

SETTLEMENT OF TEMPLE AND GRAVE OWNERSHIP CONFLICT BETWEEN THE GOVERNMENT OF THE KEMONING TRADITIONAL VILLAGE AND THE BUDAGA TRADITIONAL VILLAGE

Komang Ema Marsitadewi¹, Bayu Adhinata*²
^{1,2} Universitas Warmadewa, Denpasar, Indonesia
e-mail: bayuadhinata@warmadewa.ac.id

Received: 15 March 2022, Revised: 25 April 2022, Accepted: 29 April 2022

ABSTRACT

This study aims to identify and explain the forms of conflict resolution in the ownership of the Dalem Temple and the Graveyard involving two neighboring traditional villages, namely the Kemoning Traditional Village and the Budaga Traditional Village. This study uses a qualitative method with a case study approach. Data in the study was obtained through in-depth interviews with several informants. The informants who became the source of data in this study were five people, namely two key informants, namely the Head of the Traditional Village from Kemoning and Budaga, one informant from the Klungkung Resort Police, and two people from the communities of these two traditional villages. This study found at least four forms of conflict resolution efforts undertaken to resolve this problem, namely negotiation, facilitation, mediation, and arbitration. The final decision in this conflict is determined through an arbitration mechanism involving a customary dispute resolution institution. The use of arbitration is because no definitive agreement has been reached that satisfies both parties through previous negotiations. In the end, the decision of the customary dispute-determination institution is the final decision on the existence of Pura Dalem and the Graveyard, which is the object of dispute in this conflict and must be accepted and carried out by both parties.

Keywords: *Traditional Village Government, Dispute Resolution*

ABSTRAK

Penelitian ini bertujuan untuk mengetahui dan menjelaskan bagaimana Pemerintah Desa Adat dalam menyelesaikan konflik kepemilikan Pura Dalem dan Kuburan yang melibatkan dua desa adat yang bertetangga yakni Pemerintah Desa Adat Kemoning dan Desa Adat Budaga. Penelitian ini menggunakan metode kualitatif dengan pendekatan studi kasus. Informasi data dalam penelitian diperoleh melalui wawancara mendalam terhadap beberapa informan. Adapun informan yang menjadi sumber data dalam penelitian ini berjumlah lima orang yakni dua orang informan kunci yakni Kepala Desa Adat masing-masing dari pihak Kemoning dan Budaga, satu orang informan dari Kepolisian Resor Klungkung dan dua orang dari masyarakat kedua desa adat ini. Hasil dari penelitian ini menemukan setidaknya ada empat bentuk upaya penyelesaian konflik yang dilakukan untuk menyelesaikan permasalahan ini yakni melalui negosiasi, fasilitasi, mediasi dan arbitrase. Keputusan akhir dalam konflik ini diselesaikan melalui mekanisme arbitrase yang melibatkan lembaga pemutus sengketa adat. Hal ini dikarenakan tidak tercapainya kesepakatan yang final dan memuaskan kedua belah pihak melalui perundingan-perundingan yang telah dilakukan sebelumnya. Keberadaan Pura Dalem dan Kuburan dalam konflik dua Desa wajib diterima dan dijalankan oleh kedua belah pihak.

Kata Kunci: *Pemerintah Desa Adat, Mekanisme Penyelesaian Sengketa*

INTRODUCTION

Indigenous territory conflicts are an issue that has often surfaced in the past decade in Bali (Sardiana & Windia, 2018). Disputes over customary areas, especially land, because the land has a strategic function. In addition, economically, land tends to increase in price, which continues to increase. Because of this, it is not surprising that land has become an arena for competition and for many parties to obtain the broadest possible land. Land becomes a source of conflict and has many problems due to the ineffectiveness of the organizational pattern regarding land ownership. In addition, communal land tenure can trigger ownership disputes at any time (Windari, 2010). In Bali, in a communal society, namely traditional village communities, the land also has an important position, one of which use and designated as a burial ground, often known as *setra* in local language.

Communal community life in Bali not only places land as something that has economic meaning but also as a symbol of kinship and customs (Wirantini, Landrawan, & Windari, 2016). Because of this communal position, it is not uncommon that even the slightest friction can trigger conflict and violence. Communal conflicts often arise due to efforts to fight over ownership of traditional village assets that have economic value, problems with customary territorial boundaries, and village expansion (Windia, Parimarta, Astiti, & Putra, 2009). Besides having a Hindu religion-based lifestyle, Indigenous village communities in Bali also have customary land management mechanisms. The land managed by the traditional village can be in the form of (1) *Tanah Druwe*, defined as land belonging to the customary village, such as field land, grave land, paddy field land, and fields given to the customary village administrator; (2) *Tanah Laba Pura*; (3) *Tanah Pekarangan Pura*, and; (4) *Tanah Ayahan Desa* (Wirantini et al., 2016).

A traditional village in Bali generally has a complete set of three main temples. These temples are Desa Bale Agung Temple, Puseh Temple, and Dalem Temple. Desa Bale Agung Temple is a place of worship of Lord Brahma. Puseh Temple is a place of worship of Lord Vishnu, and Dalem Temple is a place of worship of Lord Shiva. The basics of worshipping these three main gods are the belief that accompanies the Balinese Hindu community in the creation, preservation, and annihilation of nature. Lord Brahma, the primary God at the Desa/Bale Agung Temple, embodies the gods who created the universe. Lord Vishnu, worshiped at Puseh Temple, is the God who maintains the universe, and Lord Shiva, is worshiped at Dalem Temple, is the embodiment of the God who melts the universe (McDaniel, 2015). The last-mentioned temple, the Dalem Temple, usually has an area of land adjacent to the temple, used as a burial ground, often referred to as *setra*.

The Balinese people's life pattern generally implements the *Tri Hita Karana*, which is a philosophy of living harmoniously and happily in the beliefs of the Balinese people. These three concepts are the harmonious relationship between humans and the creator (*Prahyangan*), the harmonious relationship between humans and nature (*Palemahan*), and the harmonious relationship between humans and other human beings (*Pawongan*) (Purnamasari et al., 2019). Even though it has a noble philosophical order of life, the potential for friction, conflict, and violence cannot escape the social life of the Balinese people. As a social structure, customary village communities are categorized as consolidated communities because of their strong identity and community cohesion. In this type, awareness of conflict tends to be high, and when friction arises in a society, its intensity also tends to be high (B. Adhinata, 2020).

Settlement Of Temple And Grave Ownership Conflict Between
The Government Of The Kemoning Traditional Village And The Budaga Traditional Village

Because the awareness of conflict tends to be high due to the strong cohesiveness of indigenous peoples in Bali, they are very vulnerable to conflict even though there is little friction. The reason is caused by the strong awareness of the identity that differs from one traditional village to another. Each traditional village in Bali has quite significant differences in the arrangement of life and customs, even though the villages are neighbors. This difference refers to Mawacara Village, which arises because the traditional village refers to as the autonomous village. This autonomous village has the right and has the authority to regulate its territory in its way (Wibawa, Gelgel, & Martha, 2020). With a high awareness of conflict and a strong identity, coupled with its autonomy, the potential for conflict from one village to another is significant, especially when there are disagreements that arise due to differences in views in addressing existing issues such as the ownership of traditional village assets, namely the temple.

The conflict that occurred because of the dispute over the ownership of Pura Dalem and the grave land or setra that caught the attention of the Balinese public was the conflict between Kemoning Village and Budaga Village in Klungkung (Adhinata, 2016). Kemoning and Budaga villages are involved in the conflict because of disagreements over the ownership of Pura Dalem and the grave. The conflict between the two traditional villages started with a ceremony commemorating the temple was founded. The dispute arose when one of the parties involved, namely the Kemoning Traditional Village, attached the identity of the Kemoning Traditional Village to the temple in correspondence and published the procedures for the temple's traditional ceremony. On this basis, the party that also uses the temple, namely the Traditional Village of Budaga, questioned and protested the use of a village identity against the Dalem Temple. This friction then developed into an open conflict which triggered a physical clash between the two sides.

Social conflicts occur due to unequal interests and values or beliefs between one party and another. Disputes are also essential to social conflict because the parties involved are in situations and conditions that do not agree with each other. In addition, the cause of the dispute is the interest in distributing material resources such as land, water, money, and others. Parties also believe they have some limited desires, but on the other hand, the opposite party reducing the spread of limited resources (Dharmawan, 2019; Kriesberg, 1982). According to Christopher Moore, there are at least five sources or causes of conflict, namely interests, structure, data, personal relationships, and values. Interest relates to how the views and desires of the parties and their motivation for something. The structure is related to power inequalities and competition for limited resources. The data relates to inaccurate information regarding conflicts and differences in interpretation between one party and another. Personal relationships are associated with emotions, stereotypes, and poor communication that contribute to conflict. Values, almost the same as conflicting interests related to values, are caused by each party's different values and principles (Moore, 2014).

Social conflicts are also dynamic, so if not properly managed, they can develop into spiral of conflicts that last for a long time. Starting from the emergence of problems, then factions or groups begin to form, and each party begins to strengthen its position with one another, communication stops and prioritizes the interests of resources, conflicts begin to spread, giving rise to biased perceptions, and crises emerge, and lead to mixed results. It is called the spiral of conflict because it develops in a spiral (Sammut, Bezzina, & Sartawi, 2015). In conflict management, there are several approaches to managing conflict, namely (1) conflict prevention

which aims to prevent the emergence of violent conflicts; (2) Conflict resolution to end violent behavior through a peace agreement; (3) Conflict management, which aimed at limiting and avoiding violence by encouraging positive behavior change for the parties involved in the conflict; (4) Conflict resolution is to deal with the causes of conflict and try to build a new relationship so that it can last a long time between hostile groups, and; (5) Conflict transformation to overcome the sources of broader social and political conflict and seek to transform the hostile forces of war conditions into positive social forces (Fisher et al., 2001; Gamayanti & Nulhaqim, 2019).

In seeking the resolution of conflicts or disputes, the parties to the conflict can seek independent problem solving through negotiations or negotiations. This process is a conflict resolution without the assistance of a third party which includes: (a) Information sharing meeting where the parties involved in the conflict share data and understand each other's perceptions regarding issues, interests, and positions. These meetings are generally not designed to agree on an agreement but to allow the parties to feel free and open in discussing relevant information for further problem-solving negotiations; (b) Interest-based negotiation is a negotiation process that allows the parties to reach an agreement that they can accept. Generally, these negotiations are carried out by representatives of the conflicting parties who have the authority to make commitments and reach agreements on behalf of their groups (Panggabean, 2014). However, under certain conditions, the conflicting parties may not be able to resolve the problems they face independently. The intervention required a neutral and voluntary third party appointed by agreement of the conflicting parties to help resolve the issue.

One of the forms of involvement of third parties in conflict resolution efforts is mediation. This third-party intervention is one of the alternative conflict resolution methods. A third party as a mediator leads the mediation process so that the conflicting parties can agree on an acceptable solution. In addition to mediation, there is conflict resolution by placing a third party as a decision-maker, namely arbitration. Alternative conflict resolution through the arbitration process is carried out by appointing arbitrators. The arbitrator is also neutral, and the decisions taken are binding (Ambarwati, Sasongko, & Therik, 2019). Several studies regarding customary village conflicts and their resolutions include research on the role of Pakraman villages in resolving customary land disputes in Bungkulan Village, Buleleng Regency. This study found that customary land disputes were resolved through a mediation process initiated by the Bungkulan customary village apparatus (Arsadi, Sudiatmaka, & Windari, 2018). Furthermore, research on customary land conflicts that occurred in wetland areas in Banjar Regency found that this conflict was resolved by negotiation, conciliation, mediation, and arbitration (Wahyu & Mariatul, 2016). Research on the resolution of customary village land conflicts in Kubutambahan Traditional Village, Buleleng District, found that efforts to resolve conflicts using alternative settlement mechanisms did not find an agreement, so problems were resolved using the courts due to the absence of an excellent third party in solving the problem (Sandia, Sastrawan, & Surata, 2014). The research aims to capture in more detail the conflict resolution processes carried out by two conflicting customary villages by mapping and describing the conflict resolution process.

METHODS

Qualitative methods are used in this study because they are relevant to exploring and understanding the meaning conveyed by individuals and groups based on the social problems they face. The case study approach was also chosen in this research to support the exploration of real-life and existing cases through detailed and in-depth data collection involving sources of information such as observations, interviews, documents, and reports (Creswell & Poth, 2018). The case study is also more specific because of the limitation in the form of place so that it is suitable and relevant in describing cases of conflict resolution of ownership of temples and graves between the Kemoning Traditional Village and the Budaga Traditional Village. Data were collected using in-depth interviews with five purposively selected informants. This study's five informants consisted of two key informants, namely the Head of the Traditional Village (Bendes) Kemoning and Budaga. One informant came from the Klungkung Resort Police and two community leaders from each of the traditional villages involved in the conflict. The data obtained from the interviews were then collected and sorted or reduced to make it easier to reformulate the stories conveyed by the informants. Data were sorted and then presented with themes adapted to the context of the incident. Then concluded to find meaning and compare the suitability of the statement with the meaning contained in the concepts and theories used.

RESULT AND DISCUSSION

Roots and Dynamics of Conflict

The polemic regarding the seizure and mutual claims of ownership of the Dalem Temple and the Graveyard (setra) has developed significantly since the differences in opinion regarding the identity of the Dalem Temple and the Graveyard are related to the commemoration of the Temple foundation. Problems have arisen for a long time but are still below the surface so that the seeds of conflict are preserved and only surface when the commemoration ceremony for the big day of this temple is held on July 27, 2011. Since February 2011, the senior management of Pura Dalem has formed a committee for the memorial ceremony. However, the refusal then appeared when the letterhead was written on the identity of Kemoning as the temple's name. Due to the growing polemic, the Kemoning Traditional Village then made a statement stating that the Dalem Temple and the Graveyard, as well as other temples around the area, belonged to the Kemoning Traditional Village.

The decisions and statements made by the Kemoning Traditional Village were then responded to by the Budaga Traditional Village, which is also the community that manages this temple. The Budaga Traditional Village issued a statement asking the Kemoning Traditional Village to conduct further open discussions regarding the clarity of ownership of this Dalem Temple. According to the Budaga Traditional Village, the Dalem Temple and the Grave have been used together for a long time. Several attempts were made by both parties to try to resolve this problem, but they did not get good results, and there was no clarity regarding the ownership status of Pura Dalem. Due to the unclear status and the unfinished development of the problem, several groups within each party, both Kemoning and Budaga, were involved in a war of billboards that were posted along the main road to Pura Dalem.

Several parties also took actions that were considered to disturb the temple's sanctity, such as throwing bottles and burning tires to the east of the grave. In addition, the Adat Budaga also conducts a death ceremony (ngaben) for its citizens even though there are rules regarding the

Settlement Of Temple And Grave Ownership Conflict Between
The Government Of The Kemoning Traditional Village And The Budaga Traditional Village

Ngaben ceremony's prohibition leading to the work's peak (commemoration). The billboard war continued with the installation of a giant billboard that read "Plan of Work at Pura Dalem Kemoning". The mention of Kemoning's identity as the identity of this temple was questioned from the start by Budaga and was answered by placing a sign that reads "Welcome to the Budaga Traditional Territory". At the time of this installation, the mass of the two sides had been prepared face to face on the scene (Sinarpos, 2011). Tensions continued to increase, and Kemoning responded strongly to the installation of a sign bearing the Indigenous Budaga area. The Kemoning Customary Party then expressed objections and gave an ultimatum to reduce the sign because it was considered to have violated the boundaries of the Kemoning customary area. According to Kemoning, the installation of the name sign is an act of violating the boundaries of the customary territory. The Kemoning party also said that if the sign were not removed within the time limit, then the Kemoning party would forcibly remove the sign. The Budaga party, who heard the news, tried to prevent the sign's removal. As a result, the masses of the two sides then got involved in a clash on September 17, 2011.

According to Kriesberg (1982), conflicts may arise as a result of the disputing parties' divergent interests. The conflict criteria outlined in this passage are consistent with his assertions. The circumstances mentioned in the dispute between the Kemoning Traditional Village and the Budaga Traditional Village include material resource issues between the two sides. The lack of a resolution that benefits both parties equally about the ownership status of Dalem Temple and Graveyard, a precious resource for both parties. Due to the scarcity of accessible land, it is very difficult to construct a Dalem Temple and Graveyard. The reasons of war may also be deduced from what Moore said (2014). At least five conflict factors can be identified in this war: (1) Interests, it may be claimed that each side has distinct perspectives, goals, and motives about the subject of the dispute (ownership of the Dalem Temple and Graveyard); (2) Structure, there is, of course, an imbalance of power and rivalry for limited resources. Due to the difficulties of constructing both, Dalem Temple and The Graveyard are administered together. (4) personal relationships, of course, this is related to emotions, stereotypes, and poor communication between the two parties, which then contributes to the worsening of the problem; and (5) value, of course, each party has a different assessment and principle regarding how to view the object at issue.

Conflict Resolution

Conflict-causing issues have a tendency to fester if they are not appropriately handled. This is what leads to the idea that conflict has a dynamic aspect. Conflicts that develop without a satisfactory settlement may become public and cause a crisis in society. When the dispute between the Kemoning Traditional Village and the Budaga Traditional Village over possession of the Dalem Temple and the Graveyard is considered, it can be claimed that this conflict spirals out of control. It began as a dispute over the temple's name being derived from the name of one hamlet, which led to the rejection and disagreement of other parties. Due to this conflict, Kemoning and Budaga both formed factions or organizations that, of course, each had their own goals in order to strengthen themselves. Negotiation, mediation, and arbitration have all been used by both sides of the disagreement to try to reach an agreement.

Negotiation of Ownership of Dalem Temple and Setra

The two opposing groups seek to resolve the issue through peace negotiations. The parties

agreed to meet on April 21, 2011, to discuss and attempt to resolve this issue, but the gathering, which was attended by traditional village officials, the jero mangku (Dalem Temple priest), banjar administrators, and community leaders, did not result in a firm decision regarding the legal status of the contested Pura Dalem and Graves. A second meeting to explore this subject was conducted on May 22, 2011, but again no consensus was reached. Each side in this argument views the situation differently since they both hold powerful positions of authority and are not readily intimidated by one another. Despite the fact that both sides have essentially sought to negotiate the ownership status of Pura Dalem and this cemetery, neither party has been able to come up with a different solution. Because each side views its own interests differently, issues cannot be solved fast. Additionally, both parties' emotional states have been impacted by the perceptions they have.

Although the meetings were held to try to share information and data and try to understand each other's perceptions about the problem, their interests, and their position with one another, the negotiations that the two are trying to carry out are essentially through negotiations without the assistance of a third party (Panggabean, 2014). However, the statistics and information provided by each party indicating the existence of Pura Dalem and the Graves in the past are false. This is what makes it challenging to begin interest-based discussions, which are described as a negotiating process to come to an agreement. Interest-based negotiations are challenging since each side, with their views, is actually busy developing arguments that support their separate viewpoints. According to the Kemoning party's interpretation of *awig-awig* (customary regulations), the Dalem Temple and the graveyard belonged to the village from the beginning. Budaga countered by stating that although the Dalem Temple and Graveyard had no documented titles since the beginning of time, people recognized them as Pura Dalem Kauh and Setra Kauh.

Arguments like this continue to strengthen, making it difficult to resolve the issue. The meeting, which was held on April 21, was challenging and lasted for two hours but did not come to an agreement on the identity of the object in dispute. Of course, this is due to each party's firm and solid will. Negotiations proceed through distributive negotiations, and when something is negotiated is limited, each party confronts each other and defends their arguments so that the solution that often comes out revolves around a win-lose calculation. The parties use competitive strategies with each other to accept the arguments they put forward so that it benefits one party, but the other party feels disadvantaged. In addition, both sides indicated they would not back down from their positions in this dispute. As mentioned earlier, indigenous village communities have high cohesiveness and solidarity, so their group identity is more robust and vigorous. This condition makes it difficult for conflict resolution efforts through interest-based negotiations to find an agreement.

Third Party Intervention Through Mediation and Facilitation

As previously stated, the two warring parties did not seem to be able to resolve the conflict over the ownership of the Dalem Temple and the Graveyard independently. Due to the inability to resolve the issue, a neutral and impartial third party's involvement or intervention is required. When a third party steps in to help solve a conflict, the goal is to change the way people or groups act or to change the way people and groups interact with each other (Panggabean, 2009). The involvement of a third party as an intervener is due to the suspicion that the conflicting

parties cannot resolve the problems they face independently. Interveners do not participate in determining goals but provide the technical assistance needed by the conflicting parties to achieve goals that follow what the conflicting parties want. Facilitation as part of a third-party conflict intervention effort is also understood as a large meeting plan led by a facilitator who leads the meeting so that each party can speak and be heard. In addition, the facilitator also actively leads the process but does not carry out mediation. The facilitator also acts as a neutral and impartial voice on the issues or topics discussed. The facilitator can offer a more precise procedure for reaching a solution but is not allowed to influence the substance to be achieved (Panggabean & Ali-Fauzi, 2014).

The Klungkung District Government participated in the mediation process for this disagreement and organized a number of sessions to assist the parties in sorting out their differences over the conflict between the Dalem Temple and the Graveyard. The Reverend and the administrators of the temple attended a meeting that was sponsored by the government on April 15, 2011. On May 11, 2011, it was resumed by summoning the parties in contention, specifically the Adat Kemoning. Additionally, a meeting with the Budaga as the disputing parties took place on May 13, 2011. These gatherings are intended to hear the thoughts and opinions of all parties involved in the dispute as well as those who are only interested in it. The contending parties, the Kemoning Traditional Village and the Budaga Traditional Village, were presented at the last meeting on June 3, 2011. However, the outcomes of this government-facilitated gathering have not been satisfying. The warring parties still maintained their positions during this meeting. The Kemoning Traditional Village maintained that the Dalem Temple and Graveyard belonged to them, while the Budaga Traditional Village maintained that the Dalem Temple and Graveyard were jointly owned rather than being owned by the Kemoning Adat and that it was therefore inappropriate to use the Kemoning identity in the names of these temple and graveyard..

Because both parties were still arguing and taking positions, they agreed to submit the meeting's decision to the Regent of Klungkung as a facilitator. The Chief of Klungkung District, who acted as a facilitator, then offered a procedure to the conflicting parties, namely a memorial/ceremony (work) at Dalem Temple, whose series was being carried out as planned from the beginning, and the identity problem of Dalem Temple and the graveyard could be started after the work was completed. The Klungkung Police also held a facilitation on June 22, 2011, in relation to conflict tensions that were intensifying as a result of the prolonged resolution of this conflict. This was in response to the provocative installation of billboards and banners that was carried out by both sides of the conflict. This meeting was called to decide whether to take down billboards and banners that had been put up to lessen the tensness of this raging argument. However, no decision has been taken as of yet since neither party is willing to agree on the borders of customary lands. This meeting also aims to assist Kemoning and Budaga in discussing the formation of unambiguous boundaries. Both village representatives desired to postpone it until they could discuss it with their respective traditional communities.

As a result of the protracted resolution of this conflict and coupled with an increasingly heated situation, apart from the agreement to reduce billboards and banners, these two traditional villages provoked each other in various ways until, finally, the two traditional villages were involved in attacking each other in an open conflict that occurred on September 17, 2011. This incident claimed the life of one person and injured dozens of others. In policing

the conflict, the police's knowledge of the conflict is excellent, and its neutrality is well maintained. According to the police, acts of violence and violations cannot be tolerated, and from the perspective of the police, both parties are considered equal, namely as perpetrators and victims. According to the police, the conflicting parties are equally guilty of causing mass mobilization and open conflict. Regardless of the perpetrators and victims, the police continue to protect any party, and the police will continue to act against both parties for committing violations of carrying sharp weapons. Police continue to make arrests and process them following applicable laws. This is done in order to have a deterrent effect on residents who violate the security and social order and perpetrators of violence.

Negotiations Towards a Peace Deal

The two warring parties wanted a peace agreement over the polemics they were facing, but the negotiation strategy failed in making a final decision in conditions of conflict that occurred for months without good conflict management, causing detrimental open conflict. Open conflict is the long aftermath of a conflict resolution process that is not appropriately managed. Based on the boredom and loss felt by the two warring parties, a new negotiation strategy is needed to seek peace, and this strategy is pursued to the wishes of both parties. This condition is termed a "hurting stalemate." The argument underlying this hurting stalemate condition is that opposing parties will be more interested in considering a negotiated solution to the conflict they face when they anticipate a long period of action that costs them continuously and with the possibility of achieving their goals. The perceived minimal and uncertain disasters that suddenly threaten to increase the cost of continuing coercive strategies (Zartman, 2015).

Another circumstance or event that indicates the opposing side will look for a mutually agreeable settlement to the dispute they are experiencing is a painful impasse. Both parties are unable to see a good resolution using the current tactics (Sticher, 2022). This kind of situation is felt by both parties where they are no longer interested in continuing the problems that have caused the loss of life. This condition of hurting stalemate eventually led the parties to a peace negotiation. Six days after the clashes, both parties agreed to hold peace talks mediated by Ngakan Made Suta, S.H., M.H as the mediator. These negotiations resulted in a peace agreement by all parties involved in this conflict. These negotiations resulted in an agreement that the final decision regarding this dispute would be submitted to the Pakraman Village Main Council (MUDP). If the MUDP decision is the status quo for Dalem Temple and the Graveyard, then all the rules for running Dalem Temple and the Graveyard are the same as they were before this debate. However, suppose the MUDP decision transfers ownership to the Kemoning Traditional Village. In that case, the Kemoning Traditional Village has the right and authority to regulate all ordinance activities at the Dalem Temple and Graveyards. For other residents outside the Kemoning Traditional Village to carry out ceremonial activities, they must coordinate with the *Bendesa* (Traditional Village Head) Kemoning. Through this agreement, all the people of the two traditional villages involved in this conflict agreed to eliminate the feelings of revenge that arose as a result of this problem, and since this peace agreement was signed, all problems are considered completed and will re-establish kinship ties (*menyame braya*) as before problems or disputes arise.

Conflict Resolution Through Arbitration of the Pakraman Village Main Assembly

The involvement of the Pakraman Village Main Assembly (MUDP) as the breaker of the customary disputes, or what is known as speech, is the result of a mutual agreement between the Kemoning Traditional Village and the Budaga Traditional Village through peace negotiations that have been carried out previously. This speech mechanism is carried out by a body called Sabha Kerta (congress) and Panureksa (examiner). With the assistance of the Panureksa team in charge of collecting data and facts, researching a series of events, checking administrative completeness, exploring, discovering, and making an inventory of alternatives to Balinese speech and customary law as a reference source, analyzing facts and formulating and reporting them in writing. in the form of recommendations for alternative solutions to the speech. Sabha Kerta has a unique trial mechanism called Pasukertan. The work of Pasukertan is carried out by studying and analyzing written reports submitted by Panureksa and producing decisions on the settlement of talks regarding the conflict over the Dalem Temple and the Graveyard.

Through a series of processes carried out by the Panureksa and the Sabha Kerta trials, on January 6, 2012, the final decision of MUDP was issued on this customary case. The decisions that resulted from the MUDP trial were, in essence, (1) the status of the Dalem Temple and the Graveyard, which became the object of the mawali kadi jatimula dispute, or the status quo (the situation as before the dispute had occurred), which were still owned and managed together; (2) The organizational structure of the management and priests of Pura Dalem and the Graveyard returns to the structure of the dispute; (3) The management (regulation, planning, utilization, supervision, and others.) as well as the preservation of the Dalem Temple and the Graveyard are carried out on the principle of paras paros sarpanaya, gilik saguluk (family and unity) between all parties involved; (4) For administrative purposes, the object in dispute is given and uses the names of Pura Dalem and Setra Kauh Kemoning. This name does not affect the status and ownership of one party. The decision issued by the dispute resolution agency appointed and agreed upon by each conflicting party is considered final and has been completed. This is because the conflicting parties use the customary court mechanism, which is binding. It can be said that MUDP acts as an arbitrator appointed and agreed upon by both parties to render a binding decision so that the results of the decisions issued by MUDP must be adhered to by both parties, namely the Kemoning Traditional Village and the Budaga Traditional Village.

CONCLUSION

Conflicts arose between the Kemoning and Budaga Traditional Villages as a result of differences over various attitudes and viewpoints in reaction to the presence of Pura Dalem and the Graveyard, which they had jointly administered for a long time. The growth of different types of conflict that eventually lead to open conflict is a sign that a conflict has been disguised and perpetuated for a long period. This took place as a result of poor dispute resolution. There have been several attempts to resolve this problem, including mediation, facilitation, negotiation, and arbitration by the established dispute resolution organization. The final judgment creates a new identity for the subject of contention and is binding on all parties involved. The ownership of Pura Dalem and its cemetery ultimately returns to what it was prior to the battle.

REFERENCE

- Adhinata, M. B. P. (2016). *Upaya Penyelesaian Sengketa Wilayah Adat: Studi Kasus Sengketa Kepemilikan Pura Dalem dan Setra antara Desa Pakraman Kemoning dan Desa Pakraman Budaga*. Universitas Gadjah Mada.
- Ambarwati, M. E., Sasongko, G., & Therik, W. M. A. (2019). Peran Perhutani Dalam Penyelesaian Konflik Tenurial Pada Kawasan Hutan: Studi Kasus Rph Ringinpitu Bkph Tanggung Kph Semarang. *Kritis*, 28(2), 88–113. <https://doi.org/10.24246/kritis.v28i2p88-113>
- Arsadi, I. P. P. S., Sudiatmaka, K., & Windari, R. A. (2018). *Peran Desa Pakraman Dalam Menyelesaikan Sengketa Tanah Adat Di Desa Bungkulan, Kabupaten Buleleng*. 1(1), 21–32.
- Creswell, J. W., & Poth, C. N. (2018). *Qualitative Inquiry & Research Design: Choosing Among Five Approaches* (4th ed.). California: SAGE Publications.
- Dharmawan, L. (2019). Konstruksi Konflik dan Elemen-Elemen Budaya Pada Kasus Pembakaran Bendera HTI (Conflict Construction and Cultural Elements in the Case of Burning the HTI Flag). *Jurnal Resolusi Konflik, CSR, Dan Pemberdayaan (CARE)*, 4(1), 51–55.
- Fisher, S., Ludin, J., Williams, S., Abdi, D. I., Smith, R., & Williams, S. (2001). *Mengelola konflik: Keterampilan dan strategi untuk bertindak*. Jakarta/London: The British Council & Zed Books.
- Gamayanti, R., & Nulhaqim, S. A. (2019). Konflik antara PLTU Indramayu II dengan warga Mekarsari dilihat dari teori kebutuhan manusia Simon Fisher. *Jurnal Kolaborasi Resolusi Konflik*, 1(1), 11–16.
- Kriesberg, L. (1982). *Social conflicts*. New Jersey: Prentice Hall.
- McDaniel, J. (2015). Indonesia, modernity and some problems of religious adaptation. *Wacana*, 15(2), 314–335. <https://doi.org/10.17510/wacana.v15i2.406>
- Moore, C. W. (2014). *The Mediation Process: Practical Strategies for Resolving Conflict* (4th ed.). San Francisco: Jossey-Bass.
- Panggabean, R., & Ali-Fauzi, I. (2014). *Pemolisian Konflik Keagamaan di Indonesia*. Jakarta: PUSAD Paramadina.
- Purnamasari, P. D., Aprianti, N. G. N., Rini, N. L. W., Laksana, K. W. D., Widiantara, P. N. S., & Astuti, D. P. M. (2019). Pengaruh Konsep Tri Hita Karana Terhadap Praktek Akuntansi (Pengelolaan Aset) Di Desa Tenganan. *Jurnal Ilmiah Akuntansi Dan Humanika*, 9(1), 12–24. <https://doi.org/10.23887/jinah.v9i1.19927>
- Sammut, G., Bezzina, F., & Sartawi, M. (2015). The spiral of conflict: Naïve realism and the black sheep effect in attributions of knowledge and ignorance. *Peace and Conflict*, 21(2), 289–294. <https://doi.org/10.1037/pac0000098>
- Sandia, K., Sastrawan, I. K. W., & Surata, I. N. (2014). Penyelesaian Konflik Tanah Desa Adat Di Desa Pakraman Kubutambahan, Kecamatan Kubutambahan, Kabupaten Buleleng. *Kertha Widya*, 2(2), 48–60.
- Sardiana, I. K., & Windia, I. W. P. (2018). Pemetaan Partisipatif melalui Aplikasi GPS untuk Mitigasi Konflik Batas Wilayah: Studi Kasus di Desa Adat Nyuh Kuning, Ubud, Bali. *Jurnal Kajian Bali (Journal of Bali Studies)*, 8(1), 145.

- <https://doi.org/10.24843/jkb.2018.v08.i01.p08>
- Sinarpos. (2011). Dua desa di Semarapura nyaris bentrok. Retrieved from
<http://www.sinarpos.com/2011/06/dua-desa-di-semarapura-nyaris-bentrok.html>
- Sticher, V. (2022). Healing Stalemates: The Role of Ceasefires in Ripening Conflict. *Ethnopolitics*, 21(2), 149–162. <https://doi.org/10.1080/17449057.2022.2004776>
- Wahyu, A. S., & Mariatul, K. (2016). Identifikasi Konflik Perebutan Tanah Adat Di Daerah Lahan Basah Kabupaten Banjar. *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan*, 1(1), 1–6. <https://doi.org/10.17977/um019v1i12016p001>
- Wibawa, I. P. S., Gelgel, I. P., & Martha, I. W. (2020). Tata Cara Penyuratan Dan Pendaftaran Awig-awig Desa Adat di Bali (Dari Desa Mawacara ke Bali Mawacara). *Mudra Jurnal Seni Budaya*, 35(3), 257–265. <https://doi.org/10.31091/mudra.v35i3.1103>
- Windari, R. A. (2010). Dilema Hukum Penyertifikatan Tanah Ayahan Desa Di Bali (Studi Kasus Konflik Adat Tanah Ayahan Desa di Desa Adat Panglipuran). *Jurnal IKA*, 8(2), 205–219.
- Widia, I. W., Parimarta, I. G., Astiti, T. I. P., & Putra, N. D. (2009). Customary Conflict And Banishment ‘Kasepekang’ At Bungaya Traditional Village, Karangasem Regency, Bali: In The Perspective Of Cultural Studies. *E-Journal of Cultural Studies*, 3(1), 1–7.
- Wirantini, L., Landrawan, I. W., & Windari, R. A. (2016). Sengketa Tanah Setra Karang Rupit Desa Pakraman Temukus, Kecamatan Banjar, Kabupaten Buleleng. *Jurnal Pendidikan Kewarganegaraan*, 4(2), 42–56. <https://doi.org/10.23887/jpku.v4i2.22029>
- Zartman, I. W. (2015). Mediation: Ripeness and its Challenges in the Middle East. *International Negotiation*, 20(3), 479–493. <https://doi.org/https://doi.org/10.1163/15718069-12341317>