

Indications of Discrimination in Regional Regulation Against Migrants in Bali (Bali Regulation Number 4 of 2019)

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Abstract

This study aims to find out the background of the formation of *Peraturan Daerah* (Regional Regulation – Regional Regulation) Number 4 of 2019. The researcher found that there is an effort by the Bali provincial government to provide a legal umbrella to the Customary Village in regulating its citizens and forming *awig-awig* or village rules respectively as a customary village. But the migrants in Bali who are mostly Muslims in Bali feel this is a form of discrimination. To analyze this problem the author uses qualitative research. Primary data sources are from the Bali Provincial Legal Bureau, from the Village Development Office, Traditional Village administrators, and migrants in Bali. Meanwhile, migrants on the island of Bali, the majority of whom are Muslims, feel that the Adat Village regulation as the embodiment of Regional Regulation Number 4 of 2019 is a discriminatory regional regulation because it provides a legal umbrella for the implementation of fees/collections carried out by Adat Villages in Bali. There is also competition or competition such as in the economic field, migrants or *tamiu* who live in Bali to try their luck and make a living are considered obstacles for residents. The 2011 bombing incident was also the peak of the conflict because the perpetrators were migrants/*tamiu* in Bali. This research finds that the relationship between Islam and Hinduism in Bali appears to be harmonious, but in fact it is shrouded in several hidden conflicts called Pragmatic Tolerance. The contribution of this research is expected to benefit the meaning of religious moderation in the scheme of real religious tolerance in Indonesia.

Keywords: Discrimination, Migrants in Bali, Regional Regulations

Abstrak

Penelitian ini bertujuan untuk mengetahui latar belakang pembentukan Peraturan Daerah (Perda) No. 4 Tahun 2019. Peneliti menemukan bahwa ada upaya dari pemerintah provinsi Bali untuk memberikan payung hukum kepada Desa Adat dalam mengatur warganya dan membentuk awig-awig atau aturan desa masing-masing sebagai desa adat. Namun masyarakat pendatang di Bali yang sebagian besar beragama Islam di Bali merasa hal ini merupakan bentuk diskriminasi. Untuk menganalisis masalah ini penulis menggunakan penelitian kualitatif. Sumber data primer berasal dari Biro Hukum Provinsi Bali, dari Dinas Pembangunan Desa, pengurus Desa Adat, dan warga pendatang di Bali. Sementara itu, masyarakat pendatang di Pulau Bali yang mayoritas beragama Islam merasa bahwa peraturan Desa Adat sebagai pengejawantahan dari Perda No. 4 Tahun 2019 merupakan Perda yang diskriminatif karena memberikan payung hukum terhadap pelaksanaan pungutan/iuran yang dilakukan oleh Desa Adat di Bali. Ada juga persaingan atau kompetisi seperti di bidang ekonomi, para pendatang atau tamiu yang tinggal di Bali untuk mengadu nasib dan mencari nafkah dianggap sebagai penghalang bagi warga lokal. Peristiwa pengeboman tahun 2011 juga menjadi puncak dari konflik tersebut karena pelakunya adalah warga pendatang/tamiu yang ada di Bali. Penelitian ini menemukan bahwa hubungan antara Islam dan Hindu di Bali yang terlihat harmonis, namun sebenarnya diselimuti oleh sejumlah konflik tersembunyi yang disebut dengan Toleransi Pragmatis. Kontribusi penelitian ini diharapkan dapat memberi manfaat bagi pemaknaan moderasi beragama dalam skema toleransi beragama yang sesungguhnya di Indonesia.

Katakunci: Diskriminasi, Migran di Bali, Peraturan Daerah

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Received: April 14, 2023; Revised: May 10, 2023 ; Accepted: May 31, 2023

INTRODUCTION

The flow of migrants from outside Bali is increasing, not only does income or employment increase but of course social problems such as housing, pollution, economic competition, crime have also increased. The government is then tasked with curbing the immigrant population by involving traditional villages (Larantika, 2017). The government considers it necessary to regulate these migrants, so the issuance of Bali Province Regional Regulation Number 4 of 2019 is to maintain the ongoing power and authority of traditional villages in Bali (Satriana & Dewi, 2019; Sugiantiningsih et al., 2019). This regulation separates population categories based on the differences between the local/indigenous Balinese population and the immigrant population, most of whom are Muslims. The following categories are 1) *Krama Desa Adat* 2) *Krama Tamiu* 3) *Tamiu*. Migrants from outside the island of Bali, the majority of whom are Muslims, feel discriminated against by Bali Regional Regulation Number 4 of 2019.

Regional Regulation of the Governor of Bali Number 4 of 2019 is the basis for each traditional village to establish *Awig-awig*, which is a rule made by *Krama Desa Pakraman* and or *Krama Banjar Pakraman* which is used as a guideline in the implementation of *tri hita karana* (*Tri Hita Karana* is a life that is prosperous, happy and sustainable), according to the village *mawacara* (*Mawacara* is Distinctiveness, each region has a distinctiveness that is different from other villages) and *dharma* (*Dharma* is the obligation, rules and truth) of religion in each Pakraman village / *Banjar Pakraman*" (Referring to Article 1 Number 11 of Bali Provincial Regulation Number 3 of 2001 concerning Pakraman Village). This *Awig-awig* also contains the rights and obligations that must be carried out by the population category determined by the Bali Regional Regulation Number 4 of 2019.

Studies on Bali's Regional Regulation Number 4 of 2019 on customary villages have mostly written about the application of customary villages and their systems. So far, studies on Bali's Regional Regulation Number 4 of 2019 have not been linked to rules that discriminate against migrants from the different categories stipulated by the Regional Regulation, such as: (1) The results of research by Ni Luh Ernawati et al, conveyed that Regional Regulation Number 4 of 2019 concerning customary villages is a legal umbrella to serve as a guideline for all customary villages in making *awig-awig* or legal village regulations so that *tamiu* can be disciplined (Ernawati et al., 2020); (2) The results of research by I Gusti Agung Putu Sutarja found that indigenous villages have the authority to regulate their own villages, including levying fees on non-permanent residents without coercion (Sutarja, 2021); (3) Hasan's writing in his findings states that the levies made are not much different from the concept of *jizyah* in Islam, but security guarantees such as *jizyah* are not equally felt by all immigrant residents (Hasan, 2013); (4) Interestingly, research from Ainna Amalia and Ricardo Freedom Nanuru with the title Religious Tolerance of the Balinese, Papuans, Moluccans. This study used a survey method by taking a sample of 282 respondents and found that the Balinese people who are Muslim minority areas still have high tolerance for adherents of other religions (Amalia & Nanuru, 2018). The above studies are more likely to levy funds on migrants outside Bali related to the legality of the Bali Regional Regulation Number 4 of 2019 made, there has been no specific discussion about the immigrant population who feel discriminated against by the regional regulation. Although there is research that Bali is a tolerant city with a Muslim minority.

This study aims to explore the background to the formation of this regulation, of course no regulation is born without a background of urgency. In contrast to previous studies that have written about the legality of customary villages with the issuance of this Balinese regulation or about the study of the levies of each customary village that are justified based on the legal umbrella of Local Regulation No. 4 of 2019, the focus of this study is to convey the background that led to the issuance of this regulation. The researcher argues that this local regulation is discriminatory even though the aim of the local regulation is to bring order to the immigrant population in some writings. But it begins by categorizing residents and then justifies levies based on the *awig-awig* of each customary village. Some writings justify that the bylaw gives a legal to traditional villages in

issuing village *awig-awig* but the *awig-awig* creates rules that discriminate especially against migrants in Bali.

RESEARCH METHOD

The object of this research is Bali Regional Regulation Number 4 of 2019, which is perceived by migrants as a discriminatory regional regulation. This regulation is the legal basis for each customary village to enact *Awig-awig* or customary village rules to collect fees for residents according to categories based on Bali Regional Regulation Number 4 of 2019. It is important to know the background of the formation of this regional regulation, because as the message of articles 27-34 of the 1945 Constitution of the Republic of Indonesia that every citizen has the same rights and obligations.

This research is qualitative research, which is a case study conducted in detail and in depth on this case (Maxwell & Reibold, 2015; Tracy, 2016). Primary data sources are from the Bali Provincial Legal Bureau, from the Village Development Office, Adat Village administrators, and migrants in Bali. Secondary data supporting this study are books, texts, online news related to the theme of this research.

Data collection methods are observation, interviews, unstructured documentation conducted by both migrants in Bali and the Balinese government. Data analysis, the concept is reduction, where randomized data becomes dense data, display is done to explain the data presented into categorization to give birth to themes that are used as discussion.

RESULTS AND DISCUSSION

Examining Multicultural Regulations

The causes of inter-religious discrimination in Indonesia are *first*, because of the different understanding of the teachings of the differences in reason. Differences in doctrine also become very sensitive things such as differences in ethnicity, religion, culture and the differences in the majority and minority become conflict factors and lead to discrimination. *Second*, is the function of the government and society as leaders on this earth must be able to prevent conflict by socializing the rules that become the basis of interfaith harmony in the 1945 Constitution and Pancasila. The state must also take decisive action if there is a conflict that causes discrimination (Rumagit et al., 2019).

Denny JA noted that in the 15 years after the reformation, the scale of violence and discrimination that occurred was at an alarming level. His foundation noted that violence and discrimination after 1998 had caused more than 10,000 people to die. Since the reformation, a total of 2,398 cases of violence have been recorded, but the most dominant is not New Order-style ideological violence but primordial violence due to differences in identity, especially issues of religion / religious understanding, and ethnicity (Denny, 2014).

Kana Mizuno's article *Multiculturalism in Australia: Migration Policy and Its Economic Benefits* found that Australia is one of the most successful multicultural countries in the world. However, it was initially intolerant to accept immigrants with a long history. Australia sets its immigrant policy into three categories. The first category is skills, family, and humanitarian. The skills category requires educated people who are needed for labor contribution. The family category requires people who are related to the skills category while humanitarian refers to political and economic refugees. The Australian government gives more effort to the skills category as the main migrant in Australia (Kana, 2021).

In Bali there are two types of villages, *pakraman* villages or customary villages that have existed from time immemorial and official villages that exist in law (Adnyani et al., 2016; Karim, 2016; Suadnyana, 2020). These two villages run in the same direction and there is no overlap. Only in Bali is it also known as the official village whose lower structure is the *dusun* and neighborhood head (Ardana et al., 2020; Segara, 2019; Sutama et al., 2018), while the *pakraman* village or

traditional village consists of and then each of them has a *kelihan*. In *dinas* villages the village head is called *perbekel*, in *pakraman* villages he is called *bendesa*. *Pakraman* villages have their own courts called *kerta desa* and have their own regulations including *awig-awig* as the basic law, there are also *perarem* and other regulations. Enforcing these rules is the village police called *pecalang*. The Bali Provincial Government introduced the term customary village as it is known in other regions in Indonesia with the passing of Regional Regulation Number 4 of 2019 concerning customary villages in Bali (Noak, 2016).

Ismail Hasani's book in his book *Constitutional Testing of Regional Regulations* states that from 2002-2009 as many as 2,246 regional regulations were canceled. In 2010-2014 as many as 1,501 local regulations were canceled. If added up from 2002 to 2020, there are currently 7,029 local regulations that have been canceled. The canceled local regulations are generally related to investment issues, the economy, retribution, taxes, and others. Indonesian women's national committee uses the term discriminatory local regulations, and the Institute uses the term intolerant local regulations (Hasani, 2008).

Migrants in Bali

Indonesia is known as a multicultural country whose motto *Bhinneka Tunggal Ika* means different but still one, this is the meaning of multicultural in Indonesia. Bali, located in the eastern part of Indonesia, is predominantly Hindu. It is known as one of the best tourist destinations in the world. Bali is indeed a small island but the population present and settled in Bali is diverse. Bali is like sugar swarmed by ants; the rampant tourism industry makes local Balinese people need additional labor. Because Bali is the westernmost of Nusa Tenggara which is close to the island of Java, the population around the easternmost island of Java has the greatest opportunity to cross to the island of Bali and settle to open business opportunities in Bali although there are also other residents such as Kalimantan, Sulawesi, Sumatra and the easternmost Indonesians and even foreign nationals also settle and make a living on the island of Bali.

Bali's economic cycle is 80% dependent on the tourism industry (Soritua, 2015). Bali, which has regional specialties, is called "*The Island of Paradise or Tourism paradise*". Figure 1 shows the number of foreign tourists visiting Bali in 2021-2022. The island of Bali is not only a historical factor but also a geographical factor that is very inviting to migrants. Bali Island is the westernmost of several islands in Nusa Tenggara closest to the island of Java and is one of the volcanic mountain chains that connect the mainland of Southeast Asia with Australia. This is what attracts people to visit Bali.

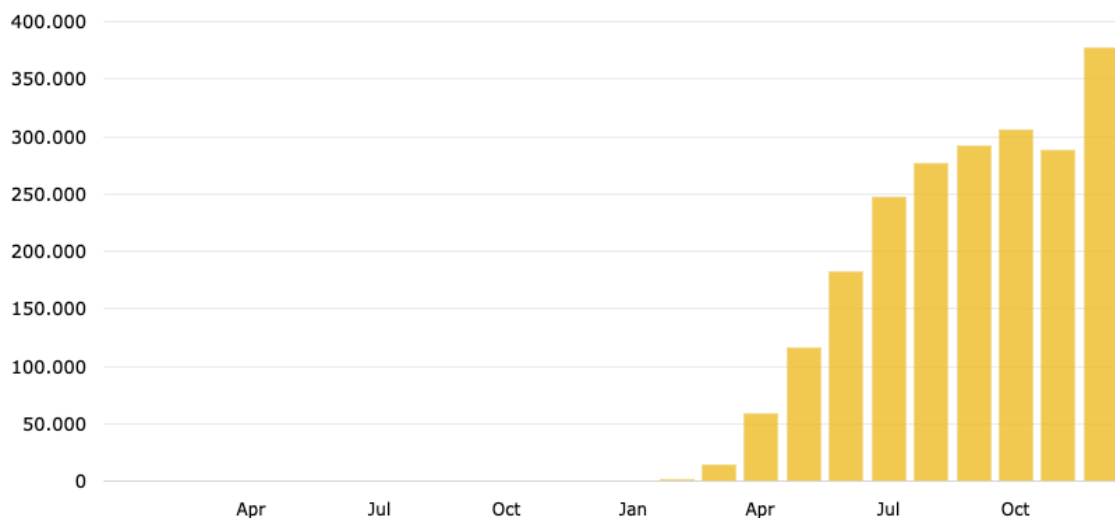


Figure 1. Number of foreign tourists visiting Bali in 2021-2022 (Source: bali.bps.go.id)

Bali is one of the provinces in Indonesia that is most visited by foreign tourists because it is the most popular in the world. The economy in Bali is also supported by various business sectors, in addition to 80% tourism there are also agriculture, mining and quarrying, processing industry, electricity, gas and drinking water, building, trade, hotels and restaurants, transportation and communication, finance and rental and services. All the above sectors support tourism activities as a major contributor to the Balinese economy. Gross Regional Domestic Revenue (GRDP) of Bali Province tourism sector is the first. Table 1 and 2 show the GRDP of Bali from 1997-2001 about the increasing business field.

Table 1. GRDP of Bali Province at Current Price Based on Business Field 1997-2001 (Source: Bali Provincial Statistics Agency)

Field of Business	Year				
	1997	1998	1999	2000	2001
Agriculture	1.912.694,18	3.152.330,06	3.211.018,18	3.403.268,56	3.923.883,68
Mining And Excavation	76.887,07	100.729,36	102.177,89	114.892,42	131.155,92
Industry Processing	940.720,63	1.352.560,9	1.432.574,68	1.588.835,19	1.869.333,66
Electricity, Gas and Clean Water	128.300,35	160.533,04	185.982,75	206.379,87	254.046,12
Building	480.069,46	575.730,44	604.694,38	687.510,01	792.879,75
Trade, Hotels and Restaurant	3.018.902,93	4.124.180,5	4.542.147,35	5.479.792,21	6.044.395,78
Transportation and Communication	1.292.788,17	1.479.167,32	1.660.063,57	1.867.935,29	2.296.474,44
Finance and Rentals Services	644.960,27	798.474,09	862.011,30	981.519,09	1.126.953,01
Pdrb	1.401.641,17	1.782.279,73	1.930.306,99	2.179.852,94	2.536.031,27
	9.897.407,34	13.525.985,44	14.530.977,09	16.509.985,58	18.975.166,3

Table 2. Top Five Contributing Sectors to Bali's GRDP 1997-2001 Based on Current Prices (Source: Bali Provincial Statistics Agency)

Field of Business	Year				
	1997	1998	1999	2000	2001
Trade, Hotels and Restaurants	3.018.902,93	4.124.180,50	4.542.147,35	5.479.792,21	6.044.395,78
Agriculture	1.912.694,18	3.152.330,06	3.211.018,18	3.403.268,56	3.923.883,68
Services	1.401.641,17	1.782.279,73	1.930.306,99	2.179.852,94	2.536.031,27
Transportation And Communication	1.292.788,17	1.479.167,32	1.660.063,57	1.867.935,29	2.296.487,44
Industry Processing	940.720,63	1.352.560,90	1.432.574,68	1.588.835,19	1.869.333,66

The tourism sector is the largest contributor to the economy on the island of Bali. Bali as one of the most famous tourist destinations in the world makes many tourists visit Bali, both domestic and foreign tourists. The Central Bureau of Statistics of Bali Province explains that the tourism sector until 2022 was still the leading sector for the economy in Bali. The Tourism sector also adds value to the Gross Domestic Product (GDP) and adds various jobs for the Balinese people. The book's explanation is evident from the increase in employment opportunities beyond local boundaries, adding several fields of work. This increase occurs due to an increase in tourist visits both domestic and foreign. The following table shows the level of foreign tourist visits to Bali from 2009-2022 (see Table 3).

Researchers want to convey that the existence of tourist visits that are moving forward provides opportunities for all sectors that support the tourism sector. Increasing tourist visits from year to year as shown in the Figure 2. The number of foreign tourists is decreasing while COVID-19.

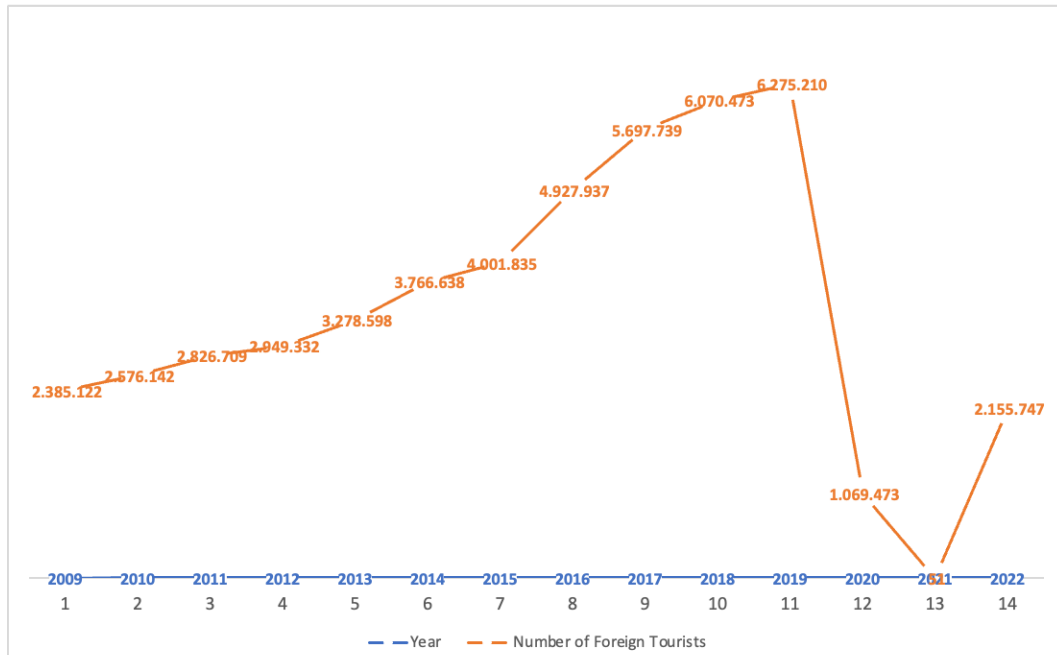


Figure 2. Foreign Tourist Visit Rate to Bali from 2009-2022 (Source: bali.bps.go.id)

The existence of immigrant population on the island of Bali is already familiar. The rapid development of tourism on the island of Bali has increased the income of tourism-related residents. Most migrants from the easternmost part of Java, which is very close to the island of Bali, seize this opportunity to improve their family's economy. So that the flow of migrants is getting higher, the local population feels rivaled by migrants who make a living in Bali.

Issuance of Local Regulation Number 4 of 2019

Migrants in Bali are quite numerous, the government began to curb the population in Bali initially during the Bali Bombing tragedy on October 12, 2002, which brought major changes to Balinese society. One of the major changes was the regulation of migrants (*tamiu*) (Ernawati et al., 2020; Wibawa, 2016). The uncontrolled migrant population was considered as one of the causes of the Bali Bombing. So the Governor of Bali together with the Regent/Mayor of Bali signed a joint agreement for the orderly administration of migrants. On February 10, 2003, a joint agreement between the Governor of Bali and the Regents/Mayors of Bali No. 153 of 2003 was born on the implementation of orderly population administration in the province of Bali. This was the beginning of the registration of newcomers in Bali.

After the Bali Bombing, the Bali Provincial Government felt it was important to curb the population of migrants who had been unknown in and out of Bali. Some of the strategic steps taken by the government were the issuance of a Joint Agreement between the Governor of Bali and the Regents/Mayors of Bali, Number 153 of 2003, concerning the Implementation of Orderly Population Administration in Bali. Through the Population and Civil Registry Office, it introduced a strategic policy by establishing the requirements for a Migrant Identity Card (KIPP) and KIPEM (Seasonal Migrant Identity Card) to filter migrants (Larantika, 2017).

Bali Regional Regulation Number 4 of 2019 on customary villages categorizes the population in Bali in three ways: 1) *Krama Desa Adat* are "Balinese citizens of the Hindu religion who are *Mipil* (*Mipil* is "the membership registration system of *Krama Desa Adat*) and registered as members in the local *Desa Adat*. 2) *Krama Tamiu* are "Balinese Hindu citizens who are not *Mipil* but are registered in the local *Desa Adat*". Usually occurs to those who have married and live in the *Desa*

Adat of the husband or wife they married. 3) *Tamiu* is "a person other than *Krama Desa Adat* and *Krama Tamiu* who is in the *Wewidangan/region*. A person other than *Krama Desa Adat* and *Krama Tamiu* who resides in the *Wewidangan/region* of a *Desa Adat* temporarily or resides and is registered in the local *Desa Adat*". The majority of *Tamiu* are immigrants, the most dominant of whom are Muslims and are a minority living in a Hindu majority.

Discrimination by Law

Regional Regulation (Peraturan Daerah/ Regional Regulations) Number 4 of 2019 categorizes three residents in Bali, *Krama Desa Adat*, *Krama Tamiu* and *Tamiu*, each having rights and obligations according to the rules of *Desa Adat* or called *awig-awig*.

The Awig-awig of each village varies on the issue of dues, some impose some do not, there are 1493 village customs in Bali. There are Muslim-majority villages such as Loloan, Pegayaman, these villages do not impose monthly or annual dues, this is done because there is no village Banjar to be funded for religious rituals. There are also Muslim minority villages that do not impose dues on *tamiu* although there may be many villages that levy dues on *tamiu* residents, this depends on the decision of the local traditional village.

Regional Regulation Number 4 of 2019 concerning Customary Villages in Bali clearly states that Customary Villages are indeed given a legal umbrella to be able to collect fees from *tamiu* (migrants) as voluntary donations, but in practice it is not voluntary, and the amount is even determined.

Some of the *tamiu* community who are currently making a living in Jembrana Bali, for example, we interviewed Mrs. Mawar (not her real name) from Madura who has been selling Madura satay in Jembrana for three years, paying dues for each person Rp.25,000.00. Mrs. Mawar still had to pay when the *pecalang* came to collect, there was no refusal to pay the fee but when interviewed, did she want the fee to be eliminated, Mrs. Mawar answered that she really hoped it could be eliminated. When we asked her if she had ever refused to pay? She said, "never for security reasons". (Interview March 11, 2022)

Similarly, Mrs. Bunga (not her real name), a fried food seller in Bangli from Banyuwangi, must pay two contributions, namely at the place where she sells every month Rp. 25,000.00 and where she lives in a boarding house per person Rp.25,000.00, because of the different villages where she sells and lives. He told us that if he could not pay this month then we would pay next month for the last 1 month that was not paid which would be collected by the *pecalang*. Usually, the profit earned must pay for boarding houses and food costs and be sent to family who live in Java.

Mr. Udin (not his real name), a buffet food seller in Nusa Dua Bali, also said the same thing, there is a fee that must be paid that is not too expensive, according to him Rp.25,000.00, "I try to pay it with the profit we get from selling food every day.

Some of the Muslims we interviewed from the examples above expressed a desire to be free from the dues that are like in villages where most Muslims live, such as in Jembrana Regency, free of dues to the *tamiu*. They are forced to pay for the security and tranquility of life in the overseas land. Respect for local village rules.

It seems that to prevent the economic domination of migrants or *tamiu*, Regional Regulation Number 4 of 2019 was issued. *Tamiu* or immigrant communities outside Bali, the majority of whom are Muslims who choose to make a living on the island of Bali, hoping for an economic increase for their families.

Some of the strategies that have been designed in relation to the orderly population administration policy include (Larantika, 2017):

1. Through a repressive approach. This is done through an activity approach, namely direct policing of all residents, both newcomers and locals. This strategy is carried out as a "shock therapy", which is to give a shock effect to residents so that they realize how important population administration is for everyone who comes, especially those who wish to stay and develop a business.

2. Through persuasive and participatory approaches. The growing awareness of the community was then approached by continuing to involve the government, namely the "Village Government" as well as the Village and Banjar Adat:
 - i) Dissemination of information about the orderly administration of population to the entire community, especially those who will travel to the homecoming of Eid al-Fitr, Christmas, and New Year. Everyone should complete themselves with an identity card or travel certificate and a letter of introduction from the area of origin.
 - ii) Conduct population control through village government officials and cooperation with villages and Banjar Adat. If necessary, the pattern of repressive approach (sweeping) is still taken into consideration to implement a more selective and integrated approach.
 - iii) Through workshop assessment activities involving various groups, improving population administration management continues to be carried out.

Discussion

Krama in Balinese is citizen in Indonesian. The two categories of *Krama Desa Adat* and *Krama Tamiu* are juxtaposed with the phrase "*krama*" or meaning "*citizen*" but in the third category of *Tamiu* or residents other than the two categories above are not juxtaposed with the word *krama* or *citizen*. This means that the *Tamiu* category is not a resident or just a "*guest*" in Balinese is "*Tamiu*". Guest meaning specifically just a guest is not a resident.

In the general provisions in Chapter 1 article 1 of Regional Regulation Number 4 of 2019, the differences between *krama* or citizens in Bali are written. First, *Krama Desa Adat* are Balinese people who are Hindu and are registered and *Mipil* (*Mipil* is the membership registration system of *Krama Desa Adat*) as members of the local *Desa Adat*. Second, *Krama tamiu* are Balinese people who are Hindu but not *Mipil* but are registered in the local *Desa Adat*. Third, *Tamiu* is a person other than *Krama Desa Adat* and *Krama Tamiu* who is in the administration/region of the *Desa Adat* temporarily or resides and is registered in the local *Desa Adat* (Chapter 1 Article 1 of Bali Regional Regulation Number 4 of 2019).

These differences in population categories also have implications for the rights and obligations of population categories and several other requirements. Prior to local regulation Number 4 of 2019, there was a Joint Agreement between the Governor of Bali and Regents/Mayors throughout Bali, Number 153 of 2003, concerning the Orderly Implementation of Population Administration in Bali. In the implementation of the above regulation, each City and Regency issued a mayor or Regent Decree, then collaborated with *Desa Adat*. One of the requirements to have KIPP and KIPEM such as a local ID card is to get recognition from the official village and from the customary village. *Desa dinas* and *desa adat* have different functions. The official village is related to population data in a particular place, while the customary village is related to the responsibility of the customary *krama* or residents towards the customary village in the scope related to religious and cultural activities. This policy on population also regulates matters related to the standardization of village levies / village contributions in each city and district through a city or district decree. For example, in Denpasar City through Decree No. 582 of 2002 concerning the amendment of the attachment to the Decree of the Mayor of Denpasar dated December 13, 2001, No. 2 of 2001 concerning the standardization of administrative fees imposed on immigrant residents every three months in the amount of Rp.50,000.00/person for immigrants from outside Denpasar (still within one province) and Rp. 100,000.00/person for immigrant residents from outside Bali. On November 18, 2002 the *Paruman Bendesa Pakraman* in Denpasar City decided to standardize the levies in *Pakraman Village* in handling migrants as stated in the decision of *Manggala Paruman Bendesa Desa Pakraman* Denpasar City No. 005PBDA/XI/2002 concerning the standardization of *Pakraman Village* levies on the administrative costs of migrants in Denpasar City which was then followed up with letter No. 006 /PBDA/XI/2002./PBDA/XI/2002, by authorizing *Pakraman Villages* to collect fees for migrants in the amount of Rp. 50,000.00/person/three months

for migrants from outside Denpasar City and Rp. 100,000.00/person/three months for those from outside Bali. Thus, if totaled with the levy in Dinas Village, a migrant resident is charged a payment of Rp. 100,000.00/person/three months for migrants from outside Denpasar and Rp. 200,000.00/person/three months for migrants from outside Bali (Larantika, 2017). It is on the basis of this regulation that population control is carried out.

Each customary village in Regional Regulation Number 4 of 2019 concerning financial sources in customary villages has several and can make levies on the customary village krama. Article 65 states that the Customary Village Revenue Budget is sourced from:

- 1) Indigenous village revenue
- 2) The results of the management of Padruwen Desa Adat
- 3) Provincial Budget Allocation
- 4) District/City Government Assistance
- 5) Grants and donations (*dana punia*) of non-binding third parties; and
- 6) Other legitimate income of the Customary Village

The Bali Provincial Indigenous Peoples Advancement Office in this case the secretary Drs I Made Arsawa, M.Si that all *awig-awig* of indigenous villages before being enacted must be registered with the Bali Provincial Indigenous Peoples Advancement Office, not directly issued because it is feared that there are problems of legal violations from *awig-awig* that will be issued by indigenous villages (Interview June 24, 2022).

These dues or levies vary from the categories of residence, *traditional village krama, krama tamiu and tamiu*. The majority of *Tamiu* or non-Hindu immigrants objected and even refused, although in the end they still paid by force for the levy. Many have asked what the importance of the issuance of Local Regulation Number 4 is of 2019. In an interview with the Head of the Bali Provincial Legal Bureau in this case conveyed by the Coordinator of the Provincial Legislation Substance Unit Luh GDE Aryani Koriawan, SH, M.Si that the most basic thing is the issuance of Regional Regulation Number 4 of 2019 is to strengthen the customary village through the establishment of a system that the Republic of Indonesia based on article 18 b paragraph 2 of the 1945 Constitution mandates the state to recognize and protect the unity of customary law communities. The form of recognition is in the form of a law because the specific format in Bali regarding the Customary Village has existed from ancient times and has been structured in the *pakraman* system for a long time because the customary village in Bali has been bound by the *tri kahyangan* village. There is a specification of the existing formulation of customary villages in the Law on Customary Villages in Indonesia where customary villages are closely related to religious rituals in Bali. There are 1493 customary villages in Bali which are then tied into one customary village system. The implementation of local regulation Number 4 of 2019 is the vision of the Bali provincial government to strengthen the position and duties of customary villages in Bali. The initial regulation of the Joint Agreement between the Governor of Bali and the Regents/Mayors of Bali No. 153 of 2003 concerning the Orderly Implementation of Population Administration in the Province of Bali according to the government had too many shortcomings, so this Regional Regulation Number 4 of 2019 was issued. According to the government, this regulation is very complete in regulating the status of customary villages. This regulation is a new regulation and not a replacement of the previous regulation. Of course, it is hoped that this regulation can provide the strength of indigenous villages to carry out indigenous village governance as a legal umbrella (Interview June 20, 2022).

But the implication is that it makes a difference for Indonesian citizens living in Bali, with the category of residence that later each Customary Village makes rules or *awig-awig of the applicable village*. Especially in the part of the Customary Village levies to residents who live in their respective villages.

Since the 9th century Balinese people have been familiar with the village government system called *Pakraman*. Each village has its own rules like small countries. (Ida Bagus Putu Eka Suadnyana, 2020). When carrying out their duties, *Kelihan Adat* (traditional leaders) and their

subordinates must be based on applicable local customary rules. In this traditional village government, the rules are called *awig-awig* or rules in each village, the contents of each village rule vary according to the conditions of the area. As researchers interviewed each traditional village "the basis of the formation of a traditional village is Pancasila (the State of Indonesia), the 1945 Constitution, the concept of *Tri Hita Karana* and the regulations of the province of Bali".

The fundamental nature of *Tri Hita Karana* implies that the three causes of welfare come from the harmonious relationship between man and his God, man and his natural environment, and man and his fellow man. By applying this philosophy, it is expected to replace the modern view of life that prioritizes individualism and materialism. Cultivating *Tri Hita Karana* will be able to eradicate views that encourage consumerism, conflict, and turmoil (Hadat, 2020; Roth & Sedana, 2015).

Bali is indeed a magnet for the surrounding population, the more the flow of migrants comes in, the more competition occurs. In the economic field, migrants or *tamiu* who live in Bali who try their luck and make a living are considered obstacles for residents. The economic sector, especially the informal sector, ranging from fried food sellers, traveling meatballs, senggol market managers, rice stall managers and even brand outlets are all migrants. So, it is not wrong if someone says that the rapid development of Bali tourism does not contribute much to the economy of local Balinese Hindu communities (Fahham, 2018). There has been a shift in the concept of *menyama braya in Balinese* Hindu society Balinese used to call Javanese people "*nak Jawa*" or "*nyama Jawa*" meaning brothers from Java. This attitude began to change towards migrants, now the designation has shifted to "*jelema Jawa*" meaning Javanese. *Jelema* is a proper term used to refer to a creature that is not yet perfect. The shift from *nyama* to *Jelema* signifies a change in perspective and acceptance of the existence of Balinese towards Javanese as migrants. The change in attitude shown by the Balinese is a form of cultural resistance caused by the hegemony of migrants who are more dominant than the indigenous population (Samiyono, 2013).

There has been a strengthening of attitude change in the Balinese-Hindu community towards the Javanese and Muslim-majority migrants. Through Balinese identity is also influenced by the figure who coined the term "*Ajeg Bali*", namely Made Mangku Pastika with a touching phrase, "*Balinese people are now like giving weapons to Balinese outsiders (migrants) to kill Balinese Hindus themselves*" Likewise, Ida Pedanda Made Gunung stated, "*Balinese people sell land to buy meatballs, while outsiders sell meatballs to buy land in Bali*" (Atmadja, 2010). Such is the situation between local Balinese and *foreigners/tamiu*, each trying to survive on the island of Bali that promises a better life. Each depends on the development of life support. Respect each other in the tolerance of a multicultural region, survive and compete in an active economy that depends on domestic and foreign tourism.

Entering the pandemic period, Indonesia's economy declined, especially the island of Bali which is highly dependent on the tourism sector. Local and foreign tourists during the pandemic have decreased. BPS Bali Province reported that the number of foreign tourist arrivals directly to Bali in March 2020 was 156,876 visits, a decrease of 56.89 percent compared to February 2020. Even the pressure on the Balinese economy in the first quarter (January-March) 2021 is described as the harshest and deepest over the past four years since 2017.

Since the announcement of covid 19 in March by the government the level of tourist visits has decreased by almost 50 percent. This has a huge impact on the island of Bali, where the economic turnover depends on tourism. There are even migrants or *tamiu* who are unable to survive and choose to leave Bali Island. Living a life with a lot of personal expenses and spending dues / obligations as a migrant citizen is certainly very burdensome for *tamiu* who choose to stay in Bali. Similar to the Bali bombings in 2002, Bali's economy also slumped.

Still in memory on October 12, 2002, starting at 23.05 WITA, the world was shocked by the explosion of bombs in Bali. There were 3 bombs that exploded at the same time, the first 23.05 WITA at Paddy's Irish Pub, the second 23.05 WITA Mitsubishi L300 car near Sari Club, and the third 23.06 WITA near the US Consulate in Denpasar.

The Bali bombings left a deep trauma for the Balinese people. Not yet finished with the trauma of 2002, on October 1, 2005, Bali was again rocked by bombs, this time the bombs were in three tourist locations, namely in Jimbaran and Kuta, namely Café Menega and Café Nyoman and at Raja's Bar and Restaurant in Kuta. These were suicide bombings because body parts of the suicide bombers were found. There were no casualties from this Bali Bombing II incident.

The security of Bali Island is threatened by the terrorist movement. The government and the people of Bali are traumatized by the threat of terrorist bombings that rocked Bali. Not yet finished the trauma of the 2002 Bali bombing those who lost family members, (Please, watch on YouTube Channel Journeyman Pictures video a small part of the traumatized Bali bombing victims, https://www.youtube.com/watch?v=7_j1uZ5AqwA, lost their jobs due to *travel warnings* from other countries to visit Bali. Bali's economic condition has suffered, the bomb attack had a direct or indirect impact. Casualties, infrastructure damage at the scene of the incident. Indirect impact of tourist visits to Bali decreased.

Table 3. Level of Foreign Tourist Visits to Bali by Month in 2002 (Source: Bali Provincial Tourism Office)

Month	Number of Visits (Person)
January	87.027
February	96.267
March	113.553
April	104.960
May	119.284
June	130.563
July	147.033
August	160.420
September	150.747
October	81.100
November	31.497
December	63.393
Total	1.285.844

Bali Provincial Tourism Office 2003 in Bali Tourism statistics 2002 that previously in July 2002 foreign tourist arrivals were 147,033 tourists (see Table 3). Furthermore, in August more tourists visited Bali as many as 160,420 tourists. The most significant decline was in October, November, and December. There were cuts in employee salaries and even layoffs in several sectors related to tourism such as decreased hotel occupancy, restaurants, shops, laundry, salons etc.

Bali's economy is shrinking, and Balinese people are suffering from the effects of terrorism. Traumatized by the Bali bombings, which brought social unrest to the Balinese people. After Bali Bombing I and Bali Bombing II Bali was devastated. The tourism industry is dead, tourists are afraid to visit Bali, Bali's security is a concern to enjoy the beauty of "*The island of Paradise*" or the Heaven of Tourism. The tourist areas that had been the coffers of the community became deserted, there were no more jobs there, traditional villages were made hot. This incident made the government, and the Balinese people realize that their area had been *ransacked* by immigrants / *tamiu*. Primordial consciousness as Balian became stronger. To revive the downturn, several regulations emerged that aimed to limit the entry of migrants (Samiyono, 2013).

After the Bali bombing, the community began to experience the shock of the economic crisis, this happened because tourist confidence disappeared, there was a sense of trauma and a travel warning from the government or countries whose citizens were victims. In addition, the population was also traumatized, because almost all Balinese people depend on their income through the tourism sector. When a terrorist bomb attack occurs, tourism revenue decreases and even stops.

The Bali bombings in 2002 and 2005 were events that deeply shook the Balinese people, especially the government. Bali Province which is known as an island that has the best tourist destinations in the world, even ranked fourth according to Trip Advisor, has 4,800 tourist objects and attractions visited by tourists from abroad.

The government has long felt the need to regulate migrants coming in and out of the island. Bali Regional Regulation Number 4 of 2019 is an ideal and effort made by the government to further curb the population entering the island of Bali. It also filters people who enter and exit Bali with intentions that only threaten the security of the island.

This regulation is the government's goal so that the indigenous krama and other krama still continue and have a decent life on their own land.

CONCLUSION

The background of the enactment of Bali Regional Regulation Number 4 of 2019 concerning Customary Villages is the implementation of the vision of the Province of Bali to provide legal force to Customary Villages in the management of the population in Bali Customary villages. This regulation is a refinement of the previous regulation, namely the Joint Agreement between the Governor of Bali and the Regents/Mayors of Bali Number 153 of 2003 concerning the Implementation of Orderly Population Administration in Bali Province, which according to the government had too many shortcomings, so this Regional Regulation Number 4 of 2019 was issued. Each customary village in Regional Regulation Number 4 of 2019 regarding financial resources in customary villages, one of which can levy on residents.

This is what makes the legal umbrella for making *awiq-awig* village rules in levying fees on *tamiu* or migrants in Bali. However, migrants or *tamiu* feel this is a form of discrimination against those who live and make a living on this island called "The paradise Island".

There is competition between residents and migrants in Bali. However, Muslims in Bali still survive to continue their lives. It seems that the relationship between Islam and Hinduism in Bali appears to be harmonious, but in fact it is shrouded in several hidden conflicts. I call it *Pragmatic Tolerance*; it seems that the Balinese islanders seem to respect each other but under duress. Migrants are forced to follow the rules of their land with levies imposed by village *awig-awig*. While the *traditional krama*, namely the original Balinese citizens, were forced to accept the arrival of *tamiu* or migrants to compete for survival to make a living on the land of their ancestors because Bali is also part of the territory of Indonesia which is *Bhinneka Tunggal Ika*, different but still one. How the defense of migrants on the island of Bali, this is interesting to be the next research.

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