

Legal Implementation in Article 46 Regulation of The Minister of Religion (PMA) Number 30 of 2024 Related to The Category Of Cases in Religious Courts

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Abstract

Marriage is a sacred event and a social institution that is regulated not only religiously, but also by state law. Regulation of the Minister of Religion (PMA) Number 30 of 2024 concerning Marriage Registration was issued as an effort by the government to strengthen the administrative system of marriage registration in Indonesia, especially for Muslims whose registration process is carried out through the Office of Religious Affairs (KUA). This article states that the change in biodata is carried out by a court decision and followed up by the KUA as the marriage registrar. However, the use of the term "Court" without explicit emphasis on the types and limits of judicial authority gives rise to a wide range of interpretations. The purpose of this research is to know, prescribe, and analyze the Legal Implementation in Article 46 of PMA Number 30 of 2024 related to the category of cases in religious courts.

Keywords: Marriage, Marriage Registration, Regulation of the Minister of Religion Number 30 of 2024.

Introduction

Marriage is the union of sacred promises between man and woman, Marriage is a sacred event and social institution that is regulated not only religiously, but also by state law.¹ In the context of Islamic law in Indonesia, marriage registration has an important position in ensuring legal certainty and protection of the rights of husband and wife and children who are born. Normatively, marriage registration aims to ensure that marriage is not only legal according to religion, but also has formal legality in the eyes of state law.

One of the administrative requirements for marriage in Indonesia is to register the marriage. However, if there is a discrepancy in the data, it is in the form of differences in identities contained in marriage books and other documents. So, it is necessary to change the name on the marriage certificate. The change in regulations related to the procedure for changing the name on the

¹ Tomi Jaffisa, M Ap, and Mirja Huwanji, "The Role of Islamic Religious Counseling of the Office of Religious Affairs in the Program to Minimize Early Marriage in West Medan District," Public Reform 8, No. 1 2021. Thing. 1.

marriage certificate from Regulation of the Minister of Religion (PMA) Number 20 of 2019 which was originally only based on the birth certificate to PMA Number 30 of 2024 which uses court determination as the basis for changing the name on the marriage certificate has caused differences in implementation in the field, especially at the Office of Religious Affairs (KUA) as a place to register marriages for Muslims. In this case, the Ministry of Religion of the Republic of Indonesia through the Regulation of the Minister of Religion (PMA) Number 30 of 2024 updated regulations on marriage registration procedures as an effort to improve public services and administrative accountability.²

Regulation of the Minister of Religion (PMA) Number 30 of 2024 concerning Marriage Registration was issued as an effort by the government to strengthen the administrative system of marriage registration in Indonesia, especially for Muslims whose registration process is carried out through the Office of Religious Affairs (KUA). This regulation is present as a refinement of the previous regulation, as well as as part of the digitization of state administrative services based on population data. Juridically, PMA Number 30 of 2024 is a concrete form of implementation of Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI) which emphasizes the importance of marriage registration. Article 2 paragraph (2) of the Marriage Law emphasizes that every marriage must be recorded in accordance with the applicable laws and regulations.³

In the context of implementation, Article 46 of Regulation of the Minister of Religion (PMA) No. 30 of 2024 is one of the most frequently discussed articles because it regulates changes in biodata in marriage certificates, including changes in the name or identity of the husband or wife. This article states that the change in biodata is carried out by a court decision and followed up by the Office of Religious Affairs (KUA) as the marriage registrar. However, the use of the term "Court" without explicit emphasis on the types and limits of judicial authority gives rise to a wide range of interpretations.

This ambiguity has the potential to cause bias in the legal meaning, especially regarding the determination of whether the case of biodata change is included in the category of application cases at the Religious Court or must be submitted to the District Court. In practice, the Office of Religious Affairs (KUA) in some regions directs applications for changes in biodata to the Religious Court, while other regions direct to the District Court because it is considered a change in civil administrative data. This confusion has an impact on differences in

² Zainul Erfan et al., "Revitalization and Piloting of the Office of Religious Affairs in Indonesia (Dynamics of Islamic Law Based on Benefit)," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*2, no. 2, 2024, p. 66.

³ Ahmad Rajafi, "Islamic Family Law in Indonesia: From the Old Order to the Reform Order," *Al-Adalah*14, No. 2, 2018, p. 311

administrative treatment between regions, an increase in the burden of administrative cases in the Religious Courts, legal uncertainty for people who need rapid data changes. In addition, the high dependence on court decisions as a condition for changing biodata has the potential to limit people's access to state services, especially for groups that are geographically far from the center of justice or who have economic limitations. Thus, it is important to examine how the implementation of the law in Article 46 can affect the category of cases in the Religious Court and the legal certainty as a whole.

Methods

This research uses a qualitative approach with the method This research is juridical-normative and doctrinal related to Article 46 of the Regulation of the Minister of Religion (PMA) Number 30 of 2024 concerning Marriage Registration.

Results and Discussion

Marriage is a union between two people between a man and a woman, human beings have the full right to choose their life partner, marriage is also a basic need that must be met, because marriage is also about sustainability in human offspring itself.

Marriage in Indonesia is regulated in the Law that regulates the registration of marriages, including Law No. 1 of 1974 concerning Marriage Article 2 Paragraph 2, Government Regulation No. 9 of 1975 concerning the implementation of Law No. 1 of 1974 concerning Marriage, Law No. 22 of 1946 jo Law No. 32 of 1954 concerning Marriage Registration, Talak and Referral, and also the Compilation of Islamic Law, as an effort to protect the state from the community.⁴

Marriage is also regulated in Indonesian law, especially in administrative registration, this is in accordance with Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI) Article 2 paragraph (2) of the Marriage Law emphasizes that every marriage must be recorded according to the applicable laws and regulations, therefore every person when going to get married must be recorded by the relevant institution in this case Office of Religious Affairs (KUA), However, in certain cases in the registration there is a misname in the married couple and this affects other civil matters, such as children's certificates, family cards, and others. To overcome this, the Minister of Religion (PMA) Regulation Number 30 of 2024 was born, especially in article 46.

Name changes in marriage certificates are often done when there is a writing error in it. The public knows that there are errors in this marriage

⁴ Suardi Abbas, "The Shift from Conventional Concepts to Islamic Family Law Legislation," Principle : Journal of Sharia Economic Law8, No. 2, 2016, p. 4.

certificate through the marriage book, because the marriage book is a quotation of the marriage certificate. This mistake can be various, it can be an error in the form of an administrative error and an official name change. Administrative errors here are errors that occur such as in the spelling of name, date of birth, and address when carrying out marriage registration. Name changes that are made officially also have an impact on authentic data such as the person's marriage book must be changed.⁵

Article 46 of PMA number 30 of 2024 contains 4 paragraphs which read⁶:

- (1) The change of the name of the husband, wife, or parents on the Marriage Certificate or Marriage Book is carried out by the KUA based on a court decision and is proven by attaching a birth certificate.
- (2) The change of the name of a deceased husband, wife, or parent is based on a court determination.
- (3) The recording of changes in individual data in the form of place, date, month, year of birth, nationality, occupation, and address is carried out by the KUA based on the citation of the civil registration deed from the population and civil registration office.
- (4) The procedure for writing changes as intended in paragraph (1) and paragraph (2) is determined by the Director General.

Article 46 of PMA Number 30 of 2024 Juridically, it is a concrete form of implementation of Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI) which emphasizes the importance of marriage registration. Article 46 of PMA Number 30 of 2024 has the intention of emphasizing that the regulation of marriage registration data is not just a light administrative, but requires a clear legal process for significant changes such as names and core identity data.

This change was triggered by the desire to improve administrative order, transparency, and legal certainty in marriage registration. This is mentioned in the consideration section of PMA 30/2024, which if there is an identity registration error, it is necessary to determine the court. There is also a problem in article 46 because it does not clearly state which court competence will be submitted.

When PMA number 30 of 2024 will be enacted, there will be socialization in Religious Courts in various regions, With the existence of this regulation automatically, the absolute authority of the Religious Court will increase because previously the change of the name of the husband or wife on the marriage

⁵ Aminulloh, Syahada Gate, *Implementation of Article 46 of the Regulation of the Minister of Religion Number 30 of 2024 concerning Marriage Registration from the perspective of Maslahah Mursalah Al-Shatibi: A study on name change on the marriage certificate at the Kedungkandang Religious Affairs Office, Malang City.* (Thesis, Maulana Malik Ibrahim State Islamic University: Malang, 2025), p. 57.

⁶ Article 46 of the Regulation of the Minister of Religion of the Republic of Indonesia Number 30 of 2024 concerning Marriage Registration, page 17

certificate was carried out by the District KUA based on the new birth certificate, until technically it is also regulated on several websites of Religious Courts in various regions, To apply for a change of identity on the marriage book, it must go through a religious court.

The name change process at the Religious Court is to submit an application for a name change along with other supporting files to the Religious Court officer.⁷ The procedure for submission and hearing in the Court includes submitting an application to the Religious Court, preparing supporting documents. Furthermore, they followed the trial process at the Religious Court. If it is completed and gets a decision/determination, then you can come to the KUA to make changes or changes in the name in the marriage book.

After getting a decision from the court, the next step is to report to the KUA where you used to get married, then the changes to the Marriage Book are done by KUA employees, the KUA will make changes to the data in the marriage book based on the court's determination.⁸

In article 46 of PMA Number 30 of 2024, in its implementation, it harmonizes marriage registration with the provisions of population and state administration, that changes in identity or biodata are not only internal to the KUA, but involve the Population Office and/or the courts, and provide guarantees of legal certainty in changing marriage data through the court, so that it does not become a unilateral or administrative change without a clear process.

Conclusion

Article 46 of PMA Number 30 of 2024 provides rules for the registration of incorrect identities in marriages even though in PMA Number 30 of 2024 there is a bias in which Court will be the authority, but on socialization and agreement from various regions of Religious Courts that exercise authority related to the enactment of PMA Number 30 of 2024 concerning marriage identity registration.

If there is an error in the marriage identity, it can be submitted as an applicant to the local Religious Court.

⁷ PA Tembilahan, REGULATION OF THE MINISTER OF RELIGION OF THE REPUBLIC OF INDONESIA NUMBER 30 OF 2024: RELIGIOUS COURT OFFICIALLY AUTHORIZED TO HANDLE THE CHANGE OF THE NAME OF THE MARRIAGE BOOK (28/08/2025), <https://pta-pekanbaru.go.id/44642/peraturan-menteri-agama-republik-indonesia-nomor-30-tahun-2024-pengadilan-agama-resmi-berwenang-tangani-perubahan-nama-buku-nikah-28082025.html>, accessed on October 31, 2025.

⁸ H. Aan, Change Name in the Marriage Book Directly to KUA. Eit, later. This is the explanation of the Acting Head of KUA Pahandut, <https://kalteng.kemenag.go.id/palangkaraya/berita/534096/Ganti-Nama-di-Buku-Nikah-Langsung-ke-KUA-Eit-Nanti-Dulu-Ini-Penjelasan-Plt-Kepala-KUA-Pahandut->, accessed on October 31, 2025.

Suggestion

The need for additional rules for affirmation in Article 46 of PMA Number 30 of 2025 regarding the absolute competence of which court to handle and affirm that the implementation of Article 46 PMA No. 30 of 2024 for the change of non-dispute data is carried out through Applications (Voluntair) Cases at the Religious Court.

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