

DISPARITY OF LEGAL CULTURE AND SOCIAL IDENTITY CRISIS IN INTER-RELIGIOUS MARRIAGE. (CASE STUDY OF MEPAMIT CUSTOM IN THE VIEW OF RELIGIOUS FIGURES IN PETANG VILLAGE, BADUNG, BALI.)

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Abstract

This study aims to examine the position of the mepamit custom in Indonesian marriage law and to understand the views of religious leaders on the implementation of this tradition in the context of interfaith marriage in Petang Village, Badung Regency, Bali. Mepamit is a traditional procession in Balinese Hindu society that functions as a request for spiritual permission to ancestors when someone wants to change religions due to interfaith marriage. This study uses a qualitative approach with case study methods, in-depth interviews, and participatory observation. The results of the study indicate that mepamit has a position as a living customary law and plays an important role in maintaining the continuity of spiritual relationships between individuals and their ancestors. Hindu religious leaders emphasize that this procession is a moral and spiritual obligation, while Islamic religious leaders show a tolerant attitude as long as its implementation does not violate the principles of faith. These findings show that mepamit is a symbol of reconciliation between individual freedom and collective values, and reflects the practice of functional tolerance in a multicultural society. This study contributes to strengthening legal pluralism in Indonesia and provides new understanding of the role of customary law in contemporary socio-religious dynamics.

Keywords: *Farewell, customary law, interfaith marriage, religious figures, functional tolerance*

INTRODUCTION

Indonesia is a country with very high cultural and religious diversity. This wealth is reflected in various traditions that are still practiced today, one of which is the tradition of marriage.(Darlian et al., 2024). In Bali, there is a tradition of mepamit, which is a traditional ceremony that is performed before marriage as a form of asking permission from the ancestors when someone is about to enter into married life, especially if the person in question changes religion.(Azwan, 2023). This tradition has a deep meaning, not only as a cultural formality, but also as a symbol of respect for parents, ancestors, and family values that are upheld by the Balinese people.(Wardani, 2020). In practice, the prospective groom's family comes to the prospective bride's house to convey the good intentions of the marriage, witnessed by traditional or religious figures as a form of social legitimacy. Mepamit is a representation of the noble values of Balinese society, such as sacredness, spirituality, and social ties between families that are united in the institution of marriage.(Darlian et al., 2024).

However, the implementation of mepamit does not always run smoothly, especially in the context of interfaith marriages, such as between Hindus and Muslims. In practice, differences in beliefs can cause friction, both in terms of the acceptance of traditional rituals by non-Hindu families and in adjusting to the religious norms of each party.(Munawarah, 2024). Several Islamic scholars and religious figures view this tradition as part of 'urf fasid, namely customs that are not in accordance with the principles of sharia because they contain elements of supplication to spirits or ancestors, which are feared to deviate from the teachings of monotheism.(Azwan, 2023). However, there is also a more moderate view that sees that saying goodbye can be done as long as it does not violate the creed, for example by eliminating the element of worship or veneration of spirits. In this context, the role of religious and traditional figures is very important in building dialogue, bridging differences of opinion, and finding compromise solutions so that social harmony is maintained without denying the cultural identity and beliefs of each individual.(JONATHAN, 2017; Setiyanto et al., 2024).

Furthermore, phenomena such as this raise fundamental questions about how national law, especially Law Number 1 of 1974 concerning Marriage, can accommodate the existence of local customs such as saying goodbye without causing conflict with positive law.(SARI, 2022). In Petang Village, Bali, cases of interfaith marriages are increasingly common and have become an interesting study of how local communities respond and adapt to changing times. This study aims to examine in more depth the views of religious leaders on the tradition of mepamit in the context of interfaith marriages and how the practice is carried out in the field. It is important to understand the role of religious leaders, both from the Hindu and Islamic sides, in mediating and aligning traditions with the legal and religious values adhered to by the community. Thus, this study is expected to contribute to strengthening religious harmony, preserving local culture, and harmonizing customary law and positive law in a multicultural society. This is because maintaining customs while still respecting state and religious laws is a real challenge in a pluralistic system like Indonesia.

LITERATURE REVIEW

Legal Culture Theory

Legal Culture Theory is an approach in legal science that emphasizes that law is not only understood as a set of normative rules or formal laws made by the state, but also as part of the social and cultural system that lives in society.(Herklotz, 2023). This concept explains that the existence and effectiveness of law is greatly influenced by the values, customs, beliefs, and attitudes of society towards the law itself.(Ghaleb, 2024). Lawrence M. Friedman, one of the important figures in the development of this theory, stated that legal culture includes attitudes, ideas, hopes, and views of society towards the applicable legal system, both towards legal institutions and towards the rules made.(Holden, 2024). They describe legal culture as the “social climate” in which the law lives, and that without legal culture, the law is like a dead fish that cannot swim in a dynamic society. In this case, effective law is determined not only by how well the rules are designed, but also by the extent to which the law is accepted, obeyed, and believed in by the society in which the law applies.

Legal culture includes the habits, ways of thinking and ways of acting of legal officials and the community in responding to and implementing the law. (Tody Sasmita, 2023). In Indonesia, which consists of various cultural and customary groups, the application of this theory is very relevant because customary law often coexists and even becomes the main reference in resolving local community disputes. (Nugroho & Kusmayanti, 2021). Customary law is often unwritten but is socially binding and recognized by the community, and in some cases becomes a reference for legal decision-making at the local level. (Siombo, 2023). Therefore, an understanding of the law that does not take cultural aspects into account has the potential to fail to be implemented effectively, especially in communities that firmly uphold customary values. (Nugroho & Kusmayanti, 2021).

Legal culture also plays a role in shaping how society behaves towards the law. If society has a high legal culture, then they will tend to obey the law, resolve disputes legally, and believe in legal institutions.(Darmika, 2016). On the other hand, low legal culture can lead to high levels of legal violations, distrust of judicial institutions, and the emergence of informal legal practices or vigilante justice.(Muhtarom, 2015). Therefore, the theory of legal culture sees that the success of the legal system in regulating society cannot be separated from the legal awareness of citizens and the social values and traditions that develop.(Amateur, 2022). In Indonesia, this concept is very relevant considering the diversity of cultures and customary laws that still coexist with positive law. In indigenous communities, for example, customary norms are often more adhered to than state law, because they are more in line with local values that have taken root.(Rahmita et al., 2025). Therefore, the development of an effective national legal system needs to consider this legal cultural dimension so that it can respond sensitively to the needs, character and local values that exist in society.(Salim, 2022).

Social Identity Theory

Social Identity Theory is a theory in social psychology that explains that part of a person's self-concept comes from their membership in a social group.(Sato, 2024). According to Khadka, (2025), this theory was first developed by Henri Tajfel and John Turner in 1979 as an effort to understand how inter-group conflict and social bias can occur.(Khadka, 2024). Within this theoretical framework, a person's identity is formed through three main processes, namely social categorization, social identification, and social comparison.(Guan & So, 2022). Social categorization is the process by which individuals group themselves and others into certain social categories, such as based on religion, ethnicity, or profession, to simplify and understand the social structure around them.(Khadka, 2024). Social identification occurs when a person begins to internalize the group's identity as part of himself, so that his attitudes and behavior are influenced by the norms and values of that group.(Guan & So, 2022).

Meanwhile, social comparison is done by comparing one's own group (ingroup) with another group (outgroup), which often leads to a positive bias towards one's own group and discrimination against outgroups.(Hu

et al., 2024). Thus, Social Identity Theory can explain why someone tends to feel proud of their group and even show negative attitudes towards other groups in order to maintain their group's image and self-esteem. Understanding this theory is important in the context of a multicultural society because it helps explain phenomena such as stereotypes, prejudice, and conflict between social groups.(Khadka, 2024).

RESEARCH METHODS

The research methodology in this study uses a qualitative approach, which aims to gain a deep understanding of the mepamit custom phenomenon in the context of marriage law in Indonesia. The type of research used is descriptive with a case study method, which allows researchers to observe and analyze in detail the customary practices in a specific social environment, namely Petang Village, Badung Regency, Bali. This location was chosen because it is an area that still maintains the mepamit tradition, especially in the context of interfaith marriages which are the focus of the study.

In data collection, this study relies on two types of data sources, namely primary data and secondary data. Primary data was obtained through in-depth interviews with religious figures, customary communities, and families directly involved in the implementation of mepamit. In addition, participatory observation was also conducted, where researchers were also present at customary activities to directly observe their implementation. Secondary data was obtained through documentation studies, which included a review of legal documents, academic literature, and previous research relevant to the topic of customary mepamit and family law in Indonesia.

Data collection techniques were conducted through semi-structured interviews, participant observation, and document studies, all of which supported data triangulation to increase the validity of the study. Furthermore, the collected data was analyzed using thematic analysis, which is an analysis method that focuses on identifying patterns, main themes, and meanings contained in narratives or practices. This analysis allows researchers to reveal how the custom of mepamit is understood and practiced in society, and how it interacts with the applicable legal framework for marriage.

RESULTS AND DISCUSSION

Hindu Traditional Figures' Views on the Meaning and Necessity of the Farewell Ceremony

Based on the results of an interview with the resource person Mr. Mangku Darko who is often called Pak Jero, a traditional figure and Hindu religious figure in Petang Village, Badung Regency, Bali, very important information was obtained regarding the implementation and position of the mepamit ceremony in the context of conversion due to interfaith marriage. Mr. Mangku Darko emphasized that in Hindu teachings, especially in Bali, there is a very strong bond between the people and God and the ancestors. This belief is not merely spiritual in nature, but also forms a social structure and customary values that are closely attached to the lives of Balinese Hindus. Ancestors in this tradition are believed not only to be figures who have passed away, but also as guardian spirits of the family who must be respected and proud of. Therefore, the act of converting is seen as a very serious form of transition event and cannot be carried out without a legitimate and respectful customary procession.(Hotimah & Habibi, 2024).

In Balinese Hindu society, there are important concepts, namely kawitan and treh, which refer to the lineage or clan that binds a person to their spiritual origins and ancestors. Every individual has a moral and spiritual obligation to maintain this relationship through rituals, prayers, and the implementation of ongoing religious ceremonies. Therefore, when someone who was born in a Hindu environment decides to marry a partner from another religion and follow the religion of their partner, they are required to undergo a mepamit procession. This procession is a form of asking for permission and a customary statement of farewell to the ancestors because they will leave Hindu teachings and sever spiritual ties with their lineage. Without this ceremony, it is believed that the relationship between the individual and the ancestors is still active, and can cause spiritual imbalances and inner problems in domestic and social life.

Furthermore, Mr. Mangku Darko explained that the process of saying goodbye cannot be done carelessly. There are important stages that must be passed, such as the mepejati ceremony which is a form of purification of the soul and asking for blessings from the ancestors, as well as the sungkem procession to the parents as a symbol of recognition and release of customary responsibilities. The presence of the prospective couple in this ceremony is also very important, because they must witness and accompany as proof that the decision to convert was taken consciously and has the approval of the family. This is also a sign that the couple will replace the role that has been held in the Hindu family structure.

If the marriage is carried out between fellow Hindus, then only the implementation of mepejati without mepamit is required, because there is no conversion or severance of spiritual ties with ancestors. However, in the context of converting to another faith such as Islam, mepamit becomes a customary and spiritual obligation. This

shows that there are differences in customary treatment depending on the direction and consequences of the marriage being carried out.

These findings show that mepamit is not only a formal rite, but also a customary mechanism that maintains spiritual balance in the Balinese Hindu community. It also shows that conversion is not considered as an individual right alone, but as an act that has broad social, cultural, and spiritual impacts. Thus, the implementation of mepamit reflects the harmony between the values of individual freedom and respect for collective values that are upheld in Balinese society.

This finding also shows that the mepamit custom has a living customary law value, and in practice is able to coexist with national law, especially in terms of recording and recognizing interfaith marriages in Indonesia. This process indirectly reflects how the Balinese indigenous people navigate the space between religious, customary, and state law, in order to maintain cultural integrity while fulfilling the civil rights of its citizens. Therefore, the implementation of mepamit is important to be studied further as a form of customary law's contribution in responding to modern socio-religious dynamics.

Views of Islamic Religious Figures on the Mepamit Ceremony in the Context of Interfaith Marriage in Petang Village, Badung Regency

Mr. H. Muhammad Dahmun's view on the involvement of Muslims in the mepamit ceremony has important consequences for the development of interfaith dialogue and social acceptance of interfaith marriages in Balinese society, especially in Petang Village. By allowing the presence of Muslim companions in Hindu traditional processions, as long as they do not contain elements of religious participation, this approach shows openness to cultural diversity without sacrificing the principles of faith.

This attitude is very significant in the context of social relations in Bali which is dominated by Hindus, while a small part of the population is Muslim or other religions. The presence of Islamic religious figures who understand the local cultural context and provide a space for tolerance based on Islamic legal considerations (fiqh muamalah and fiqh tolerance), is a real contribution to efforts for social integration and reducing the potential for conflict between communities. (Rizal Azwan)

In addition, this view shows that Islamic law at the practical level is not monolithic, but can be contextualized according to the sociological conditions of society. This approach is in line with the principle of maqashid sharia, namely the objectives of Islamic law that are of a nature to protect the welfare of the people, such as preserving religion (hifz al-din), preserving souls (hifz al-nafs), and preserving descendants (hifz al-nasl). In this case, maintaining household harmony and interfaith family relations is also part of an effort to preserve humanitarian and social values.

From the legal perspective, this moderate view also facilitates the implementation of interfaith marriages within a formal legal framework. If a prospective non-Hindu spouse is allowed to attend the traditional mepamit ceremony as a form of respect, then social and psychological obstacles in the administrative process of marriage can be minimized. This is also in line with the spirit of Article 29 of the 1945 Constitution and Article 2 of Law No. 1 of 1974 on Marriage which emphasizes the need to respect each other's religious laws in the implementation of marriage.

Furthermore, this interview shows that the implementation of mepamit does not have to be a tug-of-war between religious dogma and local wisdom, but can be a space for cross-cultural dialogue that unites the values of spirituality, respect, and social commitment. Pak Dahmun's view is a concrete example of a religious figure who not only understands doctrine, but is also able to apply religious principles adaptively and communicatively in a pluralistic society.

Thus, the results of this study conclude that the presence of moderate and contextual religious figures such as Mr. H. Muhammad Dahmun is an important factor in encouraging the creation of functional tolerance, where religion and culture are no longer positioned in opposition, but rather as two pillars that can go hand in hand in forming a harmonious social order.

DISCUSSION

The Position of the Balinese Mepamit Custom in Indonesian Marriage Law

This study revealed that the ceremony *say goodbye* not only a traditional ritual inherited from ancestors, but also a system of customary norms that has its own legal structure in Balinese Hindu society. In this context, mepamit functions as a sacred mechanism to sever the spiritual connection between individuals with kawitan (origin) and treh (lineage), especially when someone chooses to leave Hinduism due to interfaith marriage. This procession is not only a symbol of spiritual separation, but also a form of religious identity transition that is legitimized by custom

and sacred. This emphasizes that mepamit is a manifestation of ethics and spiritual responsibility towards ancestors, which is also an integral part of the social system of Balinese Hindu society.

In the Indonesian legal framework, the position of mepamit can be analyzed through a legal pluralism approach, where the state legal system, religious law, and customary law do not stand alone, but interact and complement each other. Although mepamit is not explicitly regulated in Law No. 1 of 1974 concerning Marriage, its implementation is in line with Article 2 paragraph (1) which states that a marriage is valid if it is carried out according to the laws of each religion and belief. Furthermore, Article 18B paragraph (2) of the 1945 Constitution provides constitutional recognition of customary law communities and their rights as long as they are still alive and in accordance with developments in the times. Thus, mepamit is a concrete example of living law—law that lives in society—which continues to exist, is obeyed, and plays an active role in regulating aspects of religious transition, spirituality, and relationships between individuals in local communities.

The novelty of research in this aspect lies in a new approach in the study of marriage law which emphasizes that conversion due to marriage is not only an administrative or legal-formal issue, but also concerns spiritual and cultural dimensions that are confirmed through customary law. This study shows that mepamit has the power as an unwritten legal institution that is based on moral and social sanctions, and influences the recognition of identity in customary communities. In addition, this study expands the discourse on legal pluralism in Indonesia, by providing empirical evidence that the customary legal system can play an active role and side by side with state law in regulating socio-religious events such as conversion in marriage. This marks a new contribution in the academic realm, because it opens a more inclusive and contextual legal discourse on customary law practices that are still alive in society.

Religious Figures' Views on the Mepamit Custom in Petang Village, Badung, Bali

Based on the results of an interview with a religious figure and traditional figure named Mr. Mangku Darko who is often called Pak Jero in Petang Village, Badung Regency, Bali, a clear and in-depth picture was obtained regarding the importance of the mepamit ceremony in the context of conversion due to marriage. According to him, the Balinese Hindu community has a very strong attachment to their ancestors, where the relationship between Hindus and their ancestors is spiritual and hereditary through the concept of kawitan (origin) and treh (lineage). Ancestors are not only figures who are respected symbolically, but are believed to have spiritual powers that can give blessings or curses to their descendants.

Pak Mangku Darko explained that mepamit is a spiritual ceremony performed when a Hindu decides to change religion because he will marry a partner from another religion. This ceremony has a deep meaning because it is considered a form of permission and a legitimate farewell to the ancestors. This procession is usually carried out in two stages, namely the mepejati ceremony as a form of sincerity in saying goodbye spiritually to the ancestors and the sungkem procession to the parents as a symbol of blessing and recognition from the family. The interesting thing is that the couple who will be married are also present at the ceremony as spiritual witnesses, who are also indirectly "introduced" to the ancestors as a replacement for the previous bond.

If someone marries a fellow Hindu, then it is sufficient to just perform the mepejati ceremony without the need for a farewell. However, conversion is seen as a form of severing spiritual ties with the Hindu descent system, so that a farewell is an absolute requirement. Without this ceremony, it is believed that there will be a spiritual imbalance, both for the individual concerned and for his family, because it is considered to violate the etiquette and ethics of relationships with ancestors. This reflects that religious figures and indigenous people in Petang Village still uphold local spiritual values and believe in the importance of implementing customs as a form of moral and ethical responsibility between generations.

The novelty of this research is through an in-depth qualitative approach to the customary practice of mepamit which has not been widely highlighted in the study of marriage law in Indonesia. The focus on Petang Village as the research location shows how local norms are still actively applied in a society facing the challenges of globalization and modernization of values. This novelty lies in the disclosure of the role of spirituality and the transcendental relationship between individuals and ancestors in the process of conversion due to marriage. In much of the literature, conversion is often viewed as an individual choice or merely an administrative matter. However, the findings in this study confirm that in the context of the Balinese Hindu indigenous community, this decision has complex ethical, spiritual, and social implications.

By documenting the views of religious figures directly and linking them to the position of national marriage law, this study contributes a new perspective that state law should not only understand marriage as a legal event, but also as a cultural and spiritual event that has a binding force in indigenous communities. This enriches the treasury of customary law studies and emphasizes the importance of integrating local values into national policies, especially in dealing with sensitive issues such as religious conversion due to interfaith marriages.

Religious Figures' Views on the Farewell Custom in Petang Village, Badung, Bali

In the local context of Petang Village, this study shows how religious figures play a central role in maintaining the balance between customs, religion, and the ever-evolving social dynamics. A traditional figure and Hindu religious figure, Pak Mangku Darko, explained that mepamit is a spiritual and moral obligation that must be carried out by Hindus who wish to leave their religion due to marriage to a partner of an interfaith. This procession is not only intended to say goodbye to ancestors, but also as a mechanism for terminating spiritual and social responsibilities in the Hindu descent system. Thus, mepamit becomes a reflection of intergenerational ethical values and a form of respect that unites aspects of belief, family, and customary community.

On the other hand, Islamic religious figures such as Mr. H. Muhammad Dahmun show an inclusive attitude towards the custom of saying goodbye, by emphasizing that the presence of Muslims in the procession does not contradict Islamic principles as long as it does not contain elements of worship that conflict with faith. This approach reflects the practice of *fiqh muamalah* and *maqashid sharia*, especially in maintaining social harmony (*hifz al-'ird*), upholding humanitarian values (*hifz al-nafs*), and maintaining family stability (*hifz al-nasl*). In a multicultural society like Bali, this approach is very relevant because it shows that interfaith relations are not only built through theological dialogue, but also through recognition of local cultural values that live in the social practices of society.

The novelty in research from within this aspect can be seen from empirical documentation showing that religious figures are not only holders of religious authority, but also as agents of reconciliation between customary norms and religious values. This study presents the concept of functional tolerance, namely tolerance that is carried out in real social practices, not only symbolic or discursive. By showing the involvement of religious figures from two different beliefs in supporting the implementation of mepamit, this study proves that religion and custom do not have to be in opposition, but can strengthen each other in creating an inclusive and harmonious social system. The cultural approach used by these religious figures provides a concrete model of how harmony between religious communities can be built through social adaptation and cross-cultural understanding based on locality.

CONCLUSION

This study concludes that the mepamit ceremony in Balinese Hindu society is not only a cultural ritual, but also a customary legal mechanism that functions to break the spiritual bond between individuals and ancestors in the context of conversion due to interfaith marriage. Mepamit is understood as a form of identity transition that has very strong social, spiritual, and cultural implications. Without the implementation of this procession, conversion is considered not legally valid and can cause spiritual imbalance in the family and community order. Therefore, mepamit is an important instrument in maintaining harmony between individual freedom and collective obligations to customs and ancestors.

In the context of national law, mepamit obtains a legal position through the principle of legal pluralism recognized by the constitution. Although not explicitly stated in Law No. 1 of 1974 on Marriage, the implementation of mepamit is in line with Article 2 paragraph (1) and Article 18B paragraph (2) of the 1945 Constitution which provides space for customary law as long as it is still alive and in accordance with societal developments. This makes mepamit a living law that is socially and constitutionally legitimate, and is proof that customary law can run side by side with religious law and state law in regulating socio-religious issues such as interfaith marriage.

The findings also show that religious figures play a central role in maintaining the continuity of the mepamit. Hindu figures emphasize the importance of this procession as a form of spiritual responsibility towards ancestors. Meanwhile, Islamic religious figures in Petang Village demonstrate a tolerant and contextual attitude, allowing the involvement of Muslims in the traditional procession as long as it does not conflict with the principles of faith. This approach reflects the practice of functional tolerance and cultural understanding that are key to building interfaith harmony in a multicultural society like Bali.

Overall, this study strengthens the understanding that customary law not only survives amidst the currents of modernity, but is also relevant and adaptive to social change. Mepamit becomes a bridge between law, culture, and religion, showing that resolving identity conflicts in society can be achieved through recognition of local values. This study provides a real contribution to the development of the concept of legal pluralism in Indonesia and is important evidence that interfaith marriages need to be viewed not only from a formal legal aspect, but also through the cultural and spiritual lens of the society where the practice takes place.

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