

Pengarusutamaan Gender Krama Istri (Warga Perempuan) dalam Hukum Adat Bali

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Abstract

Penelitian ini bertujuan menganalisis bahwa hampir 30 persen daerah di Provinsi Bali, seperti di Kabupaten Buleleng belum mencantumkan dalam awig-awig desa adat mengenai kedudukan dan status perempuan sebagai krama istri terhadap perempuan Bali yang mengalami perceraian dari perkawinan campuran. Merespon permasalahan tersebut, dalam melindungi hak perempuan dan kewajibannya sebagai krama desa melalui paruman desa adat dirancang sebuah kebijakan adat. Metode penelitian yang digunakan adalah penelitian yuridis empiris. Pendekatan perundang-undangan, dan pendekatan studi kasus. Perempuan dalam Hukum Adat Bali yang mengalami perceraian dari perkawinan campuran, belum mendapat perlindungan hukum dalam mulih deha dan mewidasa. Adopsi hak-hak perempuan mulih deha selaras dengan Keputusan MDP Nomor: 01/KEP/PSM-3/MDP Bali/X/2010 mengandung unsur responsif gender. Hasil penelitian menunjukkan Permasalahan terkait dengan jaminan perlindungan hukum negara terhadap warga negara yaitu perempuan Bali berkenaan akibat hukum perceraian dari perkawinan campuran.

This study aims to analyze that almost 30 percent of regions in Bali Province, such as in the Buleleng Regency have not included in the awig-awig traditional villages regarding the position and status of women as manners of wives towards Balinese women who experience divorce from mixed marriages. Responding to these problems, in protecting the rights of women and their obligations as a village manners through traditional village paruman designed a customary policy. The research method used is empirical juridical research. The statute approach, and the case study approach. Women in Balinese Customary Law who experience divorce from mixed marriages, have not received legal protection in terms of deha and mendidea. Adoption of women's rights is in harmony with MDP Decree Number: 01 / KEP / PSM-3 / MDP Bali / X / 2010 containing gender responsive elements. The results of the study show that the problem is related to the guarantee of state legal protection for citizens, namely Balinese women due to the divorce law from Mixed Marriage.

Keywords

awig-awig adat; Bali; women; gender responsive; awig-awig adat; Bali; perempuan; responsif gender