

Completion Of Legal Conflict In Children Of Rajeg Sentana In Badung District

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Abstract: The purpose of this study is to analyze the inheritance conflict resolution in the sentana rajeg children in Badung regency, to analyze the causal factors of the inheritance conflict of sentana rajeg children according to Balinese customary law. The method used in this research is empirical law research method, as a study that analyzes the living law in Badung society.

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I. INTRODUCTION

The term "inheritance" is derived from the Arabic language which has become the Indonesian language meaning the person who receives the treasure from the deceased. In the context of "inheritance law" according to customary law (customary law of inheritance) is not merely talking about the person who receives the inheritance, but includes the whole rules that govern the process of continuing and passing the goods of goods and goods that are not tangible objects (immateriele goederen) of a human force (generatie) to the offspring. The process of forwarding this property is called the term inheritance.

The inheritance system for Indonesian citizens currently in force is the legal system of the inheritance of the Western Civil Code (Europe), contained in the Burgerlijk Wetboek (BW) or the Civil Code under the provisions of IS, jo Staatsblad 1917 Number 129 jo Staatsblad 1924 Number 557, jo Staatsblad 1917 Number 12 on submission to European Law, then BW, applies to Europeans and those equal to Europeans; Chinese Foreigners. The diverse legal systems of customary inheritance also have their systems influenced by ethnic forms in different areas of customary law, such as the matrilineal system in Minangkabau, patrilineal in Batak, bilateral in Java and others, Islamic inheritance systems, as set out in the Compilation of Islamic Law.

In the next discussion discussed the inheritance according to customary law, especially customary law in Bali. Customary law begins with a habit that occurs in everyday society and takes place for generations. Gradually the custom is given a sanction to the violator so that the adat law is obeyed by the community and formed legal officers and community officials with the effort of coercion and / or the threat of punishment (sanctions). Customary Laws are rules of conduct applicable to indigenous people and foreign easterners, who on the one hand have sanctions (hence the law) and on the other hand are not codified (hence the word adat).

Regarding customary law, as Article 18 B Paragraph (2) of the 1945 Constitution of the State of the Republic of Indonesia (UUD 1945) that "the State recognizes and respects the unity of indigenous and tribal peoples as long as they are alive and in accordance with the development of society and the principle of the Unitary State of the Republic of Indonesia, as governed by law ". The State recognizes and respects the unity of indigenous and tribal peoples, such recognition includes traditional rights, as long as it is alive and in accordance with the development of society and the principle of the Unitary State of the Republic of Indonesia, so that if adat law is no longer in accordance with the developments and principles of the Unitary State of the Republic of Indonesia, no longer recognized by the state.

The customary law system is certainly jointed on the basis of the minds of the Indonesian nation, which is not the same as the mind that controls the Western legal system. To be aware of the customary law system, one must explore the fundamentals of the living mind in Indonesian society. Adat is a reflection of the personality of a nation and is one of the incarnations of the nation's psyche concerned from century to century. Therefore every nation in this world has its own customs, one with the other is not the same. So because of this inequality can say, that custom is the most important element that gives identity to the nation concerned.

Furthermore, in customary law, the family system is one of the most important parts of the inheritance law, therefore the basic point of the description of customary inheritance law is derived from the form of society and the kinship character of Indonesia according to heredity system. As for the meaning of heredity in the

customary law of this family is the singleness of the ancestor, meaning there is a blood relationship between one person with another person, two or more people who have blood relations. So the single ancestor here is a descendant of one another.

In Indonesia there are basically three kinship or kinship system that is patrilineal kinship system that is kinship system that draw lineage from line of men (father), this system adopted in Tapanuli, Lampung, Bali and others, matrilineal kinship system that is kinship system which draws a lineage from the female line (mother), this system is embraced in West Sumatra Minangkabau, and the parental kinship system is a kinship system that draws the lineage of the male (father) and female (mother) line, the system is embraced by Java, Madura, South Sumatra and others.

Inheritance law in Indonesia is still pluralistic, this plurality occurs because in Indonesia does not have the Law of the National Legal Law applicable to all the people of Indonesia. Discussing the law of inheritance can not be separated from discussing the law of marriage, because the element of inheritance law is the existence of the deceased person known as the heir, the existence of the longest living person known as the heir and the existence of inheritance. The person called an heir is due to a marital relationship and a blood relationship.

In Indonesian Customary Law, there are three inheritance systems, namely the system of individual inheritance, in the system of individual inheritance, individual heirs inherit the estate. Individual inheritance systems tend to be found in parental societies. In a parental society there is equal rights and obligations to girls and boys. Girls have the same inheritance rights as sons against the estate. The hallmark of this system is that the treasures of the relics can be distributed among the inheritors such as those found in bilateral societies in Java. Collective inheritance system, in collective inheritance system, heirs together inherit treasure property. Characteristic that the treasure is inherited by a group of heirs who together constitute a kind of legal entity. Where such treasures are called heirlooms should not be distributed among ownership of what the heirs are and may only be distributed to their use (only have the right to use as in the Minangkabau community). The Majority Inheritance System, in a major inheritance system, the oldest of its kind, holds the heritage property with the right and obligation to administer and administer the interests of its younger brothers on the basis of deliberation and consensus of the members of the heirs. Character of most of heritage inherited by a child only, as in Bali, where there is the oldest son's major rights.

1. The three systems of inheritance if connected with our familial system we can see that the inheritance system does not directly address a particular form of society. Because a system of inheritance can be found in various forms of society, namely:
2. Inheritance system Majorat (rights of the eldest son) besides found in the patrilineal community in the land of Semendo South Sumatra, also found in Kalimantan in the parental community of Dayak tribe. The collective inheritance system, in addition to the matrilineal community in Minangkabau, is also found in Ambon in patrilineal society (called "dati land") and also in Minahasa in bilateral societies (called "wakes"). Women as mothers, as wives, and sometimes as fathers working to fulfill their household needs. On the other hand, the inheritance system in Bali which embraces the patrilineal familial system influenced by Hinduism, the daughter as the heir because of the legal status of a child born when both parents are bound in legitimate marriage, but does not get a share of inheritance. The inheritance system in Bali, the principles of kinship is the same as the familial system adopted in the book Manawa Dharmasastra, known as one of Hindu Law Book. This is not apart from the religion of the majority of the people of Bali. In principle, the heirs are the closest to the inheritors through garus descendants kepurusa (male).

The Balinese community as one of the tribes that exist in Indonesia, known as a society that holds the tradition of customs. Traditional Balinese traditions are heavily influenced by Hindu law, which is largely embraced by Balinese society. Hindu religious law is also widely used as an adat court in solving the problems that occur in the daily life of society. Therefore it can be said that Balinese custom law is a law of Hindu religion.

In the Balinese customary law community the familial bond embraces the patrilineal system, which is based only on the father lineage in Balinese language called kepurusa (Panetjee 1989: 39). Heir is the father (man), where this understanding is based on the idea that in patrarkhi's paternal family system, the father is the head of the family, the breadwinner and the "owner" of family property passed down from generation to generation. This brings the consequence of a very important role for boys as the hereditary descendants for their families, while not so with girls. The son as the hereditary descendant, has a duty to be responsible for the worship of his ancestors, therefore he is entitled to the inheritance of his parents. Furthermore, for those who do not have a son will often do the act of lifting the child as the successor of the descendants of his family because a boy becomes the hope of parents.

Patrilineal family system adopted in Balinese customary law community is very influential on all legal acts committed especially concerning kinship, always based on the conception of purusa, among others in

determining the continuation of descent, marriage, adoption and other things that are not less important namely inheritance. In customary law inheritance of Bali, known three kinds of heirs, namely:

- 1) Pratisentana purusa (boy),
- 2) Sentana rajeg (girls with boy status),
- 3) Sentana peperasan (foster child).

The above shows that only boys are entitled to be heirs. but in reality, not all marriages always produce male offspring, not a few family couples in Bali have only daughters. This will lead to a condition called *ceput* or *putung* that is a state in which a family (dynasty) has no progeny descendants. In order to avoid cessation, a family can take advantage of the institutions provided by customary law, namely the institution of adoption of a girl who is upgraded to a son as a descendant of the royal (sentana rajeg) or by raising another child into a foster child (sentana peperasan). The adoption of girls into rajeg sentana is quite popular in some areas of Bali, such as Tabanan and Badung, but not known in other areas such as Buleleng and Karangasem. Similarly, marriage done by the child sentana rajeg done with *nyentung* / *nyeburin* system where the girl will attract men along her husband into the bonds of female families.

In marriage of the *nyelana* / *nyaburin* system, the man who has changed the status of being a woman (*predana*) and hereinafter referred to as *Kedaton*, must lose the right of inheritance at home. While the women who changed the status to be male (*purusa*) have the right to get the right of inheritance from family. But in reality the practice of inheritance in children sentane rajeg sometimes leads to conflicts within the family. Some family members do not accept the inheritance system of the centana rajeg children, usually due to customary conditions not fulfilled by the girl or because there has been a removal of a son (*peperasan*) from another heir as happened in one of the cases disputes / inheritance conflicts in Badung Regency which has been decided by the Denpasar District Court which has a permanent legal force namely the case Number: 76 / Pdt / G / 2000 / PN.DPS. tanggal December 18, 2000 Jo number: 98 / Pdt / 2001 / PT.DPS. dated May 29, 2001. Jo number: 445K / Pdt / 2002, February 24, 2005 between I Wayan Sueca and Ni Nyoman Rasin against the defendant Ni Nengah Mustiasih, that the case has become the jurisprudence of the Supreme Court (the set of MA RI jurisprudence in 2005).

That the inheritance conflict happened to one of the family in Badung regency which started from a citizen named I Supluk (grandfather) has 2 sons named I Supluk (child) and Wayan Rambik (children). That I Supluk (grandfather) died and left the estate in the form of a piece of land. I Supluk (daughter) had a daughter named Ni Nengah Mustiasih, while Wayan Rambik from her marriage did not have a child, so she appointed a boy named I Wayan Suece. According to Balinese customary law who is entitled to receive the grandfather's inheritance is I Wayan Suece because he is a foster son. Yet another grandson of Ni Nengah Mustiasih thinks that he is more entitled to control the inheritance because there is a blood relation with I Supluk (grandfather), although he is a girl but has been raised into sentana rajeg and has married with *nyentana* / *nyeburin* system, become a man. The inheritance conflict / disputes have been brought to the adat leaders to be settled under the applicable Bali Customary law rules but no agreement is reached.

II. FORMULATION OF THE PROBLEM

Based on the above background description, the authors formulate the problem as follows:

1. How to solve inherited conflict in sentane rajeg children in Badung regency?
2. What factors are the cause of the inheritance conflict in sentana rajeg children in Badung regency?

III. THEORETICAL FRAMEWORK

Theory of Legal Pluralism

One of the theoretical orientations of the sociology of law is to examine the various studies of the interaction of the existence of law with social aspects, both as the effect of the existence of legal institutions, doctrines and practices of law and the sociological phenomena that proceed from the existence of one law. It is undeniable that the ultimate tendency of the effectiveness of one law is strongly dependent on the sociological factors of law, legal science, economic analysis of law, analysis of criminology, religious analysis of law and analysis of human rights relating to law.

Formulating and enforcing the law without its plural social footing, the existence of the law has actually been deformed from its formation, since the law is essentially plural to human beings, providing justice and making plural humanity happy. The dominance of central law and the abolition of customary law which has become the soul of indigenous peoples, is theoretically contrary to the conception of legal pluralism. The law is basically plural and can not be generalized in the midst of different cultures and laws of society. The conception of legal pluralism emerges as a denial of legal centralism that state law is the only guide and code of conduct. Friedrich Karl von Savigny points out "Law is and expression of the common consciousness or spirit of people". Law is not created but it grows and develops with society (*das rechts wird nicht gemacht, es ist und wird mit*

dem volke). If it is so according von Savigny "the law was born from the soul of society that accommodate the community". Whereas in the same social field, there is more than one order of law in force. Satjipto Rahardjo said the law should not assume that his work is done with a credo *rationalistas* above all else. The essence of the existence of law is justice and happiness, not merely rationality but above all happiness. Therefore, law enforcers in this country should feel anxious when the law can not make their people happy, let alone the existence of the law is troubling and oppressing its people.

Speaking of legal pluralism, it is not only talked about in traditional societies but also talks and studies in modern society and has advanced in the development of its laws. In the United States, two kinds of laws are applicable; namely the laws applicable within the federal state and the applicable laws of the state.

The term law pluralism comes from English, namely Legal Pluralism Theory, Dutch language called *Theorie Van Het Rechtspluralisme*, while in German called *Theorie Des Rechtspluralismus*. In the legislation, there is no legal pluralism.

Lawrence M. Friedman states: "There are different legal systems or cultures in a single political community". Griffiths states: "A condition that occurs in any social territory, where all the actions of the community in that region are governed by more than one law. Paul Schiff Berman put forward the notion of legal pluralism: "Those situations in which two or more state and non-state normative systems occupy the same social field and must negotiate the resulting hybrid legal space". In this sense pluralism is constructed as a state in which two or more legal norms apply in social life and can be negotiated to produce two types of legal systems within a region.

Sally Engle Merry points out "generally defined as a situation in which two or more legal coexist system in the same social field". In this theory is focused on the enactment of two legal systems that live side by side and develop in social life. This implies that between state law and local law applies together in the life of society, and it is not necessary to question whether it is a strong and weak legal pluralism.

In legal pluralism that enforces a variety of laws, there can be no legal unification: "To apply a certain law to all peoples in a particular country. If a law is declared unlawful, there is only one law in that country, and no various laws apply. "

From the above explanation, it can be concluded that legal pluralism is the enactment of two or more legal systems within a society within a country. There are laws made by the state (state law) and there are laws that apply and set by the community itself, such as customary law, religious law, and others. Theory of legal pluralism is, "The theory that examines and analyzes the diversity of laws that apply and set in the social life of society, life of nation and state".

Thus the object of legal pluralism applicable and applied in social life is a civil law that is plural, where the law in society consists of, religious law, customs, and the state.

Theory of Legal Effectiveness

Bronislaw Malinowski analyzes the effectiveness of the law in society. Society can be divided into 2, namely modern society and primitive society. Modern society is a society with broad market-based economy, specialization in industry and the use of advanced technology. In modern society, the law created and established by the competent authority is upheld by the police, the court and so on, while the primitive society is a society that has a simple economic system and in primitive society does not recognize the tools of power.

Soerjono Soekanto said that effective is the extent to which a group can achieve its goals. Law can be said to be effective if there is a positive legal impact, at that time the law reaches its target in guiding or changing human behavior so that it becomes legal behavior. With regard to the issue of legal effectiveness, the identification of the law is not only with the element of external coercion but also with the court process. The threat of coercion is an absolute element in order that a rule can be categorized as law, then of course this element of coercion is closely related to the effectiveness of whether or not a provision or rule of law.

Talking about the effectiveness of the law means talking about the work of the law in regulating and or forcing people to obey the law. The law can be effective if the factors affecting the law work well. The size of the effectiveness of a prevailing legislative regulation can be seen from the behavior of the community. A law or regulation will be effective if the citizens behave in accordance with the expected or desired by or the legislation to achieve the desired objectives, then the effectiveness of laws or regulations of the legislation has been achieved.

The theory of legal effectiveness according to Soerjono Soekanto is that the effectiveness or absence of a law is determined by 5 (five) factors, namely:

- 1) The legal factor itself (the law).
- 2) Law enforcement factors, namely the parties that make up and apply the law.
- 3) Factors of facilities or facilities that support law enforcement.
- 4) Community factors, ie the environment in which the law applies or applies.

- 5) Cultural factors, namely as a result of work, inventiveness and sense that is based on human initiative in the social life.

These five factors are closely interrelated, as they are the essence of law enforcement, also a benchmark rather than the effectiveness of law enforcement. In the first element, which determines the functioning of the written law properly or not depends on the rule of law itself. Soerjono Soekanto's theory of legal effectiveness is relevant to the theory put forward by Romli Atmasasmita that the factors that hamper the effectiveness of law enforcement lie not only in the mental attitude of the law enforcement apparatus (judges, prosecutors, police and legal counselors) but also in legal socialization factors that are often ignored.

According to Soerjono Soekanto measure of effectiveness in the first element is the existing rules on certain areas of life is sufficient systematism of existing regulations on certain areas of life is quite synchronous, hierarchy and horizontal there is no contradiction, and qualitatively and quantitatively the rules which regulates certain areas of life is sufficient and the issuance of certain regulations is in accordance with the requirements of the existing jurisdiction.

There are several elements of effectiveness measures that depend on the condition of the community, namely: the factors that cause the community not to comply with the rules despite good regulations, the factors that cause the community not to comply with regulations, although the regulation is very good and apparatus has been very authoritative, the cause of the community does not obey the rules either, authoritative personnel and sufficient facilities.

The above elements provide an understanding that community discipline and compliance depend on internal motivations. Internalization of this factor exists in each individual who becomes the smallest element of the social community. Therefore the most appropriate approach in this disciplinary relationship is through the motivation that is instilled individually. In this case, the degree of legal compliance of the community becomes one of the parameters on the effectiveness of whether the law is enforced while the compliance of the community can be motivated by various causes, whether caused by internal or external conditions.

Internal conditions arise because there are certain drives both positive and negative. Positive impulse can arise because of a positive stimulus that causes a person to move to do something positive. Negative drives can arise because of negative stimuli such as unfair treatment and so on. External impulse due to some kind of external pressure that requires or compels citizens to be subject to the law. In general dosage, the requirement of citizens to submit to and obey the law is due to sanction or punishment that creates fear or discomfort, so prefer to be law-abiding rather than committing a violation. This motivation is usually temporary or temporary.

IV. DISCUSSION

Appointment of Children According to Balinese Customary Law

The Balinese life is very religious, with a very strong Hindu influence. The strong influence of religion on Balinese life makes it difficult to distinguish which aspects of Balinese life are derived from indigenous Balinese culture, traditions or customs and which parts are influenced or sourced from religion.

According to Windia and Sudantra (2016: 8) explains that the Balinese customary law is a complex of norms both written and unwritten, containing orders, permissibility and prohibitions, governing the lives of Balinese people concerning relations between human beings, human relations with its natural environment, and the relationship between man and his god. Artadi (2007: 3), argues that speaking of Balinese customary law, then there are three main things that must be used to understand the existence of the existence of Balinese customary law. These three main points are the general efforts of Balinese to try to uphold the balance among the people themselves. Efforts to enforce the balance of community relations with community groups, and the balance of public relations as a whole with the Godhead.

From some of the above definitions can be concluded that Bali custom law is a law that grows in the environment of Balinese customary law community based on the teachings of religion (Hinduism) and grow to follow the customs and feelings of propriety in the Balinese customary law community itself. So that in Balinese customary law community, between custom and religion can not be separated. It can not be separated between religion and custom in the Balinese customary law community, because the customary law is derived from the teachings of Hinduism. As well as concerning the ordinances of marriage where in Hinduism a marriage has a meaning in a sacred staircase. The marriage of Hindu religion is aimed at prosperous and happy life, in the Manawadharmasastra there are three goals namely dharmasampatti, praja and rati.

The provisions of Article 2 paragraph (1) of the Law of Marriage and the Presidential Decree No. 1 of 1963 which enacted into Law no. 5 of 1969 determines the existence of Hindu law to be reviewed in the context of the implementation of Marriage Law carried out according to their respective religions and beliefs. According to the term law is dharma or dharma is law.

According to Gde Puja (1984: 18) explains that the Hindu marriage system is a manner or form of business which is justified and which can be done by a person according to Hindu law in legalizing the marriage procedure so that both formal and material can be declared valid as husband and wife.

Based on Manusmreti (Manudharmasastra), Hindu marriages are religious and obligatory, this is related to the obligation for a man to have a male offspring (purusa) so that the child can save the parents from hell.

But if the marriage does not take place with a ceremony according to Hindu law then the marriage is invalid. In Balinese Customary Law, marriage other than based on the Marriage Law, also based on Hinduism. According to I Ketut Atardi (2007: 169), In the customary law of Bali is known there are two forms of marriage that is:

- a) Ordinary Shape, which is a marriage performed between a man and a woman, with the man domiciled as a purusa. In a marriage like this the man marries the woman by pulling the woman into a male family. Women domiciled as predana. In a sense also his descendants will automatically enter into the family family of the man as her husband and have no legal relationship with her mother's family. The occurrence of this form of marriage is as a result of the adoption of patrilineal family system in Bali. According to the patrilineal family system, a boy who plays a very important role as a progeny in the family, so that in marriage the wife will follow the husband and so will apply to his children will later enter the family members of his father.
- b) Nyentana form, which is a marriage performed with the woman is located as "purusa". This is the opposite of the prevailing marriage form and is practiced in Bali. In a marriage like this, the woman marries the man by pulling the man into the family family of the woman. The woman becomes a male, while the man will be a woman. for the woman will apply the inheritance law that is common to men in the family. In a sense also descendants will automatically be entered into the family family of the woman as his wife who has a status of purusa and has no legal relationship with his father's family. For the man who nyentana, his position in the inheritance is as a woman.

Marriage is one of the most important events in the life of the community. Therefore, marriage is not only about women and men who will become husband and wife, but also concerns the parents of both parties, brothers and even other relatives.

Marriage is also not just to meet the demands of life but the marriage to form a happy and eternal family and formed a healthy household and children born from legitimate descendants.

In Balinese custom before marriage between the prospective husband or the prospective wife to do "eloping" or "marrying the rangkat" with the intention of the husband's husband to run the wife's wife by coercion. In this kind of marriage the groom is obliged to compensate also to the offended party and in addition must also pay for other ordinary marriage expenses. Gde Puja (1984: 80) explains that the term marriage in Bali is patukun-luh, giving honest or patukun-luh by the side of men to the woman is as a symbol of deciding the family relationship of the wife with parents, ancestors, brothers siblings. In this case it is necessary to note about the marriage of race (Gandharwa Wiwaha) which according to Hindu law of formalities according to Hindu law he has been valid as husband and wife since the ceremony of bea-kaon (mekala-kalaan), but because the legal process desired for registration then when both parties have perform religious ceremonies to register marriages. According to I Ketut Sudantra (2011: 16) describes that marriage of Hindu religion is associated with niskaladan sekala affair, that marriage is a matter of sekala, existence of announcement in pakraman village with awig-awig applying in banjar or local pakraman village and existence of marriage deed.

Child Adoption System In Bali Customary Law

Balinese customary law community is embracing patrilineal family system, meaning the descendants are always drawn only through the line of the men only in the Balinese language called kepurusa line. The patrilineal familial system of Balinese society is a principle, a religiously magical attitude. The characteristics of patrilineal family law in Bali appear in the mastery of the boys to perform ancestor worship, and serve the villagers who need a lot of energy for the villagers.

Consequences with the adoption of patrilineal familial systems in Balinese legal societies, leading to boys' standing are particularly prominent, including inheritance from the estate of their parents. The situation is basically because the boys in the Balinese customary law community are domiciled in addition to being the hereditary descendants, are also obliged on family worship. The provisions do not apply to girls, because girls after marriage will follow her husband's family and break their legal relationship with their family of origin. The prominence of boys in Balinese customary law community is caused by several factors, among others:

- a) Religious Magical Factor For the Balinese customary law community of Hindu boys will have a privileged position in the family. Boys are called the Son because they are seen as the savior of the deceased ancestors.

The purpose of the religious magical view of a son is that only a son / son can deliver the spirits of his parents who have died to heaven by doing worship ceremony of his ancestors.

According to Balinese customary law, in principle only boys born of legitimate marriages can be the heirs of their parents. However, these provisions can be breached by making girls entitled to inherit as boys. The breakthrough in Balinese customary law is done by making girls as sentana rajeg, so in the legal aspect of his status as a son on the receipt of the inheritance of his parents.

In sentana rajeg important to note is the accompanying marriage. A daughter who is placed as a sentana rajeg, then her husband entered and became or follow the family of his wife. Furthermore, the offspring produced is a continuation of the family of his wife, with another word in kinship and inheritance of the man is a woman. The form of marriage of men with women sentana rajeg called nyeburin mating.

Similarly, in a family that has no children or descendents, they usually take up children so they can continue their offspring. In Balinese customary law the role of a boy in a family in Bali, especially in the maintenance of a family prayer place (sanggah / pengajan), conducts ayahan in Banjar, which can not be done by girls.

- b) Family Factor The kinship relationship in Balinese customary law community that plays an important role is boy (kepurusa line). As has been described above for Balinese customary law community who have no children or offspring at all, then do the act of raising children. Therefore Balinese custom law recognizes the institution of adoption. A family with no offspring can take a son from a nearby family with the intention of becoming his own child. The process of adopting the child must be done with the consent of the parties concerned, and carried out in a certain way or procedure, among others: the commencement of the extortion ceremony and announced before the public. Such adopted children in Balinese customary law community are called sentana peperasan. The legal position of sentence is equal to the natural child, both in the family law relationship, the law of inheritance, and in community relations. So sentana peperasan or adopted child, is a descendant of descent and entitled as full heir to his adoptive parents.

Prior to the appointment of a child, there shall be a consensus between the parties concerned, either from the adoptive family or the adopted child's family, and asks the consent of the child to be raptured (if it is deemed to be / may grant consent). Upon approval, the intention was announced to all indigenous and tribal peoples. The announcement is called broadcast. To strengthen the sign of ratification of the child, a letter was made by the village head / lurah called a letter of expression. The letter "peras" contains the Minutes of the Appointment of the Child that is about the identity of the adoptive parents, the adoptive parents of the adopted child and the adopted child and the adoption of the appointment ceremony, which functions as a proof of adoption.

The adoption of children is not only present in the Balinese community whose patrilineal familial system, as comparisons can be elaborated on the adoption of children in different areas of a different kinship system. Appointment of children is also known in the region of Aceh with the title anduk geuteung. In the vicinity of East Aceh - Idilangsa, Kuala Simpang, called the child defendants and in Meulaboh called picked children. Its preserving nature has no other legal effect.

V. CONCLUSION

1. Based on the above description it can be said that the legal relationship of adopting children in the Balinese customary law community can result in a child's status to change. This change occurs with the act of multiple laws, namely legal acts aimed at releasing the child in question from his family ties. Usually by burning a yarn, and the payment is customary, ie in the form of a thousand kepeng, and one set of women's clothing and putting the child in a family environment yag lift called "peras".
2. 2 Balinese customary law embraces a patrilineal familial system so that the main heir is a boy, while the daughter is not an heir. As an exclusion of the patrilineal system in Balinese family law, if the heir only has a daughter then the child can be sentana rajeg by marrying nyeburin ie the woman marries the man by drawing the man into his family. Here the woman becomes a male, while the man is a woman.

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