia, 2012).

Marriage *pada gelahang* in Karangasem is still reaping a controversy in community, (Ekasana, 2012). This is suspected to be one of the factors why only few Balinese Hindu in Karangasem carry out this type of marriage (Gelgel, 2013). Controversy in Marriage *pada gelahang* can be seen from the emergence of perceptions of some Balinese Hindu community in Karangasem regency who consider that the marriage *pada gelahang* is not in accordance with the values inherited and it is considered to damage the existing customary (adat) system in Bali (Anom, 2010). Most of Balinese Hindu in Karangasem Regency considers that marriage *pada gelahang* is still taboo or inappropriate. Nevertheless, the data show that there are only 2 (two) families who perform this type of marriage *pada gelahang* (Windia, 2012). The controversy encompasses various aspects, both sacred and supernatural (niskala) so that it is interesting to be investigated further in the perspective of religion and culture.

METHODS OF RESEARCH

This study uses qualitative research methods that rely on data collected in the field in the form of narrative and descriptive illustration (Sugiyono, 2005).

The location of this research is in Karangasem Regency with the focus on Balinese Hindu society which is tied to the customary (adat) tradition system. Data were gathered through interviews, focus group discussions (FGDs), and document studies. There are three steps in analyzing qualitative data: data reduction, data presentation, and verification (Hennink et. al., 2010).

The Causes of Controversy of Marriage Pada Gelahang in Balinese Hindu Society in Karangasem Regency. One of the factors that causes controversy of Marriage *pada gelahang* in Balinese Hindu community in Karangasem regency is the difference perceptions of Hindus society about social change in customary (Adat) system. Parties who receive (pro) marriage *pada gelahang* tend to see that customary (adat) system must adapt to social change in order to maintain its existence. This view gave birth to a perception that marriage *pada gelahang* as part of social change should be adopted by the customary (adat) system (Dyatmikawati, 2013). On the other hands, those who reject marriage *pada gelahang* view that the customary (adat) system has a mechanism to address social change in society. In this case, *marriage pada gelahang* can not be adopted by customary (Adat) system because it is considered to disturb the balance and social order.

Another cause of controversy of Marriage *pada gelahang* in Balinese Hindu community in Karangasem regency is the difference perceptions about women's inheritance rights discourse. The party receiving the marriage *pada gelahang* holds that the inheritance rights (*kepurusa*) in Balinese customs has not been fully able to accommodate families who do not have male heir (Sentana Purusa). Marriage *pada gelahang* is seen as the best solution when marriage *nyentana* can not be done. Meanwhile, those who reject the marriage *pada gelahang* see that the Bali customary (adat) law about inheritance rights has accommodated the issue of inheritance rights to girls without going through marriage *pada gelahang*. In this case, inheritance systems that include family inheritance (*duwe nak lingsir*) and joint property (*gunakaya*) already have their own rules and system of inheriting. When inheritance has been interpreted economically, then marriage *pada gelahang* is viewed only as a way of a person to protect his private property (Mantra, 1996). The shift of orientation in the meaning of inheritance rights for women is not separated from the influence of materialism and individualism in modern society marked by the dominance of material value and the broadest appreciation of individual freedom.

The reflection of individual knowledge and experience also cause controversy of marriage *pada gelahang* because it creates conflicting perceptions. The pro-marriage *pada gelahang* party reflects on their knowledge and experience that this type of marriage is a rational choice of social dilemmas faced by society and is not contradictory to the legal norms, both national law, customary (adat) system, and Hinduism. In contrast, the counter-marriage *pada gelahang* party has developed a perception according to their knowledge and experience that this marriage has a perceptual characteristic that is not in accordance with the need for integration and harmony of the customary (adat) system, both structurally and functionally (Nordholt, 2010). The complexities and problems that arise in marriage *pada gelahang* are a major reflection.

Another cause of controversy in marriage *pada gelahang* in Balinese Hindu community in Karangasem regency due to the differences in perception about Hindu marriage law. Parties who receive marriage *pada gelahang* tend to use a textual approach that marriage *pada gelahang* can be referred to Hindu religious texts, especially the concept of *putrika* and the implementation of its religious ceremonies. On the contrary, those who reject marriage *pada gelahang* tend to use a contextual approach that although marriage *pada gelahang* is justified according to of Hinduism, but can not be applied simply in the social life of religious society without considering the aspects of adat, social, and cultural. A more philosophical view as a reason for rejecting marriage *pada gelahang* is that this marriage is contrary to the basic tenets of Hinduism for marrying Purusa with Purusa (Artayasa et. al., 2004).

The Forms of Controversy of Marriage Pada Gelahang in Balinese Hindu Society in Karangasem Regency. One of the forms of controversy of marriage *pada gelahang* in Balinese Hindu society in Karangasem regency is about the rights and obligations for either bride or groom in customary (adat) system. Parties who accept marriage *pada gelahang* see that customary (adat) rights and obligations can be established through an agreement

involving two families and customary (adat) "*Prajuru*". Hence, customary rights and obligations for parties whom carry out marriage *pada gelahang* can be fulfilled without changing the social system. On the other hands, Those who disagree with marriage *pada gelahang* view that the establishment of customary (adat) rights and obligations for people who conduct marriage *pada gelahang* through *agreement* potentially violate the rules (*awig-awig*) and very difficult to implement. In other words, if the customary (adat) rights and obligations are accomodated, there will be a big change in their customary system which can lead to disruption of order, balance, and social harmony in a cultural village (Pakraman).

The controversy of marriage *pada gelahang* over legal position and status shows a different response to the Supreme Court's (MA) decision No. 1331 K / Pdt12010 which is based on the view of progressive and conservative law. Parties who accept marriage *pada gelahang* tend to use the progressive law point of view that the rule of law must follow social development and change. Therefore, in the absence of customary (adat) law that has not yet accommodated marriage *pada gelahang*, formal law must be applied to provide legal certainty to a marriage system. On the contrary, the counter party tends to use a conservative perspective that the prevailing customary (adat) law is still relevant to society so that deviation from customary law is unacceptable. Development and social change must be regulated through customary (adat) systems so that the law position and status of marriage *pada gelahang* must be established through customary law, not merely formal law.

Another form of controversy of marriage *pada gelahang* is unpredictable conditions, especially death, divorce, and children. Parties who approve (pro) marriage *pada gelahang* hold that these conditions can occur to anyone, and can be overcome by making an agreement between two families. On the contrary, the counter parties see that many consequences will be received by both couple (bride and groom) when the unpredictable condition happen to them and ultimately the *adat* party also bear it.

Another form of controversy in marriage *pada gelahang* is related to supernatural (niskala) aspects. In this case, the procession of *mapamit* ceremony becomes a debate between the pro and the counter of marriage *pada gelahang*. For the pro-marriage *pada gelahang*, the absence of this tradition of *mapamit* is seen as a way to keep the status of "*purusa*" either for bride or groom in both families. Conversely, for those who cons see that the absence of *mepamit* ceremony will result in various aspects of *niskala*, such as *kawitan* system, *soroh*, death ceremony (*pitra yadnya*), and so on.

Controversy of Marriage Pada Gelahang on Religion and Culture of Balinese Hindu Society in Karangasem Regency. Redefinition of religious traditions is an implication that occurs due to the entry of new thinking systems as the modernization. In this case, the change of knowledge system, values, religious action are a necessity for the society touched by modernization in their life. Given the marriage *pada gelahang* is associated with various religious aspects of Hindus, such as the genealogical religious ties (*merajan, sanggah gede, panti, dadia, paibon, and padharman*), territorial religious bonds (*kahyangan desa or kahyangan tiga*), or ceremonial *pitra yadnya* (*Ngaben, nyekah*), so this implication can be widespread in the redefinition of religious traditions on these aspects. Therefore, if the views of pro-marriage *pada gelahang* parties are accepted and evolved in society, then the redefinition of religious traditions necessarily occurs in various religious aspects in marriage and which are related to it.

The strengthening of traditional religious systems in the context of marriage is a necessary implication from the counter-marriage *pada gelahang* parties opinions. The reinforcement of traditional religious system is a response to the introduction of new religious ideas related to marriage *pada gelahang* that is seen to weaken the existence of *adat*. This reinforcement is realized through a rejection attitude based on rational argumentation on the basis, process, and consequence of marriage *pada gelahang*. In addition, through affirmation that in the Balinese customary (adat) system there is a mechanism to overcome the absence of *sentana purusa* problem and not contrary to the basic concept of Hinduism.

Restructuring the patrilineal system becomes a necessary implication if the views of pro-marriage *pada gelahang* parties are accepted by the Hindu Balinese customary system in Karangasem Regency. The restructuring of the patrilineal system can be an 'alternative patrilineal system' especially regarding the *purusa* rights and obligations in Balinese

customary systems. A fundamental restructuring of the patrilineal system may also occur within the context of an inheritance system, such as the adoption of a parental system in the Balinese customary inheritance system by establishing the status of *purusa* in women and men who carry out marriage *pada gelahang*.

Controversy of Marriage *pada gelahang* has implications on social disintegration between pro and contra parties. Social disintegration is a latent potential for social conflict if the views of pro parties are forced into the customary system. Conversely, the counter will build new social integration as a form of resistance as well as an instrumental process in the formation, representation and maintenance of social structures.

RESULTS AND DISCUSSION

This study found facts about controversy of Marriage *pada gelahang* in Balinese Hindu Society in Karangasem regency, as follows:

- The idea of marriage *pada gelahang* is rejected by most people in adat society in Karangasem regency.
- The philosophical reason for its rejection mainly leads to a marriage between *purusa* and *purusa* which is considered to violate Hinduism.
- The rejection of marriage *pada gelahang* is also caused by cultural psychic factors, such as fear of *niskala*'s consequences.
- The rejection of marriage *pada gelahang* is also based on the view about the disappearance of some elements of Balinese culture in marriage tradition, such as language manners (*ngeraos*) and visiting manners (*masadok*).
- Alternative types of marriage *pada gelahang* that is relatively accepted found in Kukuh Cultural Village, namely the marriage "Gelahang Bareng" by families who are still bound in one *sanggah gede*.

The theoretical findings in this study can be explained as follows:

- This research affirms the theory of social change postulate that it has brought the entry of new ideas about marriage *pada gelahang* which creates controversy in the Balinese customary system. Controversy is a natural social process that occurs as a result of socio-cultural change in a society.
- This research also affirms the reception theory that individual acceptance of an object is determined by the individual's cultural framework.
- This study affirms the theory of social systems assuming that the controversy of marriage *pada gelahang* takes place within the scope of social system (adat system) so that the acceptance and rejection of the marriage is always associated with the regularity and balance of the system.
- This study revises or clarifies the evolutionary theory of Bachofen family which states the parental system as the ideal type of kinship system. This theory is not entirely acceptable in the context of controversy of marriage *pada gelahang* in Balinese Hindu society in Karangasem Regency. Given the status for both the bride and groom as *purusa* does not mean that this marriage is a parental system. The term 'purusa' in this context clearly shows the effect of the patrilineal system or rather patrilineal in the 'other' form. However, this theory is also not entirely wrong because the idea of parental system is implicitly entered into marriage *pada gelahang* because with the status of both as a *purusa*, the next line of kinship can be drawn from both the 'mother' line (female *purusa*) and 'father' (male *purusa*).

CONCLUSION

The causes of controversy of marriage *pada gelahang* in Balinese Hindu society in Karangasem Regency because the differences in perception towards: (1) social change in adat system; (2) the discourse of inheritance rights for female; (3) reflection of knowledge and experience; and (4) Hindu marriage law.

The forms of controversy of marriage *pada gelahang* in Balinese Hindu Society in Karangasem regency are the differences or conflict opinions on aspects: (1) customary rights

and obligations; (2) legal status and position; (3) unpredictable conditions; and (4) niskala aspects.

The implications of controversy of marriage *pada gelahang* in Balinese Hindu society in Karangasem Regency against religion include: (1) the redefinition of religious traditions; and (2) the strengthening traditional religious systems. Cultural implications include: (1) restructuring the patrilineal system; (2) social disintegration and integration.

RECOMMENDATIONS

Based on the conclusion and findings of this study, the researcher sees that the rejection of marriage *pada gelahang* which mostly come from people and *prajuru* Adat in Karangasem regency is an undeniable socio-cultural reality. The rejection reflects the strong desire of Adat societies to maintain the traditional order with considerations that both are theoretically and practically reasonable. Observing this, the researchers stated that marriage *pada gelahang* in Karangasem Regency is unacceptable or at least needs to be reviewed. This contra attitude was taken by the researcher in order to maintain harmony in community and sustainability traditions, customs, culture, and religion in Karangasem Regency. Furthermore, it is also suggested to the related parties as follows:

- To the academicians and other researchers it is suggested to use the results of this research as a scientific information, reference and referral to develop other similar studies.
- For the Balinese Hindu community, especially in Karangasem Regency, this research can be used as scientific information, reference, and referral in addressing marriage *pada gelahang* case.
- It is advisable for customary (Adat) leaders to read the results of this study as a scientific information, reference, and consideration in formulating the thoughts or decisions concerning marriage *pada gelahang* and the traditional marriage system in Bali in general.
- For Hindu religious institutions, it is suggested that the results of this study can be used as reference and guidance in Hindu religious development, mainly related to marriage.
- For the Central Government, the Provincial Government of Bali, and the Government of Karangasem Regency, it is recommended to use the results of this research as reference, guidance and basic considerations in formulating policies related to the development of Hindu customs, culture and religion in rapid and massive social change . The policy can then be a solution of Hindus in dealing with various problems, especially related to marriage *pada gelahang*.

REFERENCES

1. Anom, I.B. (2010). Perkawinan Menurut Adat Agama Hindu. Denpasar: CV Kayu Mas.
2. Artayasa, I.N. (2004). Petunjuk Teknis Perkawinan Hindu. Surabaya: Paramita
3. Dyatmikawati, P. (2013). Kedudukan Hukum Perkawinan Pada Gelahang. Denpasar: Fakultas Hukum Universitas Dwijendra Bekerja sama dengan Udayana University Press.
4. Ekasana, I.M.S. (2012). Seri Dharmasthya (Hukum Perdata Hindu) Dharma Bandhu: Hukum Kekeluargaan Hindu. Surabaya: Paramita.
5. Gelgel, I.P. (2013). Hukum Perkawinan Hindu. Denpasar: Pascasarjana Universitas Hindu Indonesia.
6. Geriya, I.W. (2000). Transformasi Kebudayaan Bali Memasuki Abad XXI. Denpasar: Dinas Kebudayaan Propinsi Bali.
7. Hennink, M., Hutter, I., & Bailey, A. (2010). Qualitative research methods. Sage.
8. Mantra, I.B. (1996). Landasan Kebudayaan Bali. Denpasar: Yayasan Dharma Sastra.
9. Nordholt, H.S. (2010). Bali Benteng Terbuka 1995-- 2005. Jakarta.
10. Sugiyono. (2005). Memahami Penelitian Kualitatif. Bandung : CV. ALFABETA.
11. Windia, W.P. (2012). Perkawinan Pada Gelahang di Bali. Denpasar: Udayana University Press dan Badan Pemberdayaan Perempuan dan Perlindungan Anak Provinsi Bali.