

LINGUISTICS FORENSIC ANALYSIS OF CUSTOMARY RULE IN KUTUH VILLAGE

I Gusti Ayu Vina Widiadnya Putri¹⁾, I Wayan Juniarta²⁾,
I Gusti Bagus Wahyu Nugraha Putra³⁾, Ni Luh Putu Laras Jayanti⁴⁾

Universitas Mahasaraswati Denpasar^{1,2,3,4}
Indonesia^{1,2,3,4}

Email address: miss.vina@unmas.ac.id

Abstract

The objective of this study is to conduct an analyse the textual content pertaining to inheritance under national law and customary law. This study is an investigation in forensic linguistics aimed at establishing the relationship between meaning and society perception in the comprehension of customary norms. This study employs a qualitative research methodology, specifically utilizing text analysis as the primary tool. The employed methodology includes the utilization of observation, recording, and interviews conducted with community leaders living in the *Kutuh* village. The study employed the observation method, specifically utilizing the note-taking approach, to investigate the association between the meaning found in national legal texts and customary law texts. A study was conducted utilizing the conversant approach and face-to-face technique to investigate the execution of the law provisions governing indigenous peoples in *Kutuh* village. The issues were examined by forensic linguistics, supported by the idea of semantics. The findings of this study indicate that there exists a variety of societal perceptions of meaning. This perspective was identified through the utilization of questionnaires and interviews.

Keywords – *linguistics forensic, customary, rule*

Introduction

The social norms upheld by the Balinese tribe constitute a cultural legacy that flows downhill (Komang Winarti & Dahlan, 2021). Written language is a mode of communication utilized within society. Language is a tool for communicating one's feelings, desires, and thoughts to other people (Putri et al., 2023). Every indigenous community has laws that serve as a means of organizing and regulating the activities of its society, so prevent any harmful actions. The traditional regulations of Bali are referred to as *awig-awig*. *Awig-awig* is a set of rules that govern the order of life of the traditional Bali community known by customary terms (Yasmini, 2019). Indigenous people's customary village rules should not contradict the rules of higher authority. A structure known as the customary village is known to exist in communities that live together, particularly in Bali. Its function is to organize the community as a whole in the execution of the village construction (Dewi, 2021). Essentially, the process of identifying *awig-awig* by ordinary individuals must align with the formal laws that hold superior authority. *Awig-awig* is a written regulation of the indigenous village that is typically composed in both Balinese and Latin characters. The reader could be involved in multitasking due to a fear of comprehending the meaning. (Djajasudarma, 2009) categorizes fear of meaning into three types: (a) fear of phonetic meaning, (b) fright of grammatical meaning, and (c) terrifying of lexical meaning. *Awig-awig* not only has a strong association, but it also has the potential to instill a sense of anxiety or ambiguity, which may lead to transgressions. An in-depth analysis of the fear of meaning in a traditional village is necessary to uncover a clear understanding of the text, to avoid multiple interpretations. Each indigenous village has established customary regulations to govern the distribution of inheritance among its

inhabitants. The equitable distribution of inheritance is a vital aspect of contemporary culture. The inheritance partition system in Bali customary law pertains to the allocation of the parent's estate. Societies possess diverse personal motivations for seeking fairness and individual advantages in the allocation of inheritance. The advantage to the individual in question will not be equitable to the damaged party. These are the factors that should be avoided while calculating the distribution of inheritance in society. *Awig-awig* serves as a legal foundation for resolving legacy disputes. (Putra, 2021) conducted a prior study on text analysis of *awig-awig* in forensic linguistics studies, revealing that the analysis of language dimensions in *awig-awig* singles reveals expressions of anxiety. The implementation of this measure may also violate the official laws in Indonesia, namely the Bali Provincial District Regulations No. 4 of 2019 regarding indigenous communities in Bali and Law No. 39 of 1999 for human rights (HAM). Prior research has demonstrated a correlation with the current study since it also examined the concept of fear in *awig-awig*. However, earlier research mostly focused on a one-sided survey of *awig-awig*, whereas this study specifically emphasized a survey conducted in an inheritance scenario.

The apprehension regarding the significance conveyed within the poem has the potential to result in transgressions within the indigenous communities. This can be accomplished by a more extensive examination of forensic linguistics research. Forensic language studies can offer substantiation of credibility, serving as a valuable resource for the community in resolving inherited issues within families and society. This study investigates the potential misunderstanding of the community caused by the miss associated with the meaning of the *awig-awig* in Kutuh Village. Additionally, it explores the application of the Kutuh village's history.

Methods

This research methodology employs the concept of collecting observational data via recorded methods. The research is conducted in three distinct phases: data acquisition, data examination, and data display. This study employs qualitative research methodology utilizing recording and transcription procedures (Sudaryanto, 1993). The research data consists of written language in the form of *awig-awig* and legal text, which serve as supporting material for the analysis. Observational approaches employing recorded procedures are utilized to establish a correlation between the meaning of national legal texts and customary law texts. Data analysis is conducted via a descriptive qualitative methodology. This study applies the forensic linguistics theory proposed by (Olsson & Luchjenbroers, 2014) and is bolstered by the meaning theory put by (Allan, 2014). Data presentation is the formal and informal method of data analysis results in a clear and detailed information during a presentation.

Finding and Discussion

Fear of meaning or what is called ambiguity is obscurity, doubt, unclarity, inconsistency about meaning. Fear occurs when a listener or reader has difficulty grasp what is heard or read. Oral and written language often cause fear because what is heard or written is not necessarily exactly true of what the speaker or author intends. To know the fear of texts of hereditary arrangements in the *Kutuh* village, then necessary legal documents as a basis or reference to prove the meaning in the discourse.

Forensic linguistics approaches are used and supported by semantic theory to expose the presence of fear of meaning (ambiguity) in the texts of hereditary arrangements. (McMenamin, 1993) stated that forensic linguistics is the scientific study of languages applied to the purposes of forensics and legal declarations. This study is categorized as a branch of applied linguistics

because it is a benchmark in completing legal processes using linguistic approaches. This is in line with the view of (Olsson & Luchjenbroers, 2014) that forensic linguistics relates to interlingual relationships with law enforcement, issues, laws, disputes or legal processes that potentially involve a violation of the law or the need to obtain legal adjustment. This study analyzed the fear of meaning found in the *Kutuh* village. The meaning is analyzed in detail below.

The Meaning of The Awig-Awig

Data :

Swadharmaning Akhli Waris patut:

1. *Nrima saha ngwsayang, tatamian pahan saking kaluhurannia, makadi ngrempon ngayah, pura saha pengupakan muwah penyelidihni ayah-ayah pewaris. (Menerima*
2. *Ngabenang pewaris saha nglanturang upacara ring pitara*

Pengepahan warisan manut sekadi ring sor:

1. *Nilar sasaning agama*
2. *Alpaka guru*
3. *Sentana rajeg kesah mawiwaha muwah sentana nyeburin, soang-soang ka bawos ninggal kedaton*

Kewajiban Ahli waris:

1. *Menerima dan menguasai warisan limpahan dari nenek moyang seperti ikut berswadarma, tempat ibadah dan menggantikan kewajiban dari pewaris.*
2. *Mengupacarai pembakaran mayat (ngaben) dan upacara ke leluhurnya.*

Pembatalan warisan seperti di bawah ini:

1. *Berpindah agama*
2. *Durhaka dengan orang tua*
3. *Anak laki-laki yang menikah ke rumah istri perempuan (nyentana) itu artinya meninggalkan keluarganya dan tanggung jawabnya di rumahnya.*

Heir Obligations:

1. *Receiving and mastering the overflow inheritance from ancestors such as participating in charity, places of worship and substituting obligations from heirs.*
2. *Carrying out corpse burning ceremonies (ngaben) and ceremonies to their ancestors.*

Inheritance cancellation as below:

1. *Change religion.*
2. *Disobedience to parents*
3. *A boy who marries into a woman's wife's house (nyentana) means leaving his family and his responsibilities at home.*

Based on the data in the text, several inaccuracies in meaning were found that resulted in misinterpretation between readers. In the sentence *receiving and mastering the overflow inheritance from ancestors such as participating in charity, places of worship and substituting obligations from heirs*. It states explicitly the responsibilities imposed on the heirs. Based on this sentence, it states that the heirs have the right to receive the inheritance from their ancestors. In the interpretation of some people, inheritance is property given to their descendants, but in this sentence it is stated that the inheritance given is not only property but

obligations and worship which are the burden of the heir before he dies. This point is rarely agreed upon by the public because it can be detrimental to the heirs.

In the second sentence, it is stated that *carry out corpse burning ceremonies (ngaben) and ceremonies to their ancestors*. This activity is one of the *Pitra Yadnya* ceremonies carried out by the descendants of someone who has died. In this quote is not stated who has the right to the ceremony and who has the right to inherit. Most people interpret that those who have the right to ceremonize someone are their descendants, both female and male. This will cause controversy with the statement that the boy is the one *always first* or main descendants. Based on this quote, multiple interpretations will emerge between offspring who have the right to become heirs and descendants who have responsibility for the obligations of their parents.

In the expression cancellation of inheritance will occur if someone changes religion. This is expressed explicitly in a sentence and has a denotative meaning. The next sentence is expressed in sentences *disobedient to parents*. This sentence creates ambiguity in the meaning of the words *durhaka*. The lawlessness referred to is disobeying orders (god, parents, etc.). Most people interpret that disobedience is a brave act against parental orders. Disobedience is an attitude hurt, whether in the form of words or act who makes him sad or hurt, disobeys or goes against his requests or orders, shouts or scolds him and does not take care of him. Disobedience is a dishonorable attitude carried out by children towards their parents. Meanwhile, based on the explicit meaning of disobedience, disobedience to commands, both parental orders and God's commands. However, both meanings contain negative connotations.

The next data states that one *the reasons an inheritance can be canceled are the main descendant or male descendant who marries into the female wife's house (nyentana)*. The word *nyentana* in Balinese is a term that is closely related to traditional Balinese marriage. *Nyentana* marriage is a term given to a husband and wife, where the husband is proposed to by the wife and enters the wife's lineage. Based on this quote, it is stated explicitly that inheritance rights given to male descendants who experience a *nyentana* marriage will not receive inheritance rights.

Implementation of Awig-awig inheritance in Kutuh Village.

The results of the interview are needed to determine the implementation of *awig-awig* in the *Kutuh* traditional village. The implementation of customary law (*awig-awig*) is explained in the description below:

1. Society assumes that a person who has the full right to be an heir is a male biological child. Heir status can also be given to adopted children who have been officially adopted by custom and law by their parents.
2. Things that constitute a form of inheritance that can be passed on to heirs consist of several forms, namely:
 - a. Traditional Heritage

A form of traditional inheritance given to heirs when parents have died in the form of responsibility for all traditional activities in their area. Traditional activities that are the responsibility of the heirs are in the form of *Uparaya Yadnya* (Ceremony). In Hindu society, the *yadnya* ceremony is divided into *Dewa Yadnya*, *Pitra Yadnya*, *Human Yadnya*, *Bhuta Yadnya* and *Rsi Yadnya*. These five ceremony responsibilities are not only to fulfill one's own obligations but also to fulfill the needs of the family and ancestors. The heir is responsible for all traditional activities in his area to carry on the responsibilities of his ancestors.

- b. Property Inheritance
The form of inheritance that most often causes conflict for descendants is the form of inheritance of parental property. Property is one of the most popular forms of inheritance and is often a source of contention for their children and grandchildren. Assets that can be passed on to heirs are a house, rice fields, land, moorland, cows, pigs, chickens. All forms of work results that were previously owned by the heir.
 - c. Debt Inheritance
The form of inheritance is not just a pleasure. Another form of inheritance inherited by heirs is debt. Debt is a responsibility that must be settled by someone who borrows something from another party. An heir who has not settled a debt owed to someone, then the heir must settle the debt. Debt is one form of inheritance that must be settled by the heirs. Debts and receivables that become inheritance are the result of debts and receivables owned by his descendants that have not been settled during his lifetime.
 - d. Other Assets
Joint property is a division of assets of an extended family (*due tengah*).
3. Management and supervision of inheritance is carried out by the biological family by taking into account suggestions and input from the extended family.
 4. Making various decisions regarding inheritance rights at family meetings.

Conclusions

Based on the results of the analysis that has been carried out, it is concluded that there are some words that have the meaning of *awig awig* in Kutuh Village has the potential for public misperceptions. This ambiguity in meaning has the potential for people's misperceptions to result in conflict within the family. People do not have a good understanding of the meaning of *awig-awig* which is the standard guideline in society. The implementation of customary law (*awig-awig*) is that a person who has the full right to be an heir is a male biological child. Apart from that, there are several forms of inheritance, namely customary inheritance, property inheritance, debt inheritance, and other assets. Inheritance arrangements are regulated by customary law and supervised by the biological family with advice and input from the extended family.

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