

# Legal Analysis of the Application of Gender Equality to Twins of Different Sexes in Melasti Manak Salah in Pedawa Village, Buleleng Regency.

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## Abstract

This study aims to analyze the relevance of gender equality in the implementation of Melasti Manak Salah as an effort to cleanse the village of the birth of children of different sexes because they are considered to bring bad luck in Pedawa Village, Buleleng Regency Buleleng, Bali. This study analyzes the application of gender equality values in the Melasti Manak Salah tradition, which is still practiced by the people of Pedawa Village, and examines its compatibility with national legal principles and human rights. This study uses an empirical juridical method with a sociological and legislative approach. The results of this research show that before it was banned, the people of Pedawa Village believed that the birth of twins of different sexes brought spiritual imbalance, so that babies born with different sexes were usually isolated to maintain the purity of customs. This practice gave rise to discrimination and was contrary to the principles of gender equality and child protection. In addition, it shows a social and legal shift towards the recognition of equal rights for boys and girls, reflecting the harmonization between customary and national law in maintaining a balance between tradition and human rights.

**Keywords:** *Gender Equality, Melasti Manak Salah, Pedawa Village, Human Rights.*

## 1. Introduction

Indonesia is rich in cultural values, customs, and local wisdom. Each region has different traditions according to its customs. Traditions in each region are usually a legacy that has been passed down from generation to generation and have become a characteristic of social life in that region. Traditions in each region are not only symbolic but also contain philosophical values that guide people's behavior in their daily lives. This multicultural condition has influenced the cultures of communities in Indonesia, including Bali. Recognition of customary law is found in Article 18 Letter B paragraph 2 of the 1945 Constitution, which states that the state recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the principles of the Unitary State of the Republic of Indonesia (Maharatni, I. A. A. 2024). Thus, indirectly, the substance of Article 18 Letter B Paragraph 2 of the 1945 Constitution recognizes the existence of customary law communities that should be protected and preserved. Among the many local traditions in each region of Indonesia spread across the archipelago, one of the regions that still has a very strong tradition is the province of Bali. One of the most interesting traditions is the Melasti Manak Salah tradition found in Pedawa Village, Banjar District, Buleleng Regency, Bali Province.

Pedawa Village is part of the Bali Aga community, which strongly maintains its pre-Hindu social and cultural systems and has many traditional customs that differ from those of Balinese society in general (Artama et al. 2022:197). The Melasti Manak Salah tradition is a ritual related to the birth of twins of different sexes, known as Kembar Buncing. In the local traditional view, the birth of twins of different sexes is considered an imbalance or an abnormality in the cosmological order. The main premise relates to sacredness and natural law, whereby the people of Pedawa Village believe that such births bring "impurity" or disturbance to the village's spiritual harmony. Therefore, one of the children, usually the female, is treated differently, even isolated, or not fully recognized as part of the family. The practice of isolation or discriminatory treatment in.

This tradition raises serious issues from a modern legal perspective, especially concerning human rights and gender equality (Sukerti, N. M. 2020). Globally and nationally, legal provisions have sought to eliminate all forms of gender-based discrimination, strengthen protection for women and children, and guarantee equal rights regardless of cultural or customary backgrounds. The 1945 Constitution of the

Republic of Indonesia, in Article 28B, paragraph (2), guarantees that every child has the right to survival, growth, and development, as well as the right to protection from violence and discrimination. In addition, Indonesia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) through Law No. 7 of 1984, which makes the principle of gender equality part of national law.

As awareness of the importance of protecting children's rights and gender equality grew, the practice of exile in Melasti Manak Salah began to be prohibited. Local governments, traditional leaders, and child protection agencies have begun collaborating to end this discriminatory practice. However, social change did not immediately erase the value of the local culture. Traditions are still preserved, but they must be reinterpreted and adapted to the legal norms and human rights. These changes have created an interesting dynamic for study. On the one hand, there is a need to preserve traditions as part of cultural identity (Purwita et al., 2025). However, the principles of gender equality and child protection require the revision of practices that are not in line with modern norms. This study aims to bridge these two perspectives through a relevant and in-depth legal analysis.

## **2. Literature review and hypothesis/es development**

A literature review complements the empirical research method, in which the analysis process takes place continuously and is used to answer questions about theory and method. For this reason, a literature review is an important step in building a strong theoretical foundation and ensuring that the research is structured scientifically, systematically, and relevant to the socio-cultural context of Indigenous peoples (Apriani et al. 2024: 112-121). Through the examination of various academic sources, laws and regulations, and previous research results, the position of this research in the scientific map can be identified, while also confirming the urgency of discussions related to customary practices, national legal dynamics, and efforts to harmonize the two. The literature review then becomes the basis for formulating logical and focused scientific assumptions through hypothesis development. This hypothesis is expected to describe the relationship between customary practices, child rights protection, and the principle of gender equality, which are the main focus of this research (Ariyani, L. P. S., dkk. 2023: 60-90).

A literature review on the application of gender equality in the context of Indonesian customary law, particularly in the case of twins of different sexes in the Melasti Manak Salah tradition in Pedawa Village, Buleleng Regency, requires a comprehensive understanding of the relationship between customs, national law, social norms, and theories related to children's rights and gender equality (Artama, I. P. A. Y., dkk, 2022: 196-207). In the context of the Bali Aga indigenous community, which has preserved its traditions for generations, the interaction between customary values and the development of modern law is important to analyze to understand how a customary norm can be transformed to conform to national and international legal standards. The literature on customary law, child protection, gender, and legal pluralism provides a strong basis for examining these changes' dynamics. Early studies on customary law in Indonesia often refer to basic concepts developed by classical scholars such as Cornelis van Vollenhoven and Soepomo, who viewed customary law as flexible, dynamic, and subject to change in line with societal developments (Darmayasa, I. M., dkk, 2023: 34-37).

This dynamic character shows that traditions such as Melasti Manak Salah are not static but can be adjusted in line with changes in social conditions, religious views, government policies, and universal human values. Modern customary law literature, including John Griffiths' ideas on legal pluralism, also emphasizes that more than one legal system can coexist in a society: customary law, state law, and religious norms. In the case of Pedawa Village, the interaction between these three normative forms becomes very apparent when the community must consider the tradition of isolating twins, which is believed to be a form of cosmic imbalance, with national legal provisions that guarantee the right of every child to live, grow, develop, and receive protection without discrimination (Purnami, D. A. D., dkk, 2025: 9).

Based on studies of the Bali Aga tradition, some literature mentions that their customary structure tends to be stricter than that of Balinese society in general because it preserves its original elements prior to the Majapahit influence. This creates its own complexity in research, because Bali Aga customs have a system of rules that are not always identical to modern Balinese customs under the Customary Village Council (MDA) (Rustiani, K. W., dkk, 2025: 173 – 184). The Melasti Manak tradition is part of a belief system that considers the birth of twins of different sexes to bring imbalance or wrongdoing, thus requiring a purification ritual or special action to restore harmony to the family and village. Anthropological literature notes that the concepts of purity and cosmic balance in Balinese society are important foundations of the traditional mindset and way of life, so that the birth of twins is often considered a violation of certain symbolic orders. However, the development of society and the penetration of modern law have caused this interpretation to slowly change (Sudibya, D. G., 2021: 74-78).

In child rights theory, international literature, such as the Convention on the Rights of the Child (CRC), provides a normative basis that every child has the right to protection, identity, dignity, and non-discrimination. Indonesia, as a signatory to the CRC, ratified the convention through Presidential Decree No. 36 of 1990, prohibiting all forms of discriminatory practices, including those based on gender. The literature on children's rights emphasizes that actions that harm children's physical and psychological well-being constitute a violation of the main principle of the CRC, namely, the best interests of the child. In the context of Pedawa Village, the practice of isolating twins before the ban was clearly contrary to this principle because it had the potential to cause trauma, mental disorders, and social stigma for children, especially if gender differences were considered the basis for differential treatment (Sugitanata, A., dkk, 2024: 35-42).

In addition, the literature on gender equality explains that gender-based discrimination still often occurs in traditional customary structures, including in some areas of Bali. Gender equality is not only interpreted as equal rights between men and women, but also how social structures, customary rules, and cultural practices treat both fairly without causing inequality (Suraya, R. S., dkk, 2024: 124 – 128). Gender theories developed by Simone de Beauvoir, Judith Butler, and other feminists emphasize that differences in treatment are social constructs that can be changed through legal intervention, education, and awareness. The literature on patriarchal culture in Indonesia also mentions that women are often in a subordinate position due to traditional values that prioritize men as heirs or successors of the family line. In the context of twins of different sexes, different treatment of the two, such as differences in status, ritual obligations, or stigma attached to one sex, reflects gender inequality.

A review of the literature on child protection in national law shows that Law No. 35 of 2014 on Child Protection affirms that every child has the right to be protected from discrimination. Articles governing child protection emphasize the need for the state to protect children from actions that could cause physical, psychological, or social harm. When linked to the tradition of isolating twins, this practice violates the provisions of the law, as isolation has the potential to hinder children's growth and development, cause fear, and interfere with their right to be in a family environment. The literature on victimology also mentions that children who experience harmful traditional practices can become victims of symbolic violence, which is violence that is not visible but has an impact on their identity and dignity. In addition, Indonesian human rights law literature shows that the Indonesian Constitution, through Article 28B, paragraph (2) of the 1945 Constitution, recognizes the right of every child to protection from discrimination and violence. Thus, the practice of isolating children is contrary to constitutional norms and indicates a problem of disharmony between customary law and state law (Tirkantara, I. M. 2025: 11).

Furthermore, the literature on legal pluralism, which explains the existence of multiple legal systems within a single society, provides an important perspective for understanding the conflicts or tensions between customary traditions and national law. Griffiths distinguishes between strong and weak legal pluralism. Strong legal pluralism recognizes the diversity of legal systems and allows communities to practice customary norms as long as they do not conflict with basic human rights. Weak legal pluralism, on the other hand, gives priority to state regulations, so that customary law can only be practiced if it

does not conflict with the state's laws. Indonesian legal literature tends to lean towards strong legal pluralism, but still requires that customary law must not conflict with national regulations that uphold human rights. This concept is highly relevant in analyzing changes in Melasti Manak Salah practices, as the Pedawa Village community must balance cultural preservation with the need to comply with national laws on children's rights and gender equality.

In anthropological literature on the transformation of traditions, Rogers' theory of social change through the diffusion of innovation model explains that cultural change can occur through interaction with new values, social pressure, education, and the need to adapt. The change in the Melasti Manak Salah tradition is reflected in the prohibition of the isolation of twins after the community began to understand that this practice was no longer relevant in the modern context and was contrary to humanitarian principles. Field research literature on traditional villages in Bali shows that changes in traditional practices often occur through village deliberations (*paruman*) that result in new *perarem* (rules). This indicates that indigenous communities have internal mechanisms for change, not only through state intervention (Wijaya, I. G. A. N., 2023: 323-334).

In addition, literature on social construction explains that the categories of right or wrong in twin births are the result of cultural constructs that can change in line with interactions with modern science. The sociological perspective on law views that changes in society occur when old norms are no longer in line with social developments; thus, both customary and state legal systems make adjustments to achieve a new balance. This is in line with Erlich's concept of living law, which states that law is the experience of society, so that changes in perceptions of twin births make changes in customs natural. Literature discussing twins from a cultural perspective shows various myths and symbolism that have developed in several Indonesian communities. For example, in some areas, twins are considered to bring blessings, while in others, they are considered to bring about imbalance. However, modern literature shows that society's understanding of twin births is now more rational and influenced by medical knowledge. This change has led to society becoming more accepting of twin births without stigma. In the context of Pedawa Village, literature on the Bali Aga village reveals that they are now more open to change due to increased interaction with the outside world and local government policies that encourage the harmonization of customs with children's rights.

From the literature analyzed, it can be concluded that three main theoretical foundations underlie this study: gender equality theory, child protection theory, and legal pluralism theory. These three interact with each other and form a framework of thinking in which customary practices can only be carried out as long as they do not conflict with basic human rights. In formulating hypotheses, this study places customary change as an important variable for examining the relationship between tradition and child protection. Based on a review of the literature, it can be assumed that prior to the prohibition of exile, the practice of Melasti Manak Salah tended to result in gender inequality and discrimination against women. After the intervention of national law, customs began to adapt and adjust to the new regulations. Therefore, the hypothesis that can be developed is that changes in customary rules in Pedawa Village are influenced by the community's understanding of gender equality and child protection.

### **3. Methodology**

The research method used in the study entitled "Legal Analysis of the Application of Gender Equality to Twins of Different Sexes in Melasti Manak Salah in Pedawa Village, Buleleng Regency" is an empirical legal method. This study emphasizes the examination of how customary norms and national legal provisions are applied in community life, particularly in relation to the treatment of twins before and after the prohibition of the practice of exile in the Melasti Manak Salah tradition. Pedawa Village was selected as the research location because it has a distinctive Bali Aga tradition that is relevant to the issues of gender equality and child protection. Primary data were obtained through field observations and interviews with villagers. Secondary data were obtained from laws, regulations, and scientific literature that supported the analysis (Hasan. 2020: 5-7).

Data were collected through semi-structured interviews, direct observation of customary practices, and *awig-awig* (local regulations). Informants were selected using purposive sampling to ensure the

participation of those with direct knowledge of customary practices and the dynamics of change following the ban on exile. The data were analyzed qualitatively through data reduction, data presentation, and drawing conclusions linking field findings with theories of gender equality, child protection, and legal pluralism. Through this empirical method, the study sought to provide a realistic picture of how changes in customary norms occur and how the harmonization between customary law and national law is applied in the context of twins of different sexes in Pedawa Village.

#### **4. Results and discussion**

##### ***4.1 The traditional practice of Melasti Manak Salah for twins of different sexes before the banishment in Pedawa Village.***

The Melasti Manak Salah tradition is an aspect of traditional Balinese culture in which the birth of twins of different sexes, known as “Kembar Buncing” or “Orang Manak Salah,” to a simple or ordinary family is considered a disaster and results in ostracism. However, if this birth of different sexes occurs in a family of the “upper caste,” the birth is considered a blessing. The water used to bathe the kembar buncing babies of the upper caste is considered to be able to fertilize the rice fields and farms of the villagers. Babies born into the upper caste are not treated like kembar buncing babies in ordinary families, who are discriminated against by the villagers. During the Kingdom era or classical Bali era, there was a king in Bali named Raja Marsula Marsuli who had buncing twins. At that time, there were also ordinary people who gave birth to bouncing twins.

During the Kingdom era, if a couple in a village gave birth to or had twins named “Manak Salah,” the King blamed the community for being considered equal to him. As a result, the village or place where the baby was born was considered dirty or contaminated. The practice of Melasti Manak Salah cannot be separated from the cultural structure of Bali Aga, which places purification rituals at the core of social life. Historically, this practice was carried out when a family gave birth to twins consisting of a boy and a girl, with the belief that the birth was connected to the supernatural world where their ancestors resided. Twins were considered manifestations of two opposing energies whose positions were reversed. Therefore, before the emergence of violations of customary rules, the Melasti Manak Salah ritual became a form of purification to “reopen” the path to harmony between purusa and pradana energies in the niskala and sekala realms.

The form of the Melasti Manak Salah tradition before the exile violation can be understood through several main stages that were regularly carried out. The first stage began with the customary announcement (*masilih kawentenan*) when families with twins of different sexes reported this condition to customary leaders and village elders. This announcement was not merely administrative in nature but also served as a sign that the family had entered a period of “impurity” or *leteh*, thus requiring customary handling. In the early days of this tradition, the announcement was not a form of stigma but rather part of a collective cosmology that served to maintain the spiritual integrity of the village (Artama, I. P. A. Y, dkk, 2022:196-207).

The next step is to determine the auspicious day (*dewasa ayu*) for the Melasti Manasa Salah ceremony. Traditional leaders and *undagi* determine the day based on the Saka calendar and *pawisik* considerations, received through certain ritual means. This determination reflects a local knowledge system that integrates Balinese Hindu cosmology with the empirical experiences of the Bali Aga community in the mountains of Bali. Determining the right *dewasa* is considered important because it concerns the safety of the twins, family, and village community. In the past, before the banishment, this *dewasa* requirement had to be obeyed because it was believed to be the only way to ensure that the rite would be effective and accepted by the ancestors.

Entering the core stage, the Melasti Manak Salah practice is carried out through a purification procession that takes place at several sacred points in the village. These points usually include sacred springs (*tirtha*), family temples (*pura kawitan*), and special places for Balinese Aga traditional rituals. Twins are brought by their parents and immediate family members, who have undergone a period of abstinence, such as refraining from entering sacred areas and restricting social activities. In the Melasti procession, traditional elders prepare various offerings, such as *banten byakaon*, *banten prayascita*, and

banten guru piduka, which serve as symbolic media to ask for cleansing and forgiveness from supernatural elements.

In the core practice, twins are bathed in holy water while accompanied by purification mantras. The traditional leader sprinkles tirtha panglukatan, tirtha pengelukatan, and tirtha panembak to neutralize bad elements and restore the balance of purusa–pradana, which is considered disturbed by the birth of twins of different sexes. In this phase, the separation of energies is symbolized through the use of white-yellow and red-black cloths as representations of sacred dualism in Balinese Aga cosmology. The use of these cloths shows that the community believes cosmic balance can be achieved through the harmonization of two opposing elements. Before the banishment, families with twins were also required to undergo a period of *sebel* or symbolic isolation. However, this isolation in the early stages of the tradition was not a form of social punishment but rather a phase of spiritual transition. Families were not allowed to attend certain traditional activities, enter temples, or participate in village ceremonies until the *Melasti Manak Salah* was completed. These restrictions were a traditional way of maintaining the sanctity of the village community from the spiritual imbalance believed to accompany the birth of *manak salah* (Sudiada, I. P. A. 2021: 37-45).

Another important aspect is the belief that this ritual serves to “restore the direction of birth.” The community believes that twins have a very strong spiritual connection but have the potential to conflict because of their gender differences. Thus, the practice of *Melasti Manak Salah* serves to reaffirm the symbolic identity of boys as *purusa* and girls as *pradana*. This shows the relationship between *melasti manak salah* and the patriarchal cultural structure that is deeply rooted in the indigenous Balinese Aga community, especially in the *Pedawa Village*. Before the exile violations, this tradition was also seen as a form of “customary protection” for families. Rather than being seen as a burden, many families view *Melasti Manak Salah* as a means of obtaining spiritual strength and protection for their children. An examination of this tradition in the past shows that the village community considered the ritual a mechanism for maintaining the continuity of the lineage while avoiding spiritual conflicts that were believed to haunt families if the ceremony was not performed.

The *Melasti Manak Salah* ritual always involves a wider indigenous community. Traditional elders, guardians, and important village figures play active roles in guiding families through a series of rituals. This collective involvement confirms that, in the view of the *Pedawa* community, the birth of twins of different sexes is not just a family matter but also a matter for the community and ancestors. Thus, this practice is a form of collective solidarity that maintains the village’s spiritual harmony. This ritual shows that the indigenous Balinese Aga community has a social system that prioritizes balance, manners, and harmony among elements of society. The *Melasti Manak Salah* tradition also serves as a means of traditional education. Through this ritual, the younger generation is introduced to the basic values of *Bali Mula* culture, such as respect for ancestors, the importance of maintaining the sanctity of the village, and an understanding of the cosmic duality of *Purusa–Pradana*. Before social changes and the emergence of criticism of the practice of exile that developed later, this tradition was considered an integral part of local identity that must be preserved and passed on (Winarti, K. A. 2023: 258-264).

In practice, this ceremony also involves symbolic elements in the form of *jagawana*, or the protection of the universe. *Melasti Manak Salah* is seen as not only purifying the twins and their family, but also purifying the living space of the village. This is in accordance with the *Bali Aga* principle, which places humans, nature, and ancestral spirits in a reciprocal relationship with one another. Therefore, performing the ritual before the exile is a way for the village to ensure that there is no spiritual imbalance that could disrupt the fertility of nature, the health of the community, or the smooth running of other traditional ceremonies. An interesting aspect of the tradition before the emergence of social stigma is that the community did not view *manak salah* as a disgrace but as a spiritual condition that required special treatment. In other words, the identity of twins was not a source of discrimination but rather the object of purification rituals. This interpretation shows that these traditional practices were originally part of a broader philosophical context and were not merely repressive or discriminatory, as understood in the context of exile violations in later eras.

Furthermore, the Melasti Manak Salah tradition demonstrates the close relationship between the ritual and social structures of the Pedawa Village community. The customary provisions regarding who plays what role, how the procession is carried out, and when the period of abstinence ends, show that the village has a detailed customary legal system. The system is binding but operates in the spirit of togetherness and mutual assistance. Before the shift in meaning and the emergence of several cases of exile violations, the community adhered to this tradition as a natural part of their spiritual obligation to their ancestors and the village. During the period when the tradition was practiced before the exile violations, the Melasti Manak Salah ritual was also considered a way to seek blessings and protection for the future of the twins. This ritual was believed to pave the way for children to grow up with strong, balanced characters and be blessed by their ancestors.

Through the purification ceremony, the community believes that negative elements or supernatural disturbances that may have attached themselves at birth can be released so that twins can live more harmoniously. Ultimately, the practice of Melasti Manak Salah before the exile in Pedawa Village can be seen as an integral part of the customary system that aims to maintain the village's spiritual balance. This tradition is not only a ritual act but also a social mechanism for maintaining cultural identity, the sanctity of the village, harmonious relations with ancestors, and the cosmic balance between purusa and pradana. Thus, understanding the form of this traditional practice before the emergence of exile violation provides a clearer picture of how Balinese Aga culture interprets birth, balance, and the role of humans in maintaining harmony of nature and spirituality.

#### ***4.2. What is the process of harmonizing customary law and national law to realize the protection of children's rights and gender equality in Pedawa Village?***

The process of harmonizing customary and national law to protect children's rights and gender equality in Pedawa Village cannot be understood from a single normative dimension, because the issue touches on cultural structures, social constructs, customary power relations, and the increasingly progressive dynamics of national regulations in protecting vulnerable groups. Pedawa Village, a Bali Mula/Bali Aga village, has a customary law system that has existed for centuries and shapes the character of its community. Customary law in this village serves not only as a code of conduct but also as a collective identity that forms the basis of the community's social and spiritual sustainability. In this context, the existence of national laws governing the protection of children's rights and gender equality, such as the Child Protection Law, the Law on the Elimination of Sexual Violence, the Human Rights Law, the Population Administration Law, and education regulations, tends to introduce a new paradigm in the local legal structure, which was previously very conservative and closed.

Therefore, the harmonization process that took place in Pedawa Village could not have occurred in a linear fashion, but rather through gradual interaction between customary structures, state structures, and the accompanying social dynamics (Purnami, D. A. D., dkk, 2025: 9). Historically, the relationship between Bali Aga customary law and the state legal system is often based on the principles of autonomy and state recognition through Article 18B, paragraph (2) of the 1945 Constitution, which affirms that the state recognizes and respects the unity of customary law communities and their traditional rights as long as they do not conflict with human rights principles and legislation.

This principle provides legal space for customary villages to maintain their traditions and legal systems, but simultaneously affirms the limits when a customary practice has the potential to conflict with the constitutional rights of every citizen, especially children and women. Tension between these two legal regimes often arises in certain customary practices, especially traditions related to the social status of children, the distribution of gender roles, and customary rites that have implications for human rights. The village of Pedawa, with its distinctive Bali Aga customary system, experiences this dynamic in the context of certain traditions, especially those related to the treatment of children and the division of gender roles in the family and village communities.

The harmonization process also began to take place as public awareness grew regarding the importance of child protection and gender equality as part of modern social development. This awareness was

greatly influenced by the penetration of formal education, village involvement in government programs, strengthening the role of traditional village institutions, and increased public access to information and national regulations. At the community level, this change is evident in the acceptance of the idea that children, both boys and girls, have equal legal and moral standing and should not be treated discriminatorily based on tradition. However, this acceptance does not necessarily eliminate customary traditions but rather encourages Indigenous communities to find ways to adapt local practices to more inclusive national norms.

In the harmonization process, the traditional village of Pedawa began to move forward with an internal approach, namely through traditional discussions, the role of village elders, and village deliberations that resulted in a collective understanding that customary law needed to adapt without losing its identity (Dewi, N. L. G. A., dkk, 2021: 170-174). This deliberation mechanism took place through formal and informal forums in which traditional elders, leaders, community figures, women, and the younger generation were involved in assessing customary practices. The collective awareness that children's rights must be protected regardless of gender began to change the way the community understood the concepts of purity, cosmic imbalance, and gender structures that were previously very patriarchal. Thus, the harmonization of laws was not carried out by eliminating traditions but rather by reinterpreting them to align with the state's objectives of protecting children's rights.

In practice, the harmonization of customary and national law in Pedawa Village occurs through three main models: cultural, normative-positive, and pragmatic-socio-legal harmonization. Cultural harmonization occurs when a community begins to interpret ancestral teachings and customary values from a new, more inclusive perspective. This can be seen in how customary leaders reinterpret the concepts of “village sanctity” and “cosmic balance” as ethical values rather than as a justification for placing children or women in subordinate positions. This model is important because changes to customary law must originate from the cultural awareness of the Indigenous community itself. Normative-positive harmonization occurs when traditional village officials and village governments integrate national legal principles, such as child protection, anti-discrimination, and gender equality, into awig-awig or traditional village regulations by adjusting clauses or creating new norms.

Drafting awig-awig that is more responsive to children's rights allows customary law to remain alive while complying with national provisions. This harmonization is also supported by the national legal structure that encourages customary villages to modernize their local regulations, particularly through formal policies such as the Regional Regulation on Balinese Customary Villages and government administrative instruments. Meanwhile, pragmatic socio-legal harmonization occurs through a process of resolving conflicts or tensions between customary interests and children's rights on a case-by-case basis. When a customary practice is considered to potentially violate the principles of gender equality or children's rights, the village takes a compromising approach, for example, by reducing the intensity of customary restrictions, removing discriminatory elements, or replacing certain rituals with new symbolism that does not harm any party.

This process demonstrates that the traditional village of Pedawa strives to maintain its local identity while keeping up with national and international norms. From the perspective of child protection, legal harmonization is increasingly evident as villages begin to follow national policies related to education, population administration, child health, and protection from violence. Children in Pedawa Village now have greater access to the formal education system without the customary barriers that previously limited their participation in certain activities. National law encourages villages to eliminate customary practices that can hinder child development, including prohibitions or social restrictions that are no longer relevant. The recognition that children must grow up in a safe, healthy, and discrimination-free environment has become an integral part of the transformation of customary law in the village (Suraya, R. S., dkk, 2024 : 124-128).

In terms of gender equality, the process of harmonizing national and customary laws is evident in the increasingly open role of women in social and customary structures in the community. Although the Bali Aga system has a strong patriarchal structure, changes are beginning to appear in the form of increased female participation in decision-making, higher education, and women's contributions to village activities. National laws, particularly those on gender equality and the protection of women from violence, have encouraged village communities to reevaluate customary structures that previously placed women in subordinate positions. Women in Pedawa Village are beginning to gain more space in deliberations, customary activities, and the process of determining village rules.

The harmonization of laws in Pedawa Village has also been influenced by the intervention of district and provincial governments, which have provided guidance on child protection and anti-discrimination. Women's empowerment programs, legal socialization, facilitation of children's education, and training of village officials on national law have helped reinforce the understanding that traditional customs must go hand in hand with the protection of constitutional rights. Village officials and traditional leaders now better understand that the state recognizes customs, but this recognition is not a blank check to carry out traditions that potentially violate human rights. In addition, legal harmonization cannot be separated from global dynamics, especially international developments regarding child protection and gender equality, such as the Convention on the Rights of the Child (CRC) and the CEDAW.

Although the Pedawa indigenous community does not directly refer to these international instruments, the Indonesian government, as a state party, has internalized them into national regulations, so that, in the end, these principles also influence legal practices at the village level. This impact is evident in the increased role of educational institutions, health workers, community organizations, and state institutions at the local level in monitoring and encouraging such social change. In the ongoing transformation process, the Pedawa Village community has finally realized that the harmonization of customary and national law is not an attempt to eliminate indigenous identity but rather a means of strengthening human dignity in indigenous communities. Through harmonization, the village has become increasingly capable of aligning the continuity of tradition with the modern values of justice, ensuring the continuity of customs without sacrificing the rights of children and women. Thus, the harmonization process in Pedawa Village can be understood as a model of customary law adaptation that is dynamic, progressive, and responsive to developments in national law and human rights protection.

## **5. Conclusion**

### **5.1. Conclusion**

The Melasti Manak Salah tradition in Pedawa Village originally involved the isolation of twins of different sexes due to the traditional belief that their birth represented a cosmic imbalance. This practice reflects the unequal treatment between boys and girls and ignores the principle of child protection. Following national legal intervention regarding children's rights and gender equality, as well as increased public awareness of human values, Pedawa Village began to abolish the practice of isolation and replace it with a more symbolic purification ritual (melasti). This change demonstrates the process of harmonization between customary and state laws, wherein cultural values are preserved without neglecting the basic rights of children.

Legally, the abolition of exile is in line with the provisions of the Child Protection Law, the principle of non-discrimination, and international standards for gender equality. This change in customary practice confirms that customary law is dynamic and can adapt to developments in national law and changes in public opinion. Currently, the implementation of Melasti Manak Salah has been transformed into a ritual that no longer harms children, reflecting a balance between the preservation of customs, protection of children's rights, and application of gender equality at the customary village level.

### **5.2. Limitation**

This study has several limitations that need to be noted to keep the scope of the analysis clear and focused. First, this study focuses only on the Melasti Manak Salah practice in Pedawa Village; therefore, the findings are not intended to represent the entire Bali Aga tradition or other traditional villages.

Second, the study only discusses the application of gender equality and child rights protection in the context of twins of different sexes; therefore, it does not cover other customary aspects that are not directly related to the birth of twins. Third, the empirical data collected were limited to interviews and observations of traditional leaders, communities, and families with twins; therefore, the results were strongly influenced by local perspectives and the local cultural context. Fourth, this study did not conduct a quantitative assessment but only used a qualitative approach; therefore, the results of the study are descriptive-analytical and are not intended for statistical measurement. Finally, this study focuses on changes before and after the ban on exile, so it does not discuss in-depth comparisons with similar customary practices in other regions.

### **5.3. Suggestion**

Based on the results of this study, several recommendations can be considered to strengthen the protection of children's rights and gender equality in Pedawa Village. First, the traditional village and administrative village governments need to continue to disseminate information about the principles of non-discrimination and gender equality so that changes in traditional norms are fully understood and implemented by the entire community. Second, customary institutions are advised to strengthen written regulations, such as *awig-awig* or *perarem*, that explicitly prohibit the exile and discrimination of children to guarantee legal certainty. Third, intensive cooperation between traditional leaders, local governments, and child protection agencies is needed to ensure that traditional rituals can continue without sacrificing the basic rights of children. Fourth, further research is recommended to assess the long-term impact of these changes in customs on social structures, gender relations, and community perceptions of twins in the region. Finally, it is important for the Pedawa Village community to continue to open a dialogue between customary and national law so that cultural preservation continues to run harmoniously with the principles of child protection and gender equality that have been regulated in national and international law.

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