



## Aspects of Gender Equality and Justice in Nyentana Marriage in the Balinese Customary Law Society

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### **Abstract**

Nyentana marriage is one form of marriage in Balinese Customary Law society that is different from other forms of marriage in general. In the marriage, there is an event of changing a woman's legal status to purusa, and a man changes his legal status as a predana legitimized by Balinese Customary Law. In this nyentana marriage, the man is proposed by the woman's family to enter the woman's family to continue the offspring of the woman's family. This is the hallmark of nyentana marriages to this day carried out by Balinese customary law communities. Nyentana marriage is a special and unique marriage system in the Balinese Customary Law community that uses a patrilineal kinship system, which draws a lineage from the father or male descendants. At first glance, it can be seen that there are aspects of gender equality and justice in the implementation of nyentana marriage, so it needs to be studied to find out more about the aspects of gender equality and justice in nyentana marriage in the Balinese Customary Law community. Using empirical research methods by collecting data from informants and observing the community, gender equality and justice in nyentana marriage is respecting and recognizing women by being designated as Sentana rajeg and changing legal status from predana to purusa. Although biologically still a woman so that the woman can continue offspring for her family and make her husband a predana, it does not eliminate her function as husband and man in the marital relationship.

**Keywords:** *Balinese Customary Law; Bali, Marriage; Nyentana*

### **Introduction**

Balinese Customary Law Peoples are indigenous peoples with a strong cultural system supported by religious values. Balinese customary law, especially those governing marriage and inheritance, is local and only applies to Balinese people who are Hindus (Desak, 2015, p. 2). because Customary Law and Hinduism in Bali are an inseparable unity due to the strong influence of Hinduism on Balinese customs (Suartha, 2015, p. 14); marriage in Balinese indigenous communities greatly affects inheritance because whether or not a marriage is valid according to Balinese Customary, Law can affect the status of children born as heirs; for that, a marriage that is valid according to religion and law is very important because it has very broad legal consequences. Descendants of sons are believed to be able to continue *yagnya* ceremonies, including holding ceremonies needed if their parents die (Subawa, 2019, p. 9) and continue kinship and kinship relations (Desak, 2015, p. 3). Marriage in the life of indigenous Balinese people is known as *pawiwahan*.

However, in everyday language, it is more commonly referred to as *nganten*, which is essentially the same as marriage as stipulated in Article 1 of Law Number 1 of 1974 concerning Marriage, namely Marriage is an inner birth bond between a man and a woman as husband and wife to form a family A happy and eternal (home) based on the One True Godhead. This means marriage is an agreement between individuals unrelated to a religious-magical element. Marriage is considered valid and legal if it has been agreed by each party and recorded in the form of a marriage certificate at the civil registry office (Adnyani, 2015, p. 755). For the Balinese Customary Law community, marriage is a sacred relationship between a man and a woman in carrying out *dharma bhakti* (religious obligations) as a complete human being. This means that, ideally, a marriage would be considered valid and legal legally and customarily if approved by the bride and groom, condoned and witnessed by the families of both parties and witnessed *niskala* and carried out through a procession of traditional Balinese and Hindu ceremonies. Marriage is the basis for realizing family relationships that cause legal consequences in marriage between husband and wife, affecting the family relationship concerned. One of the legal consequences of marriage is the existence of children as the successor of the family.

The kinship system of Balinese society adheres to a patrilineal kinship system that draws descendants from the male or fatherly line so that sons are the successors of offspring. This term in Balinese society is known as *purusa*. The role of son in Balinese society is indeed important in running life, both in family and community life. Sons are expected to be the next generation, maintain and provide for them if their parents are no longer capable, carry out religious ceremonies such as *given* (funeral ceremonies) etc. and always be devoted to ancestors who reside in *sanggah or merajan* (family temples), and replace their father's position in society when the child is married (become *krama banjar* or village krama) (Shirley, 2022, p.11). The importance of a son to one's life in eternity (*suargaloka*) is related to the belief that one's process to reach the heavenly realm is largely determined by the presence of a grandson as the successor of offspring who will then deliver ancestral spirits to the heavenly realm.

Balinese Customary Law Peoples often find problems related to the kinship system, namely patrilineal, which draws fatherly or male lineage, but in a family only has daughters. Usually, the condition of not having a son and only having a daughter is called *cepud/campud*. Absorbing the value of justice in Hinduism, to overcome so as not to occur the condition of the breakup of offspring or *cepud/campud*, Balinese Customary Law provides opportunities to Balinese Customary people by regulating a form of marriage called *nyentana* or *nyeburin*. This *Nyentana* marriage is a patrilineal marriage in which, in Balinese Customary Law, the woman here has the status of a man (*purusa*) who asks for a male party (*predana*), or a man joins his wife's family, lives in the wife's house, and all his descendants take the wife's lineage. The male party is released from his relatives' class and transferred to his female relatives' class. Consequently, the child born from *Nyentana's* marriage will become the heir of his mother's line as well as the heir who continues the clan of his mother's grandfather.

*Nyentana marriage* is a solution to overcoming the problem if there are no sons in the family. In *nyentana* marriage, the woman proposes to the male side to be her husband and then invited to live in the woman's house with the aim of continuing the offspring of the woman's family because she does not have a son as a successor (Windia & Sudantra, 2006, p.92). Women who perform *nyentana* marriages then have the status of *Sentana Rajeg*. *Sentana rajeg* is the legal status of women to men in the context of descent and inheritance. According to Balinese customary law, women who have *Sentana rajeg* status are also entitled to be heirs of their families. In the context of marriage, the woman's legal status becomes *purusa* status or legal status as a man. In contrast, the man who marries *Nyentana* changes his legal status as *predana* or legal status as a woman. So women with *Purusa* status as successors of offspring and husbands automatically follow the wife's family line because men who marry *nyentana* are *pre-funded*. However, the relationship between the biological role and sociological role of each party is in line with husband and wife in general. The man in the *nyentana* marriage has the status of a woman or *predana*, the rights and obligations attached to the man are light like women in ordinary marriages, so the man loses the right to inherit from his original family.

Nyentana marriage is also found in Balinese indigenous communities in Kubu Traditional Village, Bangli Regency, Bali Province, where *nyentana* marriage has been recognized as one of the forms of marriage that prevail in the community in Kubu Traditional Village. Seeing the form of *nyentana* marriage in Balinese indigenous communities with a patrilineal system is certainly interesting to study. It can be seen here that Balinese Customary Law knows about justice and gender equality in marriage and related to its inheritance. So the problem in this paper is to examine aspects of gender equality and justice *in nyentana marriage in Balinese Indigenous communities* by taking the research location in Kubu Traditional Village, Bangli Regency, Bali Province.

## **Research Method**

Studying to find aspects of gender equality and justice *in nyentana marriage in this paper using empirical legal research methods with a case approach to nyentana marriage in Balinese indigenous communities in Kubu Traditional Village*. Data collection was conducted by conducting informant interviews and observations of Balinese Customary Law communities in Kubu Customary Village and supplemented by data collection from previous studies on *nyentana marriage*.

## **Result and Discussion**

### **1. Implementation of Nyentana Marriage in Balinese Customary Law Society**

*Nyentana* marriage is a form of marriage among Balinese customary law communities. *Nyentana* marriage is a solution to concerns because a family has no successor or son. In other words, a family has been blessed with several daughters or even only blessed with a daughter. *Nyentana* marriage, according to Balinese customary law, is a unique phenomenon in Balinese Customary Law communities that have a patrilineal kinship system (*kapurusa/purusa*), meaning that it is based on the male lineage, both in terms of inheritance and coexistence in society, but *nyentana* marriage is a unique phenomenon because of the position of *purusa* lies on the side of the wife or the woman. In ordinary marriages, the position of *purusa* lies on the side of the husband or the man (Widja & Sadnyini, 2019, p.118). In this form of marriage, the husband, *a predana*, is released from his legal relationship with his family of origin and then enters the family of his wife's *purusa*. Thus, the descendants in the *Purusa family* are still continued by children who have the status of *Purusa*. Children born from this marriage have legal standing in their mother's family, thus fulfilling their obligations (*swadharma*) and obtaining their rights (*swadikara*) in the mother's family (Adnyani, 2015). The characteristic that shows that the marriage is *nyentana* is not solely because the husband (generally) lives in the wife's family house. However, more can be seen from the marriage legalization ceremony, according to Balinese Customary Law, which is carried out at the bride's family home. The bride's family delivers the ceremonial facilities to the bridegroom's family home to release the bridegroom's legal relationship with His family of origin.

A marriage to be called a *nyentana* marriage must meet the elements of Balinese Customary Law in force in a customary village. As in Kubu Traditional Village, some things must be fulfilled so that a marriage can be called a *nyentana* marriage (I Nyoman Nadi, interview, 2023); namely, the woman who will perform the *nyentana* marriage must first be approved as a *Sentana rajeg* which is decided by deliberation in her family. Women who have the status of *Sentana rajeg* are their status to become *purusa* or successors of offspring to become heirs of their families. In Balinese customary law, *Sentana rajeg* means a daughter whose *kerajegan Sentana* is upheld or confirms her status to become *purusa* or successor of her descendants so that she has the heir status (Sudantra, 2008). The confirmation of a woman as *Sentana Rajeg* is carried out at the same time during the marriage ceremony, and if it has been done, then the marriage is valid as a *nyentana* marriage. The woman who has done *Sentana rajeg has legal status and legal position as a man in accordance with the customary legitimacy that has been given to her, so since* she has the status of *Sentana rajeg*, she has the right and responsibility to become an heir

and continue her family lineage. To be said to be a *nyentana marriage* if it has followed the rules according to Balinese customary law (Sujana, 2017), among others:

1. The female party must have the status of *sentana rajeg*, meaning that the woman who will marry must be designated as the successor of the offspring;
2. Negotiations to perform a *nyeburin* marriage must start from the parents of the prospective wife as the *purusa* party with the prospective husband's family as the preprimary. Of course, that approach is the main one towards the future husband concerned. When there is an agreement, then the *nyentana marriage* is carried out;
3. The most basic marriage ceremony and a legal condition of marriage, namely the *mabyakaon* ceremony, must be performed in the wife's house;
4. The husband must enter the wife's family and be accepted as a member of the wife's family. This means that the husband is out of the family of origin, which shows that he originally lived in his wife's house. The husband no longer worships the *sanggah* or *merajan* (*family temple*) of his original parents, but he must glorify the *sanggah* or *merajan* of the wife;
5. The husband is positioned as *Sentana nyeburin*, which is to have the right as *predana*, and this is shown by the wife escorting the means *pamelepahan* ceremony to the man's family home, as a ceremony to untie the husband from his original family as *purusa*.

Before the implementation of *nyentana marriage*, of course, some conditions must be met. The requirements under the Marriage Law must be met for *nyentana marriage* to occur (I Nyoman Nadi, interview, 2023). The requirements for marriage according to Article 6 of the Marriage Law include:

1. The marriage must be based on the consent of both prospective brides;
2. To consummate a marriage, a person who has not reached the age of 21 years must obtain the permission of both parents/one of his parents if one of them has died/guardian if both parents have died;
3. Marriage is only permitted if the man and woman have reached the age of 19. If there is any deviation, there must be permission from the court or an official appointed by both the male and female parents.

*Nyentana* marriage, according to Balinese customary law, is divided into two: *nyentana Patrika* marriage or known as *Sentana rajeg* and *nyentana seledihi* marriage. *Nyentana Patrika* is the process of changing the status and position of women to men through a traditional ceremonial procession that must be witnessed by the *tri upasaksi* (three witnesses), namely God (*dewa saksi*), the bhuta kala (*bhuta saksi*), and the community and family (*manusa saksi*) and legitimized by traditional village leaders. Men who *nyentana* change their status from male (*purusa*) to female (*predana*) (Setiari et al., 2021, p.638). This is related to wealth in the form of material and non-material objects, such as *sang ah* (family temple) and the ancestors of *nyentana patrika*. *Nyentana seledihi* is a type of sentence that is given the right to inherit but not be squeezed. In this case, the son-in-law is appointed as a biological child who will be given the right to inherit by the woman's family. The daughter's status in *sentana rajeg* solidity remains as a woman, and the son-in-law remains status as a man. In general, the legal requirements for marriage according to Balinese Customary Law to be able to carry out *nyentana* marriage are also based on Hinduism, and the implementation of marriage has been witnessed by *tri upasaksi*. *Tri upasaksi* is three witnesses who must be present in implementing marriage according to Balinese Customary Law. The *tri upasaksi* consists of the following:

- a. *Bhuta saksi* is performed through the *mabyakala* ceremony (cleansing ceremony), which aims to neutralize the power of *bhutakala* (subtle beings) that affect the bride and groom so that *Sukla swanita*, which is the seed of men and women in each of them becomes clean and holy.;
- b. *Manusa saksi* is carried out through a wedding ceremony by the bride's family, *mapejati* or *majauman* by the family, traditional leaders, village government, guests and the community;

1. *Dewa saksi*, performed during the prayer ceremony before the *Kamulan/Kawitan* refutation for the proclamation of starting a new life and entering as a new member for the married bride and saying goodbye to the house of the married bride to ask for a change of status or *mapamit*. The meaning of this ceremony is to make offerings by the bride and groom in front of the *disclaimer of kamulan/kawitan*, which is a marriage inauguration delivered by their respective families as witnesses. The inauguration is me; the bride or groom has officially led a married life by presenting his future wife or husband to enter as a new family member and asking for blessings from the ancestors. (I Nyoman Nadi, interview, 2023).

The rules in *nyentana* marriage are unique compared to the norms in ordinary marriages usually carried out in Balinese customary law communities. In *Nyentana's marriage*, the woman proposes to the man to be the husband and is invited to live in the woman's house. The woman's family also came to the proposed man's house and took the man home to live in the woman's house. The marriage ceremony in *nyentana* marriage is carried out at the wife's residence. All activities and costs needed for marriage preparation, marriage implementation, completion of marriage certificates and so on are entirely the wife's and her family's responsibility.

In contrast, the male family only follows according to the agreement before marriage (Meta, 213, p.169). In a *nyentana marriage*, if one of the descendants has a son, then in this case, the son's status remains *purusa* in family life with his wife (unless the son performs a *nyentana* marriage also later) and not his daughter, who has the status of *purusa* unless the daughter is determined again to be *sentana rajeg* by the family concerned. In simple terms, it can be described as the implementation of *nyentana marriage* carried out based on Balinese customary law that applies in Kubu Customary Village, among others:

1. When both parties of the bride and groom are of legal age;
2. The female party must have the status of *sentana rajeg*, meaning that the woman who will marry must be designated as the successor of the offspring;
3. Without any element of coercion from both parties;
4. Negotiations are carried out to carry out *nyentana* marriage, starting from the bride's parents with the groom's family. Only when there is an agreement can the marriage be carried out;
5. Marriages are performed according to their respective religious customs and beliefs;
6. The most basic marriage ceremony and a legal condition of marriage, namely the *mebyakaon* ceremony, must be performed at the bride's house;
7. Witnessed by *Tri Upasaksi*;
8. Marriages are registered in the village by the customary appearance of the customary village;
9. The marriage is recorded in the civil registry in the form of a marriage certificate;
10. The husband must enter and be accepted as a member of the wife's family. This means the husband has legally left his original family, which shows he follows his wife's house. The husband no longer worships his native family but must glorify his wife. (I Nyoman Nadi, interview, 2023)

The female party in the *nyentana* marriage will remain in her original home, and the male party will enter the family environment of the woman who has become his wife. According to the provisions of Balinese customary law, a man whom a woman has proposed after a *nyentana* marriage will break off relations with his family of origin. In this case, men who perform *nyentana marriages* will change their legal status as *predana*, and women who perform *nyentana* marriages will change their legal status as *purusa* (Windia, 2017). The husband and wife who entered a *nyentana* marriage are fully responsible for the wife's family. Based on the description above, the elements of *nyentana* marriage include:

1. One form of inner birth bond or marriage that is valid according to Hinduism in Balinese customary law communities;
2. The female party that has been determined to be *sentana rajeg*, according to Balinese Customary Law, has legal status as *purusa*, and the male party who is willing to marry *nyentana* has legal status as *predana*;
3. Based on the negotiation and agreement between the man's family and the woman's family in the stage of asking before marriage;
4. Aims to continue the descent and pass on the family clan of the female party or *purusa*.

## 2. Purpose of Nyentana Marriage

Marriage is an alliance between two parties in fulfilling the commands and recommendations of God Almighty, which has legal consequences, namely the emergence of rights and obligations to continue offspring (Hilman, 2007, p. 10). In the existence of marriage, there will be a legal effect both on the husband, wife, property and children born from the marriage. The existence of *nyentana* marriage in the Balinese Customary Law community has a certain purpose in its implementation. When viewed in terms of its religious-magical meaning, *nyentana* marriage is carried out to save the spirits of ancestors because there are no sons in the family. If in a family there are no sons and only daughters, then he will become *Sentana Rajeg* to save the spirits of his ancestors. With the existence of *nyentana* marriage, it can continue the family line and the obligations of parents, both community and family obligations.

*Nyentana* marriage is also carried out not solely to save ancestors and pass on offspring; some people think that this marriage is considered a tribute to Balinese Hindu women because being raised to the status of *Sentana rajeg* because women who marry *nyentana* automatically has the same position as a man as the successor of his family offspring and continues the obligations of his parents. It can be related to inheritance; this view is true because a daughter who was not originally an heir can become an heir to the property and obligations of her parents.

## 3. Factors in the Implementation of Nyentana Marriage

In the patrilineal system, the most important and dominant position belongs to the son so that he gets a larger portion of the daughter as his brother. However, this is also directly proportional to the burden and responsibility that must be carried by sons to take care of customary problems (the term *ayah banjar*), take care of heirlooms, maintain sacred places, and other obligations to ancestors, for example (Dharmayuda, 2001). But when there are only girls in the family, the use of the term *Sentana Rajeg* which makes the position of girls as *predana*, can be done by asking for men from families with more than one man, which is called *nyentana* marriage.

The background of a *nyentana* marriage is because there are motivating factors that are the reason for the *nyentana* marriage. As in the Balinese Customary Law community in Kubu Customary Village, the factors driving the implementation of *nyentana* marriage are:

- 1) Two factors come from the female side, namely external and internal factors. Its external factors consist of the following:
  - a. Because of the request of the female parents due to not having sons and only having daughters;
  - b. Because of the love and affection of parents towards their daughters;
  - c. Because of the desire of the woman's family to give the same inheritance to the daughter.
 Its internal factors consist of the following:
  - a. Because of the love and affection on the part of women for their men;
  - b. The amount of love and filial piety of girls towards their parents;
  - c. Because the woman has become pregnant outside the marriage bond as a result of the man, so the woman forces the man to be responsible through marriage *nyentana*;

- 2) Two factors come from the male side, namely external and internal factors. Its external factors consist of the following:
  - a. Because of a request from the man's parents, the relationship between the man's family and the woman's family is getting closer;
  - b. Because it is urged the woman to take responsibility because the man has impregnated her.
 Its internal factors consist of the following:
  - a. Because of the love and affection of men for women;
  - b. Because of the desire of the man because in his house, there are already other brothers who are heirs, and the inheritance is not enough to be divided equally or because of economic factors.

#### 4. Aspects of Gender Equality and Justice in Nyentana Marriage

Gender sociologists and psychologists suggest that gender is more defined by the division of masculine and feminine sides through socially inherent attributes and social psychology. This is reinforced by anthropologists emphasizing that gender is not defined biologically but socially and culturally. Gender is viewed culturally and historically as the meaning, interpretation, and expression of both gender variants among different cultures. Of course, influenced by social factors, gender expression and experience is what give the fact that gender cannot be equated simply with sex or sexuality (Saviana & Sulistyowati, 2010, p. 17). Gender is a masculine and feminine trait constructed by socio-culture through socialization (Jurdi, 2013, p.271). Gender is defined as a trait inherent in men and women that is socially and culturally constructed (Fakih, 2016, p. 18). According to the Regulation of the State Minister of Women's Empowerment and Child Protection of the Republic of Indonesia, defining gender is a social construction based on sex differences, which is reflected in the concept of duties, rights, functions, roles, responsibilities, attitudes and behaviours given by society or culture to women and men in social life and in personal life. In general, it can be concluded that gender is the difference between men and women from changes in socially described values and behaviours in local society. Gender is a concept formed by humans that can change and is not generally applicable and interchangeable. For example, a boy must be strong, tough, rational, and mighty. At the same time, a woman must be gentle, beautiful, motherly, and emotional. Gender is not only shown for women but for both men and women. It is this difference between gender and sex that poses a problem. Confusion and societal misunderstanding about social constructs have become so deep-rooted that people consider this culture.

Sex differences give birth to gender differences, and gender differences have given birth to various injustices. The factors that cause gender injustice are the results of socially and culturally constructed gender. This injustice is due to the non-fulfilment of basic human rights for women and men. The right in question is the right to determine oneself independently. There are several definitions of justice and gender equality given by the authors. Linguistically "justice" comes from the root word "just" (just, fair, equitable, legal) (Echols & Shadily, 2003, p. 4), which means siding with the right and holding on to the truth, or nature, deeds and fair treatment. In the Indonesian dictionary, "fair" means equal weight, not partial or impartial. In comparison, justice means a fair nature (K.B.B.I., 2005, 8). Equality comes from the word equal means equal (equal in height), commensurate, and balanced (K.B.B.I., 2003, 8). So gender justice means a process and fair treatment of women and men. Gender justice means no role entitlement, double burden, subordination, marginalization, and violence against women and men. At the same time, gender equality is the equality of conditions for men and women to obtain agility and their rights as human beings. Meanwhile, justice and gender equality create equal conditions and status for men and women to obtain opportunities and enjoy their rights as human beings, so they both play an active role in development. In other words, the assessment of equal respect by society for the similarities and differences between men and women and their various roles (Hamdanah, 2005, p. 249).

Gender justice leads women and men to equality where equal conditions and status to obtain opportunities and enjoy their rights as human beings in order to be able to play a role and participate in the development, politics, economy, society, culture, education, defence and security in enjoying the

results of development. The existence of justice and gender equality in *nyentana* marriage refers to roles and responsibilities as women and men who are created and internalized in family habits and life, including inheritance and marriage; men and women have the right to become heirs and continue the family lineage. Gender justice can be seen from the legal position of women and men in marriage, which does not necessarily eliminate the rights and obligations of husband and wife. Aspects of gender equality can be seen from the division of roles and duties in marriage, both in married life and community life. The position between men and women in Balinese customary law society is strongly influenced by the kinship system of its indigenous people and influenced by Hinduism in daily life. The role of men is more prominent than women in the view of Hinduism and the life of indigenous Balinese people, especially life-related to spiritual life, which is manifested in the form of respect for ancestors as a continuation of offspring and to carrying out religious ceremonies and community duties as stated in the Book of Manawadharmasastra Sloka 137 Book IX. *Atha Nawano Dhyayah* states that through sons, he subdues the world; through grandsons, he reaches eternity; through his children and grandchildren, he reaches the realm of the sun (Sudharta, 2019, p. 353). So in a *nyentana* marriage, women can act like men, namely as *purusa* and heirs to their families, while men as husbands who release *purusa* status from their original family to live with their wives with legal standing as *predana* in their wife's family.

The position of women in a *nyentana* marriage is said to be higher because it has been elevated to *Sentana Rajeg status*. Because Balinese indigenous people use a patrilineal kinship system, the party who is the heir in Balinese customary inheritance law is the party with *purusa* status, namely men and women who are elevated to *Sentana rajeg* status. The man who performs *the marriage* is certainly free from the responsibilities of his native family because since then, he has turned into his wife's family. Based on Balinese customs, the husband and wife are responsible for the party with *purusa* status, or in this case, the husband is fully responsible in the woman's home, as applies in the Balinese Customary Law community. In a *nyentana* marriage, the husband juridically has the status of a woman or *predana*, while socially, he remains a man as well as a husband. For example, he remains the head of the family and is responsible for his family.

After performing a *nyentana* marriage, *Sentana rajeg* women who have become wives and have the status of *purusa* have slightly different positions and obligations from wives in general. *Sentana rajeg* is a process of changing the status and position of women according to Balinese Customary Law to become men even though they are still biologically women. So women such as *Sentana Rajeg* as well as *Purusa* have the following positions and obligations (I Nyoman Nadi, interview, 2023):

- a. As the decisive decision in the family;
- b. Heirs to his family;
- c. Hereditary successor to his family;
- d. Responsible as a family caretaker;
- e. Become a member of a customary village who has the same rights and obligations as men in general;
- f. Continuing the traditions that the family has passed down;
- g. Building family togetherness.

The legal position of women as *purusa* in *nyentana* marriage shows the existence of aspects of gender justice in marriage, which means that women are also entitled to be able to become a *purusa* or have legal status as men and have a position as heirs and successors in their families during the patrilineal kinship system adopted by the Balinese Customary Law community in general. For a man who agrees to perform a *nyentana marriage*, it does not necessarily lose his function as a man or as a husband even though he has the status of *predana* in his wife's house. As a husband, he is still obliged to provide for his family and represent his wife to *ngayah* (community obligation) in the community if there are *yagnya* ceremonies because, in *ngayah*, there are differences in the distribution of duties for male villagers and female villagers (I Nyoman Nadi, interview, 2023). This has also been agreed upon and approved by traditional *leaders* and the Balinese Customary Law community in Kubu Traditional Village because the fatherly husband is one unit with his wife.



## Conclusion

*Nyentana* marriage that exists and is recognized as a form of marriage in the Balinese Customary Law community, especially in Kubu Traditional Village, Bangli Regency, manifests gender justice in society. In *nyentana* marriage, there is respect for women, namely the appointment of women as *Sentana Rajeg*, namely women who are upheld or confirmed their status to become *purusa* or successors of offspring for their families so that later after the *nyentana* marriage is carried out then the woman has the right to be the heir in her family. The aspect of gender equality and justice can be seen in the change in the legal status of women as *purusa* in *nyentana* marriage, which means that women are also entitled to be able to become a *purusa* or have legal status as men and have legal positions as heirs and successors in their families during the patrilineal kinship system adopted by the Balinese Customary Law community in general. So the existence of *nyentana* marriage proves that the patrilineal Balinese Customary Law community respects women and recognizes that women can also carry out duties as a *purusa* in their family. Not only men but women can also carry out duties and obligations as a *purusa* but do not eliminate the important role of men as husbands who have been willing to release the status of *purusa* from their original family sincerely so that they change status as *predana* for the sake of their wives. Even though the husband has become *the pre-prime*, the duties and obligations as a husband are still carried out and continue to carry out community obligations on behalf of his wife so that equality as husband and wife is still carried out properly and harmoniously.

## References

- Adnyani, N.K.S. (2016). "Bentuk Perkawinan Matriarki Pada Masyarakat Hindu Bali Ditinjau Dari Perspektif Hukum Adat Dan Kesetaraan Gender". *Jurnal Ilmu Sosial dan Humaniora*. Vol.5 No.1, April 2016. 754-769.
- Adnyani, N.K.S. (2017). "Sistem Perkawinan Nyentana dalam Kajian Hukum Adat dan Pengaruhnya terhadap Akomodasi Kebijakan Berbasis Gender". *Jurnal Ilmu Sosial dan Humaniora*. Vol. 6, No. 2, Oktober 2017.
- Candrasari, M.W. dan Sadnyini, I.A. (2019). "Akibat Hukum Peralihan Perkawinan Biasa Menjadi Perkawinan *Nyentana* Terhadap Kedudukan Hak Waris Menurut Hukum Adat". *Jurnal Analisis Hukum*. Volume 2 Nomor 1, April 2019.114-129.
- Departemen Pendidikan Nasional. (2005). *Kamus Besar Bahasa Indonesia*. Edisi Ketiga. Balai Pustaka. Jakarta.
- Dharmayuda, I. M. S. (2001). *Desa Adat Kesatuan Masyarakat Hukum Adat di Propinsi Bali*. Upada Sastra, Denpasar.
- Echols, J. M. Echols & Hasan Shadily. (2003). *Kamus Inggris Indonesia*. P.T. Gramedia. Jakarta.
- Fakih, M. (2016). *Analisis Gender & Transformasi Sosial*. INSISTPress. Yogyakarta.
- Hadikusuma, H. (2007). *Hukum Perkawinan Menurut Perundangan, Hukum Adat, Hukum Agama*. Cetakan Ketiga, Mandar Maju, Bandung.
- Hamdanah. (2005). *Musim Kawin di Musim Kemarau; Studi Atas Pandangan Ulama Perempuan Jember Tentang Hak-Hak*. B.I.G.R.A.F. Publishing. Yogyakarta.
- I Nyoman Nadi, *Bendesa Adat Desa Adat Kubu*, Wawancara, 10 Januari (2023), *Bendesa Desa Adat Kubu*.

- Jurdi, Syarifuddin, (2013). *Sosiologi Nusantara: Memahami Sosiologi Integralistik*. Kencana. Jakarta.
- Mas, I Gede Subawa. (2012). *Reformasi Ritual: Mentradisikan Agama Bukan Mengagamakan*. Pustaka Bali Post. Denpasar.
- Megawati, Desak Agung Made. (2015). *Kedudukan Hukum Laki-Laki "Nyentana" Menurut Hukum Adat Bali*. Tesis Magister Kenotariatan Universitas Airlangga. Surabaya.
- Meta. I.K. (2013). "Pangkatan Sentana Rajeg Dalam Perspektif Hukum Perkawinan Adat Bali". *Jurnal Cakrawala Hukum*. Vol.18 No.1 Juni 2013. 156–165.
- Peraturan Menteri Negara Pemberdayaan Perempuan Dan Perlindungan Anak Republik Indonesia Nomor 11 Tahun 2010 tentang Pedoman Pelaksanaan Pengarusutamaan Gender Di Madrasah Kementerian Agama Republik Indonesia.
- Setiari, N. Budiarta I.N. dan Sudibya, G.G. (2021). "Kedudukan Anak Perempuan Sebagai Sentana Rajeg Menurut Hukum Adat Di Desa Adat Kuta Kabupaten Badung". *Jurnal Interpretasi Hukum*. Vol. 2, No. 3, Desember 2021.635- 640].
- Shirley dkk. (2022). "Kedudukan Hukum Pria Yang Melakukan Perkawinan Nyentana Sebagai Ahli Waris Dalam Hukum Waris Adat Masyarakat Bali (Studi Putusan Mahkamah Agung Nomor 2991K/PDT/2015)". *IURIS STUDIA: Jurnal Kajian Hukum*. Volume 3 Nomor 1, Februari 2022.
- Suardana, I., dkk. (2018). "Fenomena Judi Tajen Dan Upacara Yadnya Dalam Penciptaan Karya Seni Rupa". *MUDRA Jurnal Seni Budaya*. Volume 33 Nomor 2, Fakultas Seni Rupa dan Disain ISI Denpasar.
- Suartha, I Dewa Made. (2015). *Hukum dan Sanksi Adat Perspektif Pembaharuan Hukum Pidana*. Setara Pres. Malang.
- Sudantra, I.K. (2008). "Akibat Hukum Perkawinan Nyentana di Bidang Hukum, Keluarga dan Waris". *Kertha Patrika*. Vol. 33 No. 2.
- Sudharta, Tjok Rai Sudharta. (2019). *Manawadharmasastra*. Terjemahan. Cetakan I. ESBE Buku. Denpasar.
- Sujana. I.P.W.M. (2017). "Pelaksanaan Perkawinan Nyentana Dalam Rangka Mengajegkan Sistem Kekeluargaan Patrilineal Di Bali". *Jurnal Kajian Pendidikan Widya Accarya*. Maret 2017.
- Vina, Saviana D. dan Tutik, Sulistyowati. (2010). *Sosiologi Gender*. Universitas Terbuka. Tangerang Selatan.
- Windia, Wayan P. & Sudantra, Ketut. (2006). *Pengantar Hukum Adat Bali*. Lembaga Dokumentasi dan Publikasi Fakultas Hukum Universitas Udayana. Denpasar.
- Windia. Wayan P. (2017). *Hukum Adat Bali Aneka Kasus dan Penyelesaiannya*. cetakan pertama, Aksara Bali. Denpasar.

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