



**"ASIAN RURAL SUSTAINABLE DEVELOPMENT:  
PROMOTING SPIRITUAL, CULTURE, VALUES, AND LOCAL PRACTICES"**

**Bali, 5-7 July 2018**

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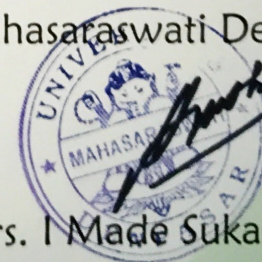


In 9<sup>th</sup> INTERNATIONAL CONFERENCE RURAL RESEARCH AND PLANNING GROUP (IC-RRPG),  
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The 9th International Conference Rural Research & Planning Group (IC-RRPG) "Asian Rural Sustainable Development: Promoting Spiritual, Culture Values and Local Practices"

# The 9th International Conference Rural Research & Planning Group (IC-RRPG) "Asian Rural Sustainable Development: Promoting Spiritual, Culture Values and Local Practices"



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## Gambling in the temple area: between social phenomena and legal issues

I Wayan Gde Wiryawan\*

<sup>1</sup> Universitas Mahasaraswati Denpasar

### Abstract

Sub-Theme: (3)  
Rural Culture, Value and Practices

Gambling done in the temple area is often found when there are religious ceremonies in Bali. Gambling is done by running a cockfighting game or in Bali known as *tajen*. Local people hold a gambling arena and organize a game that was followed by villagers. Game of gambling in the temple area, is considered as a means to socialize with fellow citizens. This research is an empirical legal research. Data are in the forms of primary data and secondary data, collected through observation and literature study. The data collected qualitatively and presented analytically in descriptive way.

*Tajen* gambling violates Article 303 of the Criminal Code and 303 bis of the Criminal Code and violates the religious norm, namely *Rg Veda* (10.34.13). Despite breaking the law and the teachings of Hinduism, *tajen* gambling still exists, even done in the temple area. This condition happens because *tajen* is still supported by the local community. In addition, this activity also provides financial income for indigenous villages, temple development and local communities by renting parking lots and sell foods and beverages. Tackling gambling in the temple area can be done by religious approach, approach to customary village and through law to create a good social environment.

### Keywords

Gambling, *Tajen*, Temple, Social and Legal issues.

## 1. Introduction

Hindu life philosophy can not be separated with the philosophy of *Tri Hita Karana*. *Tri Hita Karana* (the three causes of happiness) is the philosophy of balance (the balance of the relationship between human and God, human and other humans, and humans and their environment).<sup>†</sup> Human relationship with God is called *parahyangan*, human relationship with other humans is called *pawongan* and humans relations with the environment is called *palemahan*. In carrying out the relationship between humans and God, they make worship to God. Temple is a sacred place for Hindus used to pray and make worship to God. As a holy place, the sacredness of the temple must be protected.

The implementation of Hinduism is done by applying the three basic religious frameworks. Parisada Hindu Dharma Indonesia declared three basic frameworks of Hinduism consisting of the teachings of *tattwa* or Hindu philosophy, decent or ethical teachings of Hindu

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\* The author is a lecturer at Faculty of Law, Mahasaraswati Denpasar University, Jl. Kamboja No.11 A Denpasar, Bali, Indonesia, 80233, [gdewiryawan1976@gmail.com](mailto:gdewiryawan1976@gmail.com).

<sup>†</sup> Tjok Istri Putra Astiti, 2005 *Pemberdayaan Awig-awig Menuju Ajeq Bali*, Lembaga Dokumentasi dan Publikasi Fakultas Hukum Universitas Udayana, Denpasar, h. 6.

religion, and ceremonies or rituals of Hinduism. Hindus perform various religious rituals in temple, one of them is the ritual "*Tabuh Rah*." According to Purwita, the emergence of "*Tabuh Rah*" is as the norm in performing *bhuta yadnya* ceremony in Bali, shows a style of sacrifice in ancient time. *Tabuh Rah* itself has the basic words "tabuh" and "rah" which are etymologically the word *tabuh* means to pay, whereas *rah* means blood. With this etymological explanation, the *Tabuh Rah* means payment with blood or "*pakrtiyajna*" with blood done by sowing blood in a certain place.<sup>‡</sup> *Tabuh Rah* means *bhuta yadnya* ritual ceremony in which the blood that is tricked to the earth symbolized as a human appeal to Ida Sang Hyang Widhi Wasa (God) in order to avoid the distress. Therefore, in terms of philosophy, *Tabuh Rah* contains important meaning for ceremonies in Hinduism.

*Tabuh Rah* is done to purify and maintain the balance of nature. Attraction of *Tabuh Rah* held in every religious feast of Hindu is aimed to purify nature. In addition, the implementation of this ritual becomes one of the efforts to maintain and preserve Balinese culture. Ritual of *Tabuh Rah* itself can be seen in some sacred literatures namely:

- a. Lontar Ciwa Tatwa Purana explained : '*Mwah ri tileming kesanga, hulun magawe yoga, teka wenang wang ing madhya magawe tawur kasowang an den hana pranging sata wenang nyepi sadina ika labian sang kala daca bumi, yanora samangkana rug ikang ing madya.*' (When the moon is completely invisible in the ninth month of the Balinese calendar, I (Lord Shiva) hold yoga, it is obliged that the people of this earth make their offerings, then hold cock fighting and do *nyepi* (silent) in a day, then Kala Dasa Bhumi comes. If they do not do these things, they will be destroyed).
- b. Lontar *Yadnya Prakerti* explained: '*Rikalaning reya- reya, prang uduwan, masanga kunang wgila yamanawunga makantang tlung parahatan saha upakara dena jangkep.*' (At the time of the feast, a holy battle is held, for example, on the ninth month, it is proper to hold a three-rounds cock fighting complete with the offering.<sup>§</sup>

Along with the development of the era, *Tabuh Rah* that was originally for giving offerings or *butha yadnya* (sacred offerings for the spirits) has changed in meaning. The shift is in the form of gambling activities conducted during the activities of *tajen*. *Tajen* is an event that shows the action of cock fighting . The cocks are used as a bet of money. Stereotif about *tajen* is not apart from activities closely related to gambling.\*\* *Tajen* has a resemblance to *Tabuh Rah* where the activity done in the temple area by using cocks for fighting . The difference that *Tabuh Rah* is done for the sake of religion, while the *tajen* is done to benefit from gambling made through the bet of cock fighting. *Tajen* activity performed at the temple is actually a blasphemy of the temple's sanctity.

Cock fighting gambling or better known as *tajen*, besides being prohibited by religion, is also expressly prohibited by positive law. Indonesia itself is a country that does not legalize gambling. Gambling is a crime. This can be seen from the provisions of Article 303 of the Criminal Code, The Act of No. 7 of 1974 on the Control of Gambling, Government Regulation Number 9 of 1981, Instruction of the President and the Instruction of the Minister of Home Affairs No. 5, dated 1 April of 1981. These provisions provide the basis for law enforcement to control the gambling of *tajen*.

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<sup>‡</sup> Ida Bagus Putu Purwita, 1978, *Pengertian Tabuh Rah di Bali*, Proyek Penyuluhan Agama dan Penerbitan Buku Keagamaan Propinsi Bali, Denpasar, h. 1.

<sup>§</sup> I Putu Suyatra, "*Tabuh Rah, Antara Tradisi dan Judi; Ini Batasannya*," <https://www.jawapos.com/baliexpress/read/2017/09/08/12452/tabuh-rah-antara-tradisi-dan-judi-ini-batasannya>

\*\* K.Vimala Kairavani, "*Penyelenggaraan Tajen: Judi Versus Sarana Pemasukan Bagi Desa Adat dan Masyarakat*", *Jurnal Ilmiah Sosiologi (Sorot)*, Vol 1 No 2, 2014, h. 2.

Sociologically, gambling done in the temple area has grown in the community. Society has a mind that equates the meaning between Tabuh Rah and *tajen*, supported by the fact that Tabuh Rah is something that is legal, thus giving a gap to those who want to hold a *tajen*. A scheme created to circumvent the fact that *tajen* is an illegal activity is by holding a *tajen* in the temple area. Temple itself is a sacred area, so it is thought that *tajen* will be sacred if it is done in the temple area. This condition can lead to desacralization in the temple.<sup>††</sup>

The arena of *tajen* gambling is considered as a game that provides entertainment for the community. People can socialize in the *tajen* arena. Viewed from the side of the economy, the gambling arena conducted in the area of the temple does provide financial benefits for many, including for local custom villages, local communities, cock and other gambling equipment sellers, and so on. The benefits gained from the *tajen* gambling are also given as a contribution to the improvement of the temple. These conditions cause local communities provide protection for the implementation of *tajen* gambling. In this research, there are two problems that will be discussed : 1) What is the social and legal view of gambling conducted in the temple area? 2) How can the problem of gambling in the temple area be solved?

## **2. The Social and Legal View of Gambling Conducted in the Temple Area**

Gambling is a social problem in society and to this day is difficult to eradicate. Dickerson, Allcock, Blaszczynski, Nicholls, Williams, and Maddern, as quoted by N. Trisna Aryanata said that gambling proved to have a relaxation effect on the perpetrators where it relates to gambling activities as part of a game. Gambling can also have a positive impact on the perpetrators. This happens because gambling generally involves other parties so that it provides opportunities for social interaction. However, the negative effects of gambling tend to be more prominent, so they need to be noticed.<sup>††</sup> The negative impact of gambling is often used by countries in the world to prohibit legalization of gambling.

The habit of doing gambling games will make a person feel dependent and always try to gamble and gamble again. This condition will certainly have an impact on family economic conditions. Income that should be used to finance the daily life, eventually used to gamble. Kartini Kartono, further detailing due to gambling habit. The consequences of gambling habits make mental individuals careless, lazy, easy to speculate and quickly take risks without consideration. Further negative impacts are among others:

- a. Energy and mind are reduced, because people who is addicted in gambling are always accompanied by gambling lust and greed want to win in a short time.
- b. The mind becomes chaotic, for it is always tempted by erratic expectations.
- c. The work becomes abandoned, because all their interests are poured on the preoccupation of gambling.
- d. Dragged by a protracted gambling lust, lack of faith in God, so easily tempted to commit immorality.
- e. Mentally disturbed and becomes ill, while their personality became very unstable. People are then impelled to commit criminal acts, in order to "seek capital" for his uncontrolled gamblers. People began to steal, lie, cheat, pickpocket, snatch, mug, rob, rap and kill to

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<sup>††</sup> Ida Bagus Gede Eka Diksyiantara, I Nengah Punia, Gede Kamajaya, "Tajen & Desakralisasi Pura : Studi Kasus di Desa Pakraman Subagan, Kecamatan Karangasem, Bali", *Jurnal Ilmiah Sosiologi (Sorot)*, Vol 1 No 1, 2016, h. 3.

<sup>††</sup> N. Trisna Aryanata, "Budaya dan Perilaku Berjudi: Kasus Tajen di Bali, *Jurnal Ilmu Perilaku* , Volume 1 , Nomor 1, 2017, h. 11.

get additional capital to gamble. As a result, crime rates are rising drastically and the security of the city and the suburbs are so fragile and insecure. Of course there are many more consequences arising from the habit of gambling itself.<sup>§§</sup>

Gambling can be done in a variety of ways ranging from card games, casino games to cock fightings. In the tradition of Hindu religious diversity in Bali, cock fighting is used as one of religious rituals or better known as Tabuh Rah. The basics of the use of Tabuh Rah are listed in the Inscriptions of Old Balinese (Tambora inscriptions), the Inscription of Sukawana A I 804 Çaka, the Inscription of Batur Abang A 933 Çaka and the Inscription of Batuan, 944 Çaka. In addition, this ritual is also listed in several *lontar* namely Siwatattwapurana and Yadnyaprakerti. Cockfighting activities are conducted in the temple area. Parisadha Hindu Dharma and the Hindu Dharma Institute held a seminar in 1976, and succeeded in formulating the following conclusions:

- a. Tabuh Rah is a sprinkling of sacrificial animal blood carried out in a series of religious ceremonies;
- b. The source of the use of Tabuh Rah on Panca Yadnya;
- c. Basic use of Tabuh Rah is listed in the the Inscription of Sukawana A I 804 Çaka, the Inscription of Batur Abang A 933 Çaka and the Inscription of Batuan, 944 Çaka;
- d. The function of Tabuh Rah is a series of religious ceremonies (*Yadnya*);
- e. Tabuh Rah tangled the blood of the sacrificial animal;
- f. The types of animals used for Tabuh Rah are chickens, ducks, buffalo, pigs and others;
- g. Blood sowing is done by "slaughtering" (*warsatha*) carving nest, complemented by candlenut mixture, egg, coconut, and its ritual;
- h. Held at the place and at the ceremony held by Sang Jayamana;
- i. Held with warsatha included *dedamping* (bets companion) which means as a statement or embodiment of sincerity Sang Jayamana who is carrying out the ceremony yadnya and not gambling;
- j. Chicks that do not meet the above provisions are not *perangsatha* and not the series of *yadnya* ceremony;
- k. *Implementation Tabuh Rah does not ask permission to the authorities.*<sup>\*\*\*</sup>

Tabuh Rah ritual tradition in Bali can not be separated with *tajen* gambling. The community took advantage of the opportunity to hold cockfighting in the temple area for gambling purposes. This causes the Provincial Government of Bali further reinforce the requirements for the implementation of Tabuh Rah, ie:

- a. The function of Tabuh Rah is as a series of religious ceremonies (*yadnya*);
- b. The form of Tabuh Rah is in the form of pouring the blood of the *sacrificial* animals;
- c. The means used are the types of animals such as chicken, pig, duck, buffalo, and others;
- d. The way of sowing blood is bursts of blood done with *penyembleh*, *Perangsatha* (*telung perahatan*) equipped with: pecan, egg, coconut, *andel-andel*, along with offerings;
- e. Implementation Tabuh Rah :
  1. Held at the place and times of the ceremony took place by the Yajamana.
  2. At the time of warsatha included *dedamping* meaning as a statement or manifestation of the sincerity of the Yajamana beryadnya, and not gambling.
  3. Implementation wearing custom clothing.
  4. Implementation Tabuh Rah does not ask for authorized permission.

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<sup>§§</sup> Kartini Kartono, 2005, *Patologi Sosial*, PT Raja Grafindo Persada, Jakarta h. 74-75.

<sup>\*\*\*</sup> I Ketut Mertha, 2010, *Politik Kriminal Dalam Penanggulangan Tajen (Sabungan Ayam) di Bali*, Udayana University Press, Denpasar, h.14.

5. In doing *perangsatha*, no audience, but only limited to local villagers who carry out religious ceremonies.
6. Cockfightings that are not appropriate with the above provisions are not *perangsatha*, and not also the *yadnya* ceremony demands.<sup>†††</sup>

According to Ida Pendanda Putra Pidada Kniten, cockfighting is said to be a gamble if it meets the elements among others:

- a. Cockfighting is carried out over three rounds
- b. Not fitted with walnuts, eggs, coconut
- c. Not accompanied by offering.
- d. The existence of a bet, in the hope of winning
- e. No permission from the authorized apparatus.<sup>†††</sup>

Gambling in the form of a *tajen* is a violation of the law. Gambling according to Kartini Kartono is a deliberate gamble, which is risking one value or something that is considered valuable by realizing the existence of certain risks and expectations on events, game matches, races and events that are not / not yet sure the result.<sup>§§§</sup> The gambling elements are as follows:

- a. The existence of a game and the bets with something valuable.
- b. Performed by two or more parties.
- c. There are victories and defeats in the game.
- d. Fortunately it means that the bet has been executed before it is known to lose or win the gamblers.<sup>\*\*\*\*</sup>

Gambling is a violation of criminal law. W.L.G. Lemaire argues that the penal law is composed of norms containing the necessities and prohibitions which (by lawmakers) have been linked to a sanction of punishment, a special suffering. Thus it can be said that the penal law is a system of decisive norms against which actions (things to do or not do something where there is a necessity to do something) and under what circumstances can the law be imposed, as well as what punishment can be imposed for such actions.<sup>††††</sup> The criminal law is part of the overall law applicable in a country, which provides the basics and rules for:

- 1) Determine which unauthorized, prohibited acts, accompanied by threats or sanctions in the form of a specific penalty for anyone violating the prohibition;
- 2) Determine when and in what matters to those who have violated such restrictions may be imposed or criminalized as has been threatened;
- 3) Determine in what manner the imposition of a criminal may be exercised if any person is suspected of violating the prohibition.<sup>††††</sup>

Gambling as a violation of criminal law is regulated in the Criminal Code. Such actions constitute criminal offenses as provided in Articles 303 and 303 bis of the Criminal Code. The provisions are stated as follows:

Article 303

- (1) Threatened with a maximum imprisonment of ten years or a fine of at most twenty-five million rupiah, any person without permission:

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<sup>†††</sup> *Ibid.*, h. 15.

<sup>†††</sup> Ida Pendanda Putra Pidada Kniten, 2005, *Tinjauan Tabuh Rah dan Judi*, Paramita, Surabaya, h. 13.

<sup>§§§</sup> Kartini Kartono, *op.cit.*, h.56.

<sup>\*\*\*\*</sup> Kartini Kartono, *op.cit.*, h. 53

<sup>††††</sup> P.A.F. Lamintang, 1984, *Dasar-dasar Hukum Pidana Indonesia*, Sinar Baru, Bandung, h. 1-2.

<sup>††††</sup> Moeljatno, 1982, *Azas-azas Hukum Pidana*, Jakarta, h. 1.

1. deliberately offering or providing opportunities for gambling games and making them search, or deliberately participating in a company for that purpose;
  2. deliberately offering or giving the public the opportunity to play gambling or deliberately participate in the enterprise for it, regardless of whether to use the occasion of a condition or the fulfillment of any order;
  3. take part in the game of gambling
- (2) If the offender commits the crime in the course of its search, it can be revoked of its right to carry out the search.
- (3) The so-called gambling game is every game, where in general the likelihood of making a profit depends on luck, also because the player is more trained or more adept. It includes all bets on race decisions or other games not held between those who compete or play, as well as all other bets.

Article 303 bis

- (1) Threatened with a maximum imprisonment of four years or a maximum fine of ten million rupiah:
1. whoever uses gambling, which is held in violation of the provisions of Article 303;
  2. whoever participates in gambling on public roads or on the sides of public roads or in public places, unless there is permission from the competent authorities who have given permission to hold the gambling.
- (2) If the offense has not occurred within two years of the conviction that one of these violations shall be subject to a maximum imprisonment of six years or a fine of not more than fifteen million rupiah.

The provisions in the Criminal Code prohibiting gambling are reaffirmed in the Act of the Republic of Indonesia Number 7 of 1974 concerning Control of Gambling. Article 1 of Act of the Republic of Indonesia Number 7 of 1974 concerning Control of Gambling states all gambling offenses as a crime. In the section of the General Explanation stated "Gambling is one of the diseases of society united with crime, which in the process of history from generation to generation was not easy to eradicate. Therefore, at the current level it is necessary to keep the public away from gambling, gambling is limited to the smallest environment, and avoid more severe negative excesses, to finally stop gambling."

Gambling is unlawful and at the same time violates the religion. The regulation of gambling bans is also based on religious values. Religion has significance in the legal context as explained by Antony Allot where he says that:

Religion is more than a system of norms. It purports to be an account of reality, of what it is why it is there, as well as being a set of rituals, practices and prescriptions which the adherent must adhere to if he is to appease the supernatural power which are presumed to luck behind and inform the observable world.<sup>§§§§</sup>

Based on the teachings of Hinduism, *tajen* is something forbidden, because it contains elements of gambling in it. Hindu religion prohibits gambling, including *tajen*. This idea is seen in the manuscript of Rg Veda (10.34.13) which states as follows: *Aksair ma divyah krsimitkrsasva vite ramasva bahu manyamanah tatra gavah kitavahtatra java tanme vi caste savitaymaryah*. That is: gamblers, do not play gambling, it is better to be a farmer, there will be your abundant wealth, cattles, wife's happiness, as delivered by Dewa Savita (Rg Veda.10.34.13).<sup>\*\*\*\*\*</sup> In Saramuscaya sloka 266 related to gambling there is mention "*yer thah*

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<sup>§§§§</sup> Antony Allot, 1980, *The Limits Of Law*, Butterworths, London, h. 126.

<sup>\*\*\*\*\*</sup> Windia dalam Atmadja, Nengah Bawa., Atmadja, Anantawikrama Tungga., Ariyani, Luh Putu Sri, 2015, *Tajen di Bali Perspektif Homo Complexus*, Pustaka Larasan dan IBBik Undiksha, Singaraja, h. 19.

*klecana mahata dharmasyatikramena va arerva pranipatena ma sma tesu krtha manah, Hana yartha urihning parikleca, ulihning anyaya kuneng, athawa kasembahaning catra kuneng, hetunya ikang artha mangkana kramanya, tan kenginakena ika*, who possess the notion of money acquired by evil (torture), money obtained by violating the law, or the money of enemy offerings, such money should not be desirable.”<sup>++++</sup>

Gambling is one of the diseases of society that in history from generation to generation that was not easy to eradicate. Understanding public illness is all human behavior that is considered not in accordance with the existing norms in society and custom or not integrated with general behavior.<sup>++++</sup> Although *tajen* is classified as gambling and is considered unlawful, but it is still common in society. This is due to the economic benefits that can be gained by organizing the gambling arena of *tajen*. *Tajen* lovers who want to enter the arena are required to pay admission tickets and for those who bring the vehicle must pay parking tickets. Implementation of *tajen* gambling also provides an opportunity for local residents to sell foods and beverages, as well as rental of kiosks. Income earned from the gambling arena is allocated to pay security services to *pecalang* (security units in indigenous villages) and given to indigenous villages. These conditions become the driving factors for the community to keep running the *tajen* gambling.

### 3. The Problem Solving of Gambling in the Temple Area

Gambling is a social disease that needs to be solved. Gambling habits will cause a person forgets his obligations as a family member, a member of the community and a worker. Nevertheless, gambling activities are still difficult to eradicate because of other factors. For certain ethnicities, gambling is a tradition, so even if they are forbidden, they will still hold gambling secretly or overtly. *Tajen* is one form of gambling that is born from the tradition of society that is misinterpreted. *Tajen* is compared with Tabuh Rah ritual, it's just that people use cockfighting activities conducted in the temple area for betting. The fact that gambling of *tajen* is still exist until now is also caused by the limitations of law enforcement officers both in terms of the number, mental, and morality of personnel, so the supervision and control becomes weak. Big gambling business is protected by law enforcers. If the law enforcement person comes, then the gambling organizers will provide money that has been prepared previously.

From the side of the law of evidence, gambling activities of *tajen* are very difficult to get witnesses, because in general the witnesses are the people who have the gambling business bond. *Tajen* gambling held in the temple area, which is implemented on the permission of traditional villages and temple administrators, so logically, the activity is certainly protected by the local community. Gambling organizer is protected by important people are also incorporated in a network with organizational structure is neatly arranged, so that the only captured by the apparatus is only small organizer.

The problem of *tajen* gambling is very complex, then the response to *tajen* gambling should be done comprehensively. Empirically, crime prevention consists of 3 (three) principal parts, namely:

- a. Pre-emptive. The effort is an initial effort made by the police to prevent the occurrence of criminal acts. Crime prevention by pre-emptive efforts is done by instilling good values / norms so that the norms are internalized within a person.

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<sup>++++</sup> I Nyoman Suada, 2013, *Bali Dalam Perspektif Sejarah dan Tradisi*, Paramita, Surabaya, h. 98.

<sup>++++</sup> Kartini Kartono, *op.cit.*, h. 53

- b. Preventive. Crime prevention with this effort is a continuation of pre-emptive efforts that are still at the prevention level prior to the crime. In a more emphasized preventive effort, it eliminates the opportunity for committing a crime.
- c. Repressive. This effort is made after the commission of crime / crime whose actions are law enforcement by giving punishment for the perpetrator of crime / crime. Crime comes from society and is a phenomenon.<sup>§§§§§</sup>

Gambling in the temple area leads to the desecration of the temple to be a place of worship to God. In tackling gambling in the temple, there are several approaches that can be done, namely as follows:

- a. Approach through religious teachings. According to Durkheim, all of the religious beliefs show one common characteristic of showing between the sacred and the profane. Durkheim says sacred things are always interpreted as being in normal condition, while the profane is a daily part of life and it is very common. Durkheim says the main concentration of religion lies in the sacred because it has a broad influence, determines the welfare and interests of all members of society, while the profane has no great influence and is only a daily reflection of every individual. Humans need to maintain a good relationship with God, so that humans have an obligation to maintain the holiness of the temple. Gambling is a violation of religious teachings, especially if it is done in the area of the shrine. Therefore, it is necessary if there is a socialization of Parisada Hindu Dharma Indonesia to foster the community to only do cockfight in the context of religious rituals only (Tabuh Rah).
- b. Approach through traditional village. The concept of Tri Hita Karana is a concept contained in Hinduism. This concept is very relevant to be applied in the implementation of everyday life. Tri Hita Karana in the teachings of Hinduism which is the philosophical and religious foundation of the birth of traditional village, causing the teachings of Hinduism was institutionalized in indigenous villages in Bali and also caused the customs of indigenous peoples imbued and gained power from the practice of teachings Hindu religion. Pakraman village autonomy has a strong foundation that comes from its own natures (original autonomy). Wirtha Griadhi reveals that there are three powers to regulate the household that are: the power to establish the rules of law that apply to the brand, the power to organize the life of the organization, and the power to solve legal problems.<sup>\*\*\*\*\*</sup> Through the customary village autonomy, adat villages can make rules (*awig-awig*) to prohibit the conduct of *tajen* in their jurisdiction and to enforce the law against its violation.
- c. Through a legal approach. Gambling is a crime under Indonesian Criminal Code, therefore law enforcers may arrest, examine and prosecute gamblers (*tajen*). The police also need to periodically patrol the activities undertaken in the community and approach the traditional leaders in the local village to ban *tajen* activities. Police should be able to distinguish between cockfighting committed for religious purposes, cultural tourism performances and for gambling.

Gambling is a real or potential threat to the ongoing social order. According to R. Owen, a bad environment makes a person's behavior becomes evil, and a good environment to the contrary.<sup>+++++</sup> Placing gambling in the temple area will create an unhealthy social environment. Gambling activities are conducted in public areas and can be seen by children. The omission of gambling activities will make children learn to gamble and perceive gambling activities as ordinary games, not as unlawful acts and violating religious values. Therefore, the handling of gambling should be done through a legal approach and a value approach that prohibits gambling in terms of religion, morals and customs in society.

#### 4. Conclusion

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<sup>§§§§§</sup> A.S. Alam, 2010, *Pengantar Kriminologi*, Pustaka Refleksi Books, Makassar, h. 79.

<sup>\*\*\*\*\*</sup> Anak Agung Istri Ari Atu Dewi, "Eksistensi Otonomi Desa Pakraman dalam Perspektif Pluralisme Hukum", *Jurnal Magister Hukum Udayana*, Vol.7 No.3, 2014, h. 519.

<sup>+++++</sup> W.A.Bonger, 1998, *Pengantar tentang Kriminologi*, Ghalia, Jakarta, h 60.

Temple is a sacred place for Hindus, so *tajen* gambling done in the temple area is a desecration of temple. *Tajen* is a crime that violates Article 303 of the Criminal Code and 303 bis of the Criminal Code. The Act of the Republic of Indonesia Number 7 of 1974 concerning Control of Gambling states that all gambling acts as a crime. Thus, *tajen* is a crime. In addition, the *tajen* also violates the teachings of Hinduism as listed in Rg Veda (10.34.13). Nevertheless, *tajen* gambling is still supported by the local community. This condition is caused by the provision of *tajen* gambling in the temple area to provide financial income for traditional villages, the development of temple and local people who rented parking and selling foods and beverages. Gambling has negative impacts on people's lives, so this crime must be solved. Tackling gambling in the temple area can be done by religious approach, approach with traditional village and approach through law.

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