

Regulation for the Tradition of *Ngaben* Through Crematorium According to Balinese Society's Customary Law and Local Wisdom

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ABSTRACT

Ngaben is a tradition that has been passed down from generation to generation. It has become a nation's cultural heritage and is still being implemented to date. The ritual of *Ngaben* is a cremation ceremony that is accompanied and equipped with ceremonial facilities called *Banten*, carrying the corpse body, a place for burning the corpse in the form of an ox, or other forms. In the context of Bali, its implementation involves the extended family of the corpse, neighbors from Banjar residents, traditional local villagers, and is a family and mutual cooperation. Recently, a new method and place for cremation have emerged, such as the method of cremation in the crematorium. The method has become a new phenomenon that meets the requirements of modern society, such as time efficiency, low cost, no need for much energy, including anticipating everyday problems. The phenomenon is unlikely to become a new tradition in cremation activities. How to make this phenomenon an option without eliminating cultural traditions and local wisdom that attract tourists is a condition that requires good regulation. Therefore, a norm void appears in the arrangements for the implementation of *Ngaben* at the crematorium that requires attention. This research uses a normative juridical study method, which, with a good arrangement, will later create a condition that remains in maintaining the *Ngaben* ritual tradition with all its uniqueness and characteristics, passed down from generation to generation into local wisdom, and with exceptions in certain situations, the implementation of the *Ngaben* ritual through a crematorium is an option.

Keywords: *Crematorium, Regulation, The Tradition of Ngaben, Tourism.*

1. INTRODUCTION

The development of the times in each decade, inevitably, will impact the order of people's lives. the more advanced technology in all fields, the more it will impact the mindset resulting from the increasingly complex demands of life. the more open the spaces for movement, the more open the community will be, and the more ideas to meet the standards of modern society will also develop. likewise, with every action or decision taken, it will require consideration of its efficiency. The efficiency of time, place and cost, conditions and circumstances like this, is referred to as the influence of globalization [1]. Globalization represents an international integration that occurs due to the exchange of world viewpoints. This phenomenon involves the integration of economic, cultural, government policies, technology, science, and political movements around the world. It is a significant factor, and globalization is increasingly encouraging every economic and cultural activity to be interdependent. The process of

globalization will cause many changes in the community's attitudes, values, and behavior patterns. the positive impact is that the government system will be more open, a democratic system will be created, and domestic economic growth will be increasingly encouraged. The negative impact that will come to pass is that globalization can fade the sense of nationalism and love for domestic products. Without realizing it, shifts in values underlying every decision taken occur either personally or communally. Also, without realizing it, it will erode the cultural traditions that are the community's pride, especially in this case, the balinese people. the cultural tradition is known to make bali a world tourist destination is "*ngaben*."

Established on the above background, the present study is limited to one form of cultural tradition, the ritual of *ngaben*, with all its uniqueness. on the other hand, cremation through the crematorium is currently growing rapidly and popping up everywhere. is it a phenomenon of the influence of globalization as a fulfillment of the

everyday needs of modern society or as a solution to a situation?

The issue that will be examined in this paper is related to whether the *ngaben* cultural tradition will survive, its impact on tourism, and what efforts must be made to maintain the tradition.

2. METHOD

The research method used in this research is a mixed-method, a combination of normative legal research and empirical (sociological) legal research. It is research that uses secondary data or data obtained by collecting library materials that have a relationship with the phenomenon being studied in the research being conducted [2]. Empirical facts are taken from the behavior and habits of the community, both verbal behaviors obtained through interviews with several informants and natural behavior through direct observation [3]. This study aims to reveal the phenomena that occur in the Ngaben tradition of the Balinese community, which is carried out through the crematorium, and to maintain cultural traditions as a supporting element for tourism, which is an advantage from the point of view of legal and economic studies. Thus, an effective regulation governing it is needed. This study maintains the cultural tradition of Ngaben of the Balinese people as a tourism destination excellence. It can be said that the Nritual of Ngaben, which is carried out from generation to generation, requires an effective regulation because it is performed through the crematorium.

3. RESULT AND DISCUSSION

3.1 Cultural Tradition of Ngaben and Its Impacts on Tourism

Tourism is regulated in Law Number 10 of 2009 concerning Tourism (by the Indonesian people it is also referred to by the abbreviation "UU Kepariwisataaan"). Based on Article 1 point 3 of the Tourism Law, tourism refers to various activities supported by various facilities and services provided by the business community, government, and local government. The Tourism Law distinguishes the notion of the tour from tourism. Based on Article 1 Number 4 of the Tourism Law, tourism refers to "all activities related to tours and are multidimensional or multidisciplinary, arising as a manifestation of the needs of each country and the interaction between tourists and local communities, fellow tourists from the Government, Regional Governments and entrepreneurs [4].

By looking at the history of its development, notions, and concepts, both related to traveling, touring, excursion, tour, tourism, and tourism objectives, it can be stated that the tour contains various dimensions. Tours are issues related to one aspect, such as the economic aspect, and include socio-cultural aspects of politics and even other aspects. Tour is a very multi-complex system with various aspects that are interrelated and influence each other. Even in the last few decades, the tour has

become a driving force for community dynamics and has become one of the primary movers in socio-cultural change. Studies in various fields continue to roll on, as well as in tourism law studies. As the Island of the Gods, Bali is still very thick with customs and traditions that are still preserved by the surrounding community for generations. Even Bali's rich culture and customs are also one of the main attractions for tourists to witness firsthand.

Although the island of Bali has a relatively small geographical area, its cultural wealth is not inferior to those of other regions in Indonesia. One very well-known tradition in various parts of the world is the Ngaben tradition, always crowded with visitors. Some of the world's known cultural traditions include (1) Ngaben, (2) Melasti, and (3) Omed-omedan. Of these three traditions, the one having experienced the most pronounced development is the Ngaben tradition. Ngaben referred to burning corpses, ancestral heritage, and carried out for hundreds of years in Bali. Balinese Hindus believe that the ancestral spirits become holy by burning corpses, and they can rest in peace. The Ngaben ritual is a Pitra Yajna ceremony, a mandatory ceremony for families to be carried out as a form of respect and devotion to parents or the deceased. It must be carried out to serve with willingness, both materially and spiritually. Yajna, or sacrifice to the ancestors (Pitra Yajna), is held in a lively dedication procession and is full of proper equipment [5].

In the book entitled "Ngaben Sarat" (Sarwa Prataka – Sawa Wedana) written by Drs. I Nyoman Singgin Wikarman, Ngaben is derived from the word Nga + beya + in or Ngabeyain, then pronounced short as Ngaben. Ngabeyain or cremation means giving "beya" or provisions for those who have passed away. The holding of the Ngaben ritual usually occurs in July-August or by the Balinese Hindu community known as Sasih Karo. Generally, the holding of Ngaben is very lively, full of proper equipment. Because the ceremony is full of proper equipment, it is called Ngaben Sarat. Ngaben Sarat, performed by Hindus, especially in Bali, serves as their devotion to their ancestors. Devotion refers to the manifestation of deep love - love that is realized in the form of a cremation ceremony, which is supported with sincerity [6].

Judging from the fact from the author's point of view, Ngaben can embody the Balinese Hindu community's love by sacrificing many items, from the most beautiful to the grandest items. Yajna, or sacrifice to the ancestors of Pitra Yajna, is held in a lively procession of Ngaben activities, full of proper equipment. In this case, the Ngaben ritual requires substantial funds and a long time to prepare. It is done as proof of their sincerity of devotion to the ancestors by offering something majestic and noble, which is only done once in a life.

Economically, with the Ngaben ritual, the surrounding community's economy can be raised because

the money spent on Ngaben revolves around the ceremony area. The surrounding community prepares all the ritual equipment. The nuances of cooperation and a powerful sense of family are felt. Considering the motivations and goals of Ngaben, if it is associated with the people's higher income and positive impact on the socio-economic field, it is still relevant in the future. Ngaben, which is carried out full of symbols, is also a unique attraction for tourists; Ngaben, whose uniqueness only exists in Bali. This makes Bali a sustainable tourist destination, and thus Ngaben has added economic value for the welfare of its people.

In terms of tourist attraction, Ngaben is included in the level of tourist attraction caused by certain events, the order of which is: a) traditional institutions, b) traditional lifestyle, c) ritual ceremonies, d) religious activities, e) historical heritages, f) sports events and g) art creation.

Ngaben is included in the ritual ceremonies and ritual activities. Some examples of Ngaben ceremonies that can attract tourism arrivals are:

Ngaben which was held on August 18, 2011 for Anak Agung Niang Rai at Puri Ubud. The deceased was the mother of Tjokorda Oka Ardana Sukawati. Ngaben is included in the colossal category because it uses a very high bade up to 24 meters with almost 10 tons. Bade refers to the place to put the corpse that is carried towards the setra. Besides bade, an attractive ceremonial facility is a 9.5-meter-high bull weighing about 5-6 tons. The ritual was witnessed by thousands of tourists who poured over the highway that connects Puri Ubud with setra with a distance of 0.5 km. The tourists stood and captured this sacred moment (<http://m.detik.com>).

Mass Ngaben was held on August 2, 2018, in Bitera Village, Gianyar-Bali, as reported by Antara News on August 2, 2018. The mass Ngaben (cremation) ceremony became one of the tourism sector's cultural attractions, resulting in occupancy or occupancy lodging and hotels in the Ubud area, Gianyar Regency to reach 90%. "This August will indeed be filled with many mass Ngaben ceremonies or the burning of the bodies of several Hindus who have died. Almost all banjars will carry out mass Ngaben rituals. It is the season for mass Ngaben, a ritual as well as a cultural activity that will be an interesting spectacle for tourists," said Head of the Gianyar Tourism Office, A. A. Ari Brahmanta, in Gianyar.

The process of the Ngaben ritual elaborated above has proven there is a tourist attraction inviting visitors to come to visit Bali. Nevertheless, in the current development due to globalization as described above, many Ngaben traditions are practiced. The cremation is performed in the crematorium, making the procession very easy, fast, and practical. Crematoriums are increasingly popping up in Bali, which in turn, offer various packages of ceremonial levels. All activities to carry out the ceremony can be done quickly, very simply, and much lower cost. The crematorium is a new

phenomenon that fulfills the requirements of modern society today, including time, cost, energy efficiency, and avoiding everyday problems.

According to Prof. Dr. Nengah Bawa Armaja via baliexpres.jawapos.com on March 19, 2021, Ngaben at the Crematorium received Hindu religious legitimacy. It was legitimized through the Paruman Sulinggih conducted by the Klungkung Culture and Tourism Service in November 2014, attended by Pedanda, Pandhita, Mpu, and Sri Mpu. In the paruman, it was decided that the holding of the Ngaben ritual in the crematorium could be justified for several reasons: firstly, there are no literary sources that prohibit Ngaben in the crematorium; secondly, Hindu religious teachings are flexible; and thirdly, the fire of the mind which is the fire of the power of jnana (mind), jnana sulinggih, remaining as the primary means of cremation. The decision was strengthened by five considerations: ikhsa, sakti, desa, kala, and tattwa. "With the Paruman Sulinggih decision regarding Ngaben Crematorium, it can be emphasized that Hinduism legitimizes Ngaben Crematorium. Thus, more and more Balinese will carry out Ngaben rituals at the crematorium," he said. Prof. Bawa added that apart from being legitimized by Hinduism, there are several other considerations as reasons for Hindus to use the services of a crematorium in holding funeral ceremonies.

In the past, people chose a crematorium because they experienced *kesepekang* by custom or were not adaptable. "It could be poor with economic capital, poor with social capital, not adapting in the village of *pekraman*, so they experienced *kesepekang* or *kanorayan* or contracted an infectious disease that people are afraid to take their bodies, or their nationality is not clear in a traditional village," he explained. However, nowadays, it is undergoing a shift; people who do not have problems with customs voluntarily choose their death rituals in the crematorium without any coercion. In addition, efficiency is also mentioned as a separate consideration for the *krama* (customary village community) to carry out the Ngaben rituals at the crematorium, such as cost, energy, and time efficiency. In this way, the Ngaben ritual does not require much activity because most of them have been taken over by the available workers in the crematorium. Thus, the person's family carrying out the Ngaben ritual ceremony only needs to sit and enjoy the intended Ngaben ritual process. The party's role in carrying out the Ngaben ritual is minimal; they only need to pray at certain times. The Ngaben ritual process at the crematorium takes one day; the crematorium management provides the necessary offerings at their expense. They are also responsible for bathing the corpse, *ngeringkes* (wrapping the corpse), and burning it so that the family carrying out the Ngaben ritual does not need much energy. Because it takes only a day, the costs automatically become more economical. Without realizing it, the ease and efficiency

of carrying out the Ngaben ritual at the crematorium have eroded traditional and cultural traditions based on cooperation and a sense of kinship and, at the same time, caused tourist attraction to fade. Initially, the holding of Ngaben rituals at the crematorium was only an exception to karma or residents subject to customary sanctions as a solution.

In this study, data collection was carried out by conducting interviews with several informants whose results are elaborated below.

Name: I Made Bambang; Age: 47 years old; Address: Br. Tengah, Singakerta, Ubud, Gianyar-Bali

Ngaben: Ngaben represents one of the elements of tradition that should be preserved; in addition to religious values, it maintains and cultural values.

Crematorium: Crematorium is only appropriate in urban areas with different populations, whereas, in rural areas where traditional villages are still strong, it still cannot be applied. [1]

Name: I Ketut Karmadi; Age: 39 years old; Address: Br Dajan Lebah, Singakerta, Ubud, Gianyar-Bali

Ngaben is a noble ceremony, which is a culture that must be preserved. It intensely evokes social and cultural ties between one another, which is the essence of the implementation of Hinduism. The conclusion is that Ngaben must be preserved by using the Yadnya level according to the community's ability.

Crematorium refers to cremation, which can reduce customs and culture because, in practice, cremation only focuses on ceremonies and ignores social and culture, so that residents may have social problems and have certain infectious diseases. [2]

Name: I Made Didi Dona Wyanantara; Age: 28 years old; Address: Banjar Jukut Paku, Singakerta Ubud, Gianyar-Bali

Suppose the Ngaben ritual continues to be carried out in traditional villages. In that case, it will have an impact not only on strengthening traditional villages through the activities of residents to build villages but also on the tourism and cultural side, which has traditionally supported the economy of Balinese people in general. The traditional attraction of Pitra Yadnya of Ngaben ritual is a unique thing that attracts international tourists.

A good crematorium globally can help the nomads to manage the pitra yadnya process. However, there are loopholes to weaken the Traditional Village, weakening it in the form of the activity of some (lazy) residents in the traditional village environment because they choose not to be bound by custom. Meanwhile, what binds residents to be active in traditional villages is, among other, namely, the pitra yadnya ceremony. [3]

From the results of the interviews described above, the informants stated that they still want

the Ngaben cultural tradition to be carried out according to the cultural and customary traditions of each region.

3.2 Efforts Made to Maintain Tradition of Ngaben

The Tourism Law stipulates the meaning of tourism destinations: "Tour destination areas hereinafter referred to as destinations, are geographical areas located within one or more administrative areas in which there are tourist attractions, tourist facilities, public facilities, accessibility, and interrelated communities that complement each other for the realization of tourism." If the definition of a destination is comprehended, there are essential elements to make an area a tourism destination. It is a tourist attraction that refers to everything with uniqueness, beauty, and value in the form of a diversity of natural, cultural, and man-made wealth, which is the target and purpose of tourist visits. In each tourism destination developed, their brand images serve as an effort to influence the interest of tourists to visit a destination. Indonesia is currently promoting the Wonderful Indonesia Brand Images as a marketing force for Indonesian tourism. The importance of the role of image for a tourism destination is stated by Bulk (1993) and Law (1995), "Tourism is an industry based on imagery, its overriding concern is to construct, through multiple representations of paradise an imagery (of the destination) that entices the outsider to pace himself or herself into the symbol defined space" [7].

Destination resources refer to everything that can be developed and managed to support the development and management of a tourism destination. Destination resources include natural resources and cultural resources. In this study, the object studied is cultural resources which include everything related to the human initiative, work, creativity, and taste. Culture has a significant role in tourism. One of the reasons tourists visit a tourist destination, or another country is the desire to see and learn about other people's cultures. Culture can be seen as an opportunity for tourists to see, experience, appreciate and perceive the richness and diversity of its culture. Cultural resources utilized by and complement a tourist destination include arts, historic buildings, sculpture and painting, religious relics, and community traditions that are still preserved for generations serving as the community's pride in a tourism destination.

In essence, one of the essences of tourism development is to build reliable and durable tourism, which is a component of economic, social, cultural, and environmental development carried out sustainably to achieve prosperity and progress of the nation. Thus, an integrated arrangement between the central government and local governments will be created to develop and maintain tourist destinations. In order for the development and management of efficient and successful destinations to support tourism development, there is a need for management supported by all tourism stakeholders, both directly and indirectly related to tourism development [8]. In Adam Smith's theory and the

theory of Absolute Advantage, it is stated that "Each country will specialize in the production and export of goods whose costs are relatively low (relatively means more efficient compared to other countries); on the other hand, each country will import goods whose production costs are relatively higher (in other words, less efficient than other countries). Adam Smith's theory is applied to tourism destinations in Indonesia, where a brand image is currently being developed, namely Pesona Indonesia as a marketing force for Indonesian tourism. Quoted from the official website of the Indonesian Ministry of Tourism, Wonderful or Pesona Indonesia is a promise of Indonesian tourism to the world, a promise that Indonesia is rich with wonders, both in nature and culture. Indonesia is a place for everyone to enjoy the "World of Wonderful."

Bali as a tourist destination has advantages in the field of cultural traditions, one of which is the tradition of Ngaben which has been included in the international order. With all its uniqueness, beauty based on cooperation, kinship - the tradition will become a charm that attracts tourists to visit Bali. However, back again with the influence of globalization and the rapidity of technology creating a society that efficiently creates the phenomenon of Ngaben through the crematorium. It is a phenomenon that should be of concern to everyone. Therefore, it should be reviewed in its implementation without neglecting technological advances. In order to provide legal protection and certainty in the implementation of Ngaben, which follows tradition or Ngaben through a crematorium, there is a need for regulation either by custom or through the Regional Government of the Province of Bali [9]. This is done to put back the philosophical basis of Ngaben's existence through the crematorium to solve people who are subject to customary sanctions or afflicted with infectious diseases. Hence, there needs to be an effort to regulate through customary village awig-awig or regent regulations at the district level or regional regulations at the provincial level.

4. CONCLUSION

From the discussion presented in the previous section, conclusions can be drawn, namely the cultural tradition of Ngaben with the completeness of the ceremony, its uniqueness and excitement can still be maintained and is still desired by the community to be carried out and still have an influence on the attractiveness of tourists' visits to Bali. Thus, in connection with the current emerging phenomenon, the Ngaben through the crematorium, there is a need for a more transparent and firmer arrangement in its implementation as an alternative.

REFERENCES

- [1] I. G. Pitana and P. G. Gayatri, *Sosiologi Pariwisata*. Yogyakarta: ANDI, 2005.
- [2] J. Ibrahim, *Teori dan Metode Penelitian Hukum Normatif*. Malang: Bayumedia Publishing, 2005.

- [3] Suteki and G. Taufani, *Metodologi Penelitian Hukum: Filsafat, Teori dan Praktik*. Depok: Rajawali Pers, 2018.
- [4] A. J. Muljadi and H. A. Warman, *Kepariwisata dan Perjalanan*. Jakarta: Rajawali Pers, 2016.
- [5] A. S. Kobalen and S. Kawida, *Proses Kremasi & Esensi Perjalanan Atma Menuju Moksa*. Surabaya: Paramita, 2010.
- [6] I. N. S. Wikarman, *Ngaben Sarat (Sawa Prateka-Sawa Wedana): Upacara-upacara, Arti Simbolik Landasan Filosofis serta Relevansinya Dewasa Ini*. Surabaya: Paramita, 1998.
- [7] Sedarmayanti, H. G. S. Sastrayuda, and L. Afriza, *Pembangunan dan Pengembangan Pariwisata*. Bandung: Refika Aditama, 2018.
- [8] I. G. B. Arjana, *Geografi Pariwisata dan Ekonomi Kreatif*. Jakarta: Rajawali Pers, 2016.
- [9] I. K. Supartika, *Ngaben Ngelanus: Dari Sudut Pandang Sastra Agama Hindu*. Surabaya: Paramita, 2011.