



Legalization of Pecalang to Embody Drug-Free Bali Tourism

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Abstract. Domination of pecalang's existence is quite noticeably in Balinese society life. Despite their role in maintaining the village's security and orderliness, pecalang has also been a role model symbol of obedience in traditional society to live on applied rules. Pecalang could contribute by distancing drugs from the village, including tourism sites, impacting tourist serenity. However, their contribution could not be perceived yet, due to limited authority on religious and customary activity given by existing law. Thus, making pecalang's legalization of drugs matter is needed to give them a role and authority on drug abuse and illicit trafficking eradication. This research uses a socio-legal approach by collecting primary data from documentary and literature studies and secondary data from observations and interviews. Related theories will analyze those data in order to embody drug-free Bali tourism.

Keywords: Pecalang · Drug-Free Tourism · Legalization

1 Introduction

1.1 Backgrounds

Tourism is the most important sector of Balinese revenue. Despite being endowed with beautiful beaches and mountains of nature, Bali keeps expanding all its potential tourism assets, transforming into a one-stop vacation area that could provide various tourism, like culture, shopping, water sport, animal park, and entertainment.

Unfortunately, covid-19 global pandemic dimmed Bali tourism' euphoria. The number of tourists visiting Bali in 2020 dropped 56.41% compared to 2019 (year to year), from 10.54 million to 4.59 million tourists, continued in 2021 with 4.3 million tourists (Table 1).

However, as covid-19 medicine and vaccine were found, Bali tourism started to writhe regarding the number of tourists visiting Bali this year. Until the first semester of 2022, 3.68 million tourists will visit Bali. This number equalled 85.58 per cent of total tourists last year. (Bali Government Tourism Office, 2022).

Back to tourism products offered in Bali, entertainment leisure is one of the key reasons why people keep visiting Bali. It reflects various entertainment sites built all over Bali, such as bars, pubs, karaoke rooms, and nightclubs. Moreover, many local

Table 1 .

Month	2019	2020	2021	2022
Jan	795,527	879,702	282,248	527,447
Feb	692,113	721,105	240,608	389,690
March	787,616	567,452	305,579	547,726
April	795,997	175,120	330,593	500,740
Mei	656,082	101,948	363,959	960,692
June	1,287,877	137,395	498,852	753,907
July	935,930	229,112	166,718	
August	925,360	355,732	202,187	
Sept	812,003	283,349	298,950	
Oct	855,007	337,304	468,826	
Nov	852,626	425,097	513,482	
Dec	1,152,901	382,841	629,590	
TOTAL	10,545,039	4,596,157	4,301,592	3,680,202

Source: Bali Government Tourism Office, 2022

Table 2. Number of Drug Case 2019–2021

Year	Drug Cases (BNNP Bali & Regional Police of Bali)
2019	861
2020	806
2021	696

Source: BNNP Bali and Drugs Directorate Regional Police of Bali, 2021

or foreign musician artists, music bands/groups, disk jockeys, or any music performers also pointed to Bali as their concert destination due to several music concerts were taken place there.

This ‘heritage’ optional tourism has boosted tourist attraction to spend money in Bali. However, on the other hand, it has also caused a severe negative impact on drug crime vulnerability.

Because mainly, those entertainment favours seek some ‘vibe-boosting’ consumption while enjoying those entertainments, like drugs or any addictive substances. This condition will inhibit Bali while struggling to fight illicit drug abuse to establish a safe and healthy tourist site (Table 2).

Based on the data above, even though the Covid-19 global pandemic has a massive depression on Bali’s tourism visits, it does not significantly reduce the drug crime rate. Compared to 2019, when the virus has not existed, the number of drug cases in Bali decreased by 6.38% in 2020 with 806 cases and 19.16% in 2021 with 696 cases.

This data describes the primary drug market in Bali as a local itself. Drugs remain to circulate without tourists’ demand. Moreover, the Head of Badan Narkotika Nasional Province of Bali, Gde Sugianyar Dwi Putra, said, some of the offenders which conducted to drug crime in Bali remain high in the covid-19 era and are used to working in the tourism business. In other words, Balinese, who used to rely on tourism revenue, try to seek any job which could give them rapid money, such as the drug business.

Other data above notifies the number of drug offenders in Bali, done by local people, relatively high, with a range of 40–44% of total offenders each year. It describes drug

Table 3. Data of Drug Offenders 2019–2021

Year	Drug Offenders	Balinese	Immigrant	Foreigner
2019	957	390	508	59
2020	977	403	546	28
2021	859	449	387	25

Source : BNNP Bali and Drugs Directorate Regional Police of Bali

Table 4. Arrival and Departure of Foreigner through Ngurah Rai Airport on June 2022

NO	COUNTRY	AMOUNT
1	AUSTRALIA	61,855
2	INDIA	17,425
3	SINGAPORE	13,189
4	UNITED KINGDOM	11,687
5	UNITED STATES OF AMERICA	10,374

Source : Immigration, 2022

Table 5. Arrival and Departure of Foreigner via Tanjung Benoa Seaport on June 2022

NO	COUNTRY	AMOUNT
1	AUSTRALIA	8
2	THAILAND	4
3	UNITED STATES OF AMERICA	3
4	UNITED KINGDOM	3
5	SELANDIA BARU	3

Source : Immigration, 2022

syndicates, classified as corporate crime, using Balinese to fuel various sectors of this crime. Start from supplier, courier, and buyer until the end user.

Bali became more fragile from the drug smuggling threat considering its position which in the centre of Indonesia. This island is a suitable transit area for drug distribution for Indonesia’s domestic market. Either smug drugs heading to west part of Indonesia such as Sumatera and Java Islands, middle area are to Kalimantan and Sulawesi Islands, or to east part such as Maluku and Papua Islands.

Moreover, Bali also being located next to Australia, a country known for one of the highest drug selling prices in the world. Consequently, drug smuggling into Bali could be more sporadic.

Based on the data below, international drug syndicates could utilize tourism business intensity in both countries as a camouflage. More than 50% of total foreign tourists are Australian. Whether they came through Ngurah Rai International Airport or Tanjung Benoa seaport, international traffic activity dominated from Australia. (Data of Indonesia Immigration, 2022) (Tables 4 and 5).

Those conditions caused drug law enforcements in Bali, whether police or BNN, still overwhelming on drug crime eradication in Bali. As long there are no support and assistance from each element of society, the drug-free status will be impossible to reach.

Meanwhile, when illicit drugs still easy to get in around, means Bali still considered as tourism site which could not fully ensure tourist convenience due to threat distraction from drug crime.

Pecalang is an essential element of Balinese society, which could be useful to solve the problem above. Their image so far as a respected figure on security and orderliness matter in Bali's customary community would be fruitful in helping drug law enforcement. Such as detecting and preventing members or villagers from conducting drug abuse and illicit trafficking.

Nevertheless, *pecalang's* drug concern legalization is needed regarding their limited authority on religious and customary activity given by existing law so far.

Based on those backgrounds above, problems could be summarized: what are *pecalang's* role and task due to existing regulations, and how to empower *pecalang* on drug matters to embody drug-free Bali Tourism.

1.2 Methods

This study follows a qualitative approach. Starting with a discussion of issues pertaining to qualitative research methods in general, it is highlighted that exploration is central in most qualitative research, and the consequences this has on the planning and conduct of qualitative studies are discussed.

Data collection techniques carried out in this study were observation and interview with the Head of BNNP Bali (Informant 1), Head of Investigation Supervisor of Drugs Directorate of Bali Regional Police (Informant 2), Head of Customary Bukian Village (Informant 3), Head of Sangsit Customary Village (Informant 4), Head of Pemecutan Kelod Tantra Village, Denpasar City (Informant 5), Secretary of Kuta Customary Village (Informant 6), Head of PDIP Faction of Gianyar Regional House of Representatives (Informant 7), Secretary of Bali Government Tourism Office (Informant 8), Outlet Manager Boshe VVIP Karaoke Bali (Informant 9), and General Manager Executive Karaoke Bali (Informant 10).

This research also uses a quantitative approach by collecting and analyzing all the law instruments related to *pecalang* role and authority. Starting from the highest law in the hierarchy, the constitution of the Republic of Indonesia, until the lowest legal basis, such as regional or customary regulation.

The legalization process of making or legal drafting on *pecalang's* authority on drug enforcement will also be discussed in this paper. As a purpose to build a firm analysis basis for making an effective and efficient regulation to empower *pecalang* to embody drug-free Bali tourism.

1.3 Theoretical Basis

In social life, George Herbert Mead wrote about symbolic interactionism presence, is a social definition paradigm stressing on society life which established by interaction and communication process, intertwined on each individual and community using understandable symbols through a learning process.

Mead discusses how someone could interact with others, using both verbal communication and nonverbal communication, such as symbols, which is a social object which could be functioned to represent anything that has been agreed.

For Balinese customary society, *Pecalang* has been considered as a symbol to representing security aspect. Written by Lontar (Balinese's thought manuscript) Purwadigama, obligations of *pecalang* are:

1. *Ngupadesa, pecalang* must stay close to *Pakraman* Village and their people. Therefore, communication is more guaranteed in term of guiding villager (*krama*).
2. *Atitikarma, pecalang* should always giving right guidance to villagers. That guidance could be a direction, or figure. *Pecalang* must giving a good example for villagers, because of their charisma and authoritative.
3. *Jaga Baya Desa, pecalang* must maintain security by patrolling on *Pakraman* Village to avoid villagers from danger.

This research describes facts, roles, and social behaviours of *pecalang* which occur in Bali's customary society life, running those above obligations. It will fulfill empty laws in terms of empowering *pecalang* on drug matters. Depart from law-making (*rechtsvorming*) theories, then applied with hierarchy theory. Start from grund norm constitute on law idea/purpose Balinese written in *awig-awig* and *pararem*. Both regulations are living laws for Balinese, mean regulations which applied in ongoing social life interactions, sourced from customs and habit.

This living law modification will be formed into a broadly applied regulation, such regional law of Bali Province. Legalization could be formed into the policy (*beleid*) from high-level law enforcement, as long it could give authority to *pecalang* directly involved in drug crime eradication in Bali.

2 Discussion

2.1 Pecalang on National Law

For Balinese, *pecalang* is an icon for customary village security. Guardian figure with identical tridatu colors; red, black, and white. *Dressed kamen, saput poleng* (sarong) and *udeng* (headband). Tucked little flower at the ear, and *creese* on waist.

Ngurah Oka Supartha (1999) defines *pecalang* as derived from *celang*, which means sharpness of sense. Thus, *pecalang* must *celang* while *melanglang* (walking around) in their *pelemahan* (territory) to maintain the village's security and orderliness. (I Gde Parimartha, 2004:86).

On *Lontar Purwadigama* mentioned above, the primary role of *pecalang* is to maintain customary and religious events. It could be extended to any event which participating multitude of people, as long its event held in the customary village.

Anything that were written and regulated in that *lontar*, will apply and adjust to every regulations in Bali. Start in *awig-awig* (customary ground norm), *pararem* (customary village regulation), regional law, until national wide law.

Those kinds of laws, reflect a socio-cultural heritage manifest of Balinese, are the vital foundation for building a useful regulation in Bali. As Mochtar Kusuma-Atmadja said, politics of law in Indonesia should enrich by customary acculturation, which sociological normative linear with politics of recognition towards customary society.

Whereas Mochtar has well known with his 'development legal theory', which established from Roscoe Pound thought about 'law as a tool social engineering'. Namely, law expected as a role to changing social values on society.

However, on the other hand, the law also tends to be changed to comply with needs and developments in society. Sooner law could respond voice of change and impact to contribution measurement of that law. Otherwise, if the law drives slow in responding to people's transformation, less its role in changing people regarding they are already changed themselves. In this term, law act as ratification and legitimacy only. Law cannot change people. Development has changed it yet.

Thus, Indonesia's constitution has given autonomy to each region to handle their security matter. Article 18b paragraph (2) The 1945 Constitution written, The State recognizes and respects traditional communities along with their traditional customary rights as long as these remain in existence and are following the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law.

As a mandatory constitution response, Act Number 2 the Year 2022 about the Republic of Indonesia Police facilitates that right by mentioning a *swakarsa* (society security). In article 3 paragraph 1 (c), *swakarsa* security as a backup section on police function, biting with special police and government office investigator.

Specific in Bali, the first local government regulation that applied *swakarsa* security was Bali Regional Law Number 3 2003 about Pakraman and Customary Village. Article 1, paragraph 20, said that:

"*Pecalang*.....is a traditional security task force of Balinese who have authority to protect security and orderliness territory, both in banjar pakraman (small scope) and or pakraman (village territory)".

Then in article 17, defines roles of *pecalang* are:

1. The security and order of the village area of traditional village is carried out by *pecalang*.
2. *Pecalang* perform security duties within the village of traditional village in relation to the implementation of customary and religious duties.
3. *Pecalang* appointed and dismissed by the traditional village based on village regulation.

Nevertheless, this regulation gives authority for *pecalang*, only to religious and customary activity. Until 2019, by issued Bali Regional Law Number 4, written on article 43 paragraph 3, *pacalang* has also had the task of helping law enforcement after coordinating with the village leader.

Contribution of *pecalang* on Balinese security, contrasted by Regulation of Republic of Indonesia Police number 8 the Year 2021 about Restorative Justice. Several articles of that regulation, legislate the role of customary society figures on law enforcement. Elevating this potential society such as *pecalang* in Bali, is meant to guaranteeing legal utility and sense of justice in society in Indonesia.

2.2 Legalization of Pecalang on Drug Crime Eradication

Drug crime is one of the crimes regulated by international convention, along with terrorism crime, counterfeit money crime, civil aviation crime, and other crimes. Characteristic of international crime is a crime which endanger human kind.

Pecalang should already take a role in drug matters, considering its harmful effect on the people of Bali. Instead, based on Table 3 (Data of Drug Offenders in Bali from the year 2019–2021) above, most offenders of a drug crime are Balinese.

Legalization is needed to fulfil an empty regulation about *pecalang*'s authority on drug enforcement in Bali. Because when the law is still in empty space, there is no gravitation to bond law with the social circumstance in order to reach its utility on purposing three goals; justice, orderliness, and certainty.

The legal basis of the hierarchy of regulation for legalization *pecalang* has been outlined above. Besides ensuring legal justice and certainty, the hierarchy of regulations must be done to maintain consistency and compliance principal towards positive law in Indonesia.

Even there is still no national law which mentioned or regulated *pecalang* authority on drug crime enforcement, but fact shows that some customary villages already have a local regulation which raised *pecalang*'s role criminal matter.

One of customary villages who has legal basis for *pecalang* involving in drug crime eradication effort is Lebah Customary Village, which is located at Bukian Village, Payangan Subdistrict, Gianyar Regency. This village has owned *Pararem* Number 01/DP.Lb/III/2018 about Sukerta Tata Pawongan Orderliness, Security, and Free from Drug Abuse and Illicit Trafficking, and or it is kind.

Perbekel (head) of Bukian Customary Village I Made Junarta explained, that *pararem* was made by a *paruman* (deliberation) process. Each member customary village has a right to speak up when drafting it.

On that *pararem*, drug matter supervision was still occupied by the village leader, *karma* (people), and *pecalang*. Later, specific authority which given for *pecalang*, applied on Decree of *Perbekel* (Head) Bukian Number: 37.S Year 2020 about Establishment of Drug Cadet. This group has several tasks:

- a. Conduct supervision and education toward youth in Bukian Village, especially who gather until late at night
- b. Conduct supervision on people behaviour who used to gather for a drink until late at night
- c. Doctrine and raise people awareness on drug harm for people in Bukian Village.

Junarta continues, there is one body of *pecalang* in Bukian Customary Village, which consist of 24 members. Right now, those *pecalang*s which assigned as drug cadet of

Bukian Customary Village, has given authority only on early detection, yet enforcement actions. Their main tasks are supervising and giving advice to member of village. As mentioned on interview with Junarta:

“...pecalang or member of drug cadet in Bukian Customary Village, can only supervise and educate teens for avoiding drugs or any substances which could make them drunk. But if somehow we found member of our village, caught using drug, we cannot process him/her with our ways such as kinship effort or customary trial. So, if we found someone uses drug, we still must report to police or BNNK Gianyar to process, in order to get national law punishment.” (Interview with informant 3 on 11 July 2022, time 11.35 WITA).

Another village who has a similar *pararem* is Sangsit Dauh Yeh Customary Village, Sawan Subdistrict, Buleleng Regency. According to the Head of Sangsit Customary Village, I Wayan Wissara, his village has *Pararem* Pangeling Number 3 in the Year 2021 about Drug and Any Substance Abuse. There are three phrases customary punishment for a drug abuser in Sangsit Village. Lightest punishment is conducting a ceremony with the intention of him/her self-cleaning, and also as form of apologizing to God. If the villager who commit drug crime for more than one, he/she must pay a fine one kilogram of rice multiplied by the total number of villagers. Those rice fine will distributed to all members of village.

For complete explanation, Wissara said that:

“...if we caught someone uses drug, or there is our member of village voluntary report that he/she is drug abuser, first thing to do is purify him/herself by pray in three kinds of *Pura* (Hindu’s place of worship), in purpose to get God’s mercy. Then we send him/her to BNN to get rehabilitation. If he/she does it (drug abuse) again, must pay rice as much as one kilogram multiplied by the total number of villagers. If that fine did not paid, we will not help him/her to hold any religious or customary ceremonies until the fine is paid. If the crime (drug abuser) has already conducted more than three times, we punished *sepekang*, by removed from the village so he/she is not listed anymore as our member of village. Each phase of those customary sanctions will not applied for him/her only, but also enacted to his/her family. So member of our village will think twice before commit such crime, because it will not suffered to themselves, but also will complicate their family on cultural social life. And Balinese are tortured if receive customary sanction from the village. (Interview with informant 4 on 12 July 2022, time 14.15 WITA).

Chief of BNNP Bali Gde Sugianyar Dwi Putra said, recently in all around Bali, there are 137 villages which have anti-drug *pararem*. However, most of that *pararems* have not regulated about *pecalang* or any local guardian officer authority, yet. Furthermore, those *pararems* have not threatened drug offender by customary punishment, as additional punishment which has already threat by national law.

Through ‘*Desa Bersinar*’ program, Putra continues, BNNP Bali will keep encouraging the participation of every element of customary society to fight illicit drugs. Because, member of customary village will more afraid of customary punishment, rather than other sanctions on national law, with complete explanation on below (Table 6):

“.....most of Balinese more afraid to customary punishment, because they said it (customary punishment) surely to be done. Once you got that punishment, it will be

Table 6. Number of Desa Bersinar (2020–2022)

No	BNNP/BNNK	Jumlah Desa Bersinar		
		2020 (Non DIPA)	2021 (DIPA)	2022 (DIPA)
1	BNNP Bali	-	1	2
2	BNNK Badung	1	2	3
3	BNNK Gianyar	7	2	3
4	BNNK Denpasar	2	2	3
5	BNNK Klungkung	-	2	3
6	BNNK Buleleng	-	2	3
7	BNNK Karangasem	1	2	3
Total		11	13	20

(Source: BNNP Bali, 2022)

recorded forever until you finished or executed that punishment. That's why, it will very helpful if all customary villages in Bali, has pararem about drug matter which adding some customary punishment to frighten society before commit drug crime such as drug abuse and illicit drug trafficking. But we (government) cannot order them directly to customary village, to create anti-drug pararem on their own village, which consist of pecalang authority on drug enforcement. Each customary village in Bali has own autonomic right. We are unable interfere it. (Interview with informant 1 on date 13 July 2022 time 09.30 WITA).

The presence of pararems about drug matter is a key phase of legal development in Bali, in order to boost eradication effort of drug crime. Have a same crucial foundation as lontar and awig-awig, pararem is an embryo before establish the regional or national law, that have a wide enactment. With hope, that new regulation will not only applied for slightly community such as village member.

This situation aligned with Eugene Ehrlich's theory about sociological jurisprudence. He writes, positive law will be applied effectively if consist or aligned with living law in society.

Demand of a new regulation to fulfill an empty regional law on drug enforcement based on local wisdom heritage in Bali, also perceived by legislative council as representative of Bali's society.

As mentioned by Head of PDI-P Fraction House of Representatives of Gianyar Regency, I Ketut Sudarsana, it is time for Bali to have regional law which consist of pecalang's role acknowledge in drug crime eradication effort.

Sudarsana would persuade his relatives to initiate the establishment of regional law about pecalang authority on drug crime. That new law is a codification of pararems from customary villages in all around Bali. For detailed, he said that:

"The situation is already very urgent right now. I have seen facts or heard news quite much in society, how many our youngsters have been contaminated by drugs, and become victim of drug abuse. I know it will be hard due to autonomic right of each village. But we can use our (legislative council) initiative right to drive villages to empower their pecalang for drug crime eradication. We can also collect all academic thought from universities (academic script) which related on this matter, as basis for us to establish that new law and also as a part of legal drafting process. We will keep sounding and educating people, how important this demand of pecalang legalisation to helping

police and BNN on fighting against drug. Our goal is to have regional law with wider enactment, not applied on certain society. Besides consist of pecalang authority, that new law will also consist of customary trial mechanism and customary punishment for drug crime offender.” (Interview with informant 7 on 13 July 2022 time 09.30 WITA).

2.3 Embody Drug-Free Bali Tourism

Secretary of Bali Government Tourism Office Ketut Ngurah Trisni Sakawati said that role of pecalang is needed by tourism industry in Bali, due to their job to maintain security in village and its surrounding areas including tourism site.

Moreover, Sakawati explain that security and orderliness are the main elements of ‘Cipta Pesona’, a program mandated by the Decree of Tourism, Postal and Telecommunication Minister Number KM.5/UM.209/MPPT-89. Those elements must be contained in every tourism product as a quality benchmark, including cleanness, coolness, beauty, hospitality, and memory. Additional explanation, Sakawati said that:

“Security is very crucial in Bali, especially to tourism sector which most of Balinese rely their live on that. For example, we need years to get tourist confidence after Bomb Bali tragedy. Drug crimes will effect to tourist convenience. They do not want to travel to a place with surrounded by drunken people by drugs. As we know, drug crime could also triggering other crimes. It will make tourists more uncomfortable, and hesitant to go to such a place.” (Interview with informant 8 on 15 July 2022 time 09.00 WITA).

In his dissertation, I Putu Gelgel wrote, customary body gives valuable contribution towards law establishment, especially in the tourism sector in the middle of service trade globalization. Pecalang has the most potential to maintain tourism security and orderliness.

Several customary villages, especially which has tourist sites on their territory, have already considered about the important role of pecalang on maintain security in their village from drug crime. Nevertheless, they still face problems with drafting pararem so that its content will not contradict national law.

For example, Pemecutan Kelod Tantra Village, Denpasar City. I Wayan Tantra, head of this village, said that actually his village has also realized about important of pecalang’s role to eradicate drug crime. Therefore, Pemecutan Kelod Tantra Village has revised their awig-awig, adding authority of their 105 pecalangs to secure entertainment sites in village area, from drug abuse and illicit trafficking. Process of that Kelod Tantra Village new legal drafting, Tantra said on below:

“More than two months we have already sent that new awig-awig to our majelis (house of custom). In that new awig-awig, we adding the new role of pecalang, about the power on drug crime eradication. I think, why it (new awig-awig) still on process, because maybe they (Pemecutan Kelod Tantra Village house of custom) carefully reviewing, to avoid contravene towards Bali positive law. Such as their (pecalang) incoming authority. We hope pecalang authority will not overlapping with police or BNN authority. (Interview with Informant 5, on 11 July 2022 time 18.45 WITA).

Another village which has also drafted pararem on maintain tourist site from drug crime, is Kuta Customary Village, Badung Regency. Secretary of Kuta Customary Village I Nyoman Setiawan said, that new pararem draft already sent to Kuta Customary

Village's house of council since three months ago. Nevertheless, Kuta Customary Village will not assign pecalang to guard tourist site which located in the village, such as entertainment centre. Setiawan explained the reasons are below:

"We keep put pecalang in Kuta Customary Village, which right now totalled 68 members, to maintain security on religious and customary activity in our village, and will not add another task outside that main job. Because, in our thought, pecalang is very precious. We protect the holy of their wardrobe which attached on their body, not the person. It is not proper for pecalang using their wardrobe which reflecting some Balinese customary values, entering and hanging around entertainment site such karaoke, club and pub. That's why, we create jaga bhaya to replace pecalang, and assigning them to do besides religious and customary matters, which could also distracting security of the village. Such as garbage issue, gepeng (beggar) control, including criminal issue like drug abuse or illicit drug trafficking." (Interview with informant 6 on 11 July 2022 time 13.55 WITA).

Responding to several villages eager to have a new law on drug matter in their local society but facing problems on the process, Gde Sugianyar Dwi Putra said he would help it by accelerate advocacy on *pararem'* legal drafting. Through Prevention and Society Empowering Department, BNNP Bali will gather those customary villages to held forum discussion group as dialogue tool to solve that legal drafting issue.

The necessity of pecalang to maintain security of entertainment sites also came from the private sector. As mentioned by Wayan Armawan, General Manager of Executive Karaoke, pecalang is intentionally hired as his security officer to reticent another employee before offering the drug to a guest. Armawan states that:

"Free-drugs is our (managerial and owner) basic commitment before run Executive Karaoke. Thus, despites some sudden inspections were held by police or BNN, we also held such inspection by internal, routinely twice until four times in a year. Even though we got some 'complains' from guests because does not provide drugs, we keep stand on that principal. And we rely on ex-pecalangs who work as security officers in here, to clean our site from illicit drug. Weather it come from guest, or internal employee." (Interview with informant 10 on 16 July 2022 time 17.10 WITA).

Nevertheless, some entertainment operators did not automatically recruit local pecalang as their security officer to guard their site. Outlet Manager Boshe VVIP Karaoke Bali Ade Setiawan said, most pecalangs from surround village could not be hired because lack of administration requirements. According to Setiawan, board of Boshe VVIP Karaoke Bali required guard certificate from the police department, with explanation as below:

"....on security and local wisdom context, it is very important for us if pecalang or jaga bhaya could work for us. Regarding their dual functions; guard guest including our place, and also obey by other employees in order to preventing them conducting crime such as drug crime. If someday Bali has a new regulation which empowering pecalang on drug crime enforcement, that is very good. So we will not waiting police anymore, to take action toward drug offender in our area.

But so far, we must recruit security officers who were pecalangs in outside Kuta Village. Because, quite difficult for us to recruit local pecalang, due to lack of certificate,

to ensure their skill on security matter could be fruitful for quality of company service. (Interview with informant 10 on 11 July 2022 time 16.20 WITA).

No wonder, if private sector demanding on needs mentioned above. Despite his known as a tourist site with vital traditional cultural characteristic, Bali is also known as a tourism site in Indonesia which concerned with globalization liberal economic values. Thus, no wonder if Bali' tourism operators prioritize quality above all.

Therefore, Bali's legal development, which oriented local wisdom like pecalang, should also consider the growth of tourism industry. In purpose, the legalization of pecalang to embody drug-free Bali tourism could grant happiness and welfare to every element of Balinese.

3 Conclusion

Every territory which applying a law, need society engagement in order to reach justice, orderliness, and certainty of its purposes. On drug matter, those purposes are needed for drug crime eradication effort in certain area.

Bali, with his various heritages of culture, has essential entity on social engagement to fight drug abuse and illicit drug trafficking. One of those heritages that could be raised up is pacalang.

Pecalang, who live and exist among society every day, could be an advantage for helping Bali and also Indonesia, which still struggling to exit from the drug's emergency status. Their respected figure in customary society life could be utilized to prevent a customary village citizen from committing drug crime.

Empowering existence of pecalang in Balinese customary community, could be also useful for helping drug crime enforcement on early detection of this crime in the society. Partnering pecalang with drug law enforcement such as BNN and police, on fighting drug offender, could be advantage for Bali to optimize the efforts on eradicating drug abuse and illicit trafficking.

Demands of pecalang role on drug crime eradication in Bali, also came from each element. Not only from government which represented by BNN and Police Department that will be very helpful for empowering pecalang on drug crime eradication, Balinese society has also troubled by this crime considering its potential to harm young generation.

On tourism aspect reason which sustain Balinese revenue all this time, distancing drugs and other substances from tourism site, is a must. Anything will ruin convenience of tourist such as drug crime, must avoided from Bali.

No wonder, if each element which related in tourism business such as government, villager, and tourism operator, get along to raise pecalang's role in guarding tourism site from drug offender.

However, the legalization of pecalang's authority on drug enforcement must be concerned due to limited authority on religious and customary activity given by existing law. There is still empty law in Bali, which give role of pecalang on drug crime eradication.

Establishing regional law could be an option for Bali to give pecalang role on drug crime enforcement. The new regional law, is a codification of customary village laws such as pararems, considering the hierarchy of regulation to ensure legal justice and

certainty. Furthermore, this Bali's legal development granting maintains consistency and compliance principal towards positive law in Indonesia.

To empower pecalang on drug crime eradication, must also consider tourism industry growth. Thus, their legalization to embody drug-free Bali tourism could provide happiness and welfare for every element of Balinese who rely their lives on this aspect.

Bibliography

1. Kompas Onlione. Imbas Pandemi, Banyak Pekerja Pariwisata Tertangkap Jadi Pengedar Narkoba di Bali. (2021, June 28). <https://regional.kompas.com/read/2021/06/28/193249778/imbas-pandemi-banyak-pekerja-pariwisata-tertangkap-jadi-pengedar-narkoba-di?page=all>.
2. MOEN, K. And MIDDELTHON, A.-L. Qualitative Research Methods. In Laake, P., Benestad, H.B., and Olsen, B.R. (Eds.) *Research in Medical and Biological Sciences: From Planning and Preparation of Grant Application and Publication*. Academic Press. 2015. pp. 321–378.
3. Ritzer, George. (2010). *Sosiologi Ilmu Pengetahuan Berparadigma Ganda*. Jakarta, PT Raja Grafindo Persada. Pp. 58–59.
4. Ibid p. 395
5. Widia, I Ketut & Nyoman Widnyani. 2010. *Pecalang Benteng Terakhir Bali*. Denpasar:Paramitha.pp.1.
6. Cut Asmaul Husna TR. Penemuan-dan-pembentukan-hukum-the-living-law-melalui-putusan-hakim. from <http://nursuciramadhan.blogspot.com/2012/10/sejarah-lahirnya-sosiologi-hukum.html>.
7. Shidarta. Mochtar Kusuma-Atmadja dan Teori Hukum Pembangunan: Eksistensi dan Implikasi. Jakarta: Epistima Institute. 2012. p 215.
8. Munir Fuadi. *Teori-Teori Besar (Grand Theory) Dalam Hukum*, Jakarta: Kencana Prenamdeia Group. 2013. p 248.
9. Munir Fuady. *Sosiologi Hukum Kontemporer “Interaksi Hukum, Kekuasaan, dan Masyarakat”*. Jakarta: Kencana. 2011. p 61.
10. R. Makbul Padmanagara, *Kejahatan Internasional, Tantangan dan Upaya Pemecahan*. Jakarta: Sinar Grafika. 2013. p. 23.
11. Dian Agung Wicaksana. Implikasi dan Re-Eksistensi Tap MPR dalam Hierarki Peraturan Perundang-undangan terhadap Jaminan atas Kepastian Hukum yang Adil di Indonesia, *Constitution Journal*, Vol. 10 Number. 1. Maret 2013. pp. 151–152.
12. Sardjono, *Kerjasama Internasional di Bidang Kepolisian*. Jakarta: NCB Indonesia. 2014. pp.135.
13. R. Otje Salman, *Beberapa Aspek Sosiologi Hukum*, Cet. 1 (Bandung: Alumni, 1993), pp.1.
14. I Putu Gelgel. *Kearifan Lokal Masyarakat Bali Dalam Pembangunan Hukum Pariwisata di Tengah Arus Globalisasi Perdagangan*. Semarang: Disertasi Program Doktor Ilmu Hukum Universitas Diponegoro. 2007. p 334.
15. Isharyanto, Maria & Ayub. *Hukum Kepariwisata dan Negara Kesejahteraan (Antara Kebijakan & Pluralisme Lokal)*. 2019. Jakarta: Halaman Moeka Publishing. p. 138.
16. Isharyanto, Maria & Ayub. *Hukum Kepariwisata dan Negara Kesejahteraan (Antara Kebijakan & Pluralisme Lokal)*. 2019. Jakarta: Halaman Moeka Publishing. p. 138.

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