

Implementation of Government Regulation Number 45 of 1990 Concerning Divorce Permits for Civil Servants in the Regional Government of North Barito Regency

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ABSTRACT

This study analyzes the implementation of Government Regulation Number 45 of 1990 regarding divorce permits for Civil Servants in the Regional Government of North Barito Regency. The research is driven by the persistent issue of civil servants filing for divorce without following the required permit procedures and the ineffective local enforcement of the regulation. Using an empirical legal method with a sociological juridical approach, data were collected through interviews with State Civil Apparatus (ASN), the Regional Civil Service and Human Resources Agency (BKPSDM), and the Muara Teweh Religious Court. The findings reveal inconsistencies in the issuance of divorce permit decrees by the Regent, with processing times ranging from two weeks to two years. These inconsistencies stem from the absence of Standard Operating Procedures (SOPs), Regent Regulations, or Circulars governing technical implementation, as well as weak interagency coordination in mediation processes as stipulated in Article 6 of PP No. 45/1990 in conjunction with PP No. 10/1983. Additionally, mediation efforts often fail due to the absence of involved parties, hindering the regulation's objective to prevent premature divorces and promote household harmony among civil servants. The study recommends developing detailed SOPs and Regent Regulations on divorce permits, enhancing legal awareness among ASN, and empowering BKPSDM's supervisory role to ensure an effective, transparent, and just licensing system aligned with the principle of public benefit in Islamic law.

Keywords: *Government Regulation Number 45 of 1990, Divorce Permit, State Civil Apparatus, BKPSDM, Masalah Mursalah.*

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INTRODUCTION

Marriage, under Indonesian positive law, is understood as a physical and spiritual bond between a man and a woman with the goal of establishing a happy and eternal family or household based on the One Almighty God (Ag, 2025; Utomo, 2025). In reality, domestic life is not always harmonious. Conflict, arguments, and tension between husband and wife can arise due to various factors, such as a lack of communication, trust, or unresolved misunderstandings (Aliyu, Anthonia, & Abdulkadir, 2025; Collins-Dike, 2025). When these issues cannot be reconciled and continue to drag on, establishing a peaceful household as prescribed by religion becomes difficult. In this context, Islam provides a final solution, namely divorce, as a solution when the marriage bond can no longer be maintained (Siregar, Amir, & Nasution, 2025; Zaidah, Husna, & Mubarak, 2025).

The main aim of *marriage* is to form a *sakinah*, *mawaddah*, and *warahmah* family, which is characterized by creating a sense of mutual respect, complementarity, and mutual care between husband and wife (Aini, 2025; Idris, Shoim, & Najichah, 2025). Therefore, *marriage* is considered a sacred institution and should not be damaged by trivial matters (Shousha & Taha, 2025). All actions that can lead to a breakdown in the household are hated by Allah SWT. The Prophet Muhammad SAW said in a hadith narrated by Abu Daud that divorce is a *halal* matter that is most hated by Allah. This means that divorce is permitted under Islamic law but can only be done if there is a valid reason and does not conflict with religious teachings (Hakim & Habibullah, 2025).

However, in practice, many married couples decide to divorce purely emotionally. This is often triggered by minor issues that could have been resolved through good communication. Divorce is essentially the severance of the marital bond between husband and wife, resulting

in the end of their relationship as a couple. Article 38 of Law Number 1 of 1974 concerning *Marriage* states that a *marriage* can be dissolved by death, divorce, or a court decision. Thus, divorce has a clear legal basis but is still considered a last resort after all attempts at reconciliation have failed (Mehr, Najimi, Roberts, & Sodani, 2025; Waraich, Jamil, Thakur, & Sulehry, 2025).

From an Islamic perspective, divorce is defined as the act of breaking the bonds of *marriage* and ending the marital relationship. The Prophet Muhammad (peace be upon him) said that there are three things that are valid if done sincerely, and still valid if done casually: *marriage*, divorce, and reconciliation. This demonstrates that divorce is a legal act with serious consequences and should not be undertaken without careful consideration. Therefore, every individual contemplating divorce or filing for divorce needs to understand the social, legal, and spiritual implications of such an act (Ikhwan et al., 2025; Moultrie, 2025).

The phenomenon of divorce occurs not only among the general public but also among Civil Servants (PNS) or what is now called the State Civil Apparatus (ASN) (Lingga, Sembiring, & Barus, 2025). To regulate this, the government established *Government Regulation Number 10 of 1983*, which was later updated to *Government Regulation Number 45 of 1990* concerning *Marriage* and Divorce Permits for Civil Servants. This regulation aims to ensure that Civil Servants as state apparatus have a moral and administrative responsibility in maintaining the integrity of the household while also being role models for society. ASN who wish to divorce are required to obtain permission or a certificate first from the authorized official, as regulated in Article 3 Paragraphs 1–3 of *Government Regulation Number 45 of 1990*.

The requirement for civil servants to obtain a divorce permit is not intended solely to complicate matters but rather to ensure that each divorce proceeding undergoes rigorous moral and administrative considerations (Kohn, 2025; Purwanti & Natalis, 2025). The head of the agency or authorized official is responsible for objectively assessing the grounds for the divorce, determining whether it is truly untenable or whether it can still be resolved through mediation. Furthermore, in practice, civil servant divorce proceedings also involve the obligation to transfer a portion of their salary to their ex-spouse as a means of providing post-divorce support, which requires a lengthy procedure and time to complete.

In North Barito Regency, based on data from the Civil Service and Human Resources Development Agency (BKPSDM), since 2019, there have been around 43 services related to ASN divorce matters, with a significant increase in 2021. Data from the Muara Teweh Religious Court shows that throughout 2019–2022 there were 97 cases related to *Government Regulation Number 10 of 1983* in conjunction with *Government Regulation Number 45 of 1990*. Approximately 5% of the total cases received were ASN divorce cases, both those who had obtained a permit and those who had not. The long and complex procedure in obtaining a Regent's Decree (SK) regarding divorce permits is often a complaint of ASN, especially because it must go through the agency recommendation stage and the mediation process at BKPSDM.

Interviews with Muara Teweh Religious Court officials indicate that 1–5% of divorce cases are filed by civil servants (ASN) (Baharuddin, Nawi, & Aziza, 2025; Jaya, 2025). Some even stated that the divorce permit application process can take up to two years, depending on the work unit where the ASN is assigned and the completeness of the submitted recommendations. Meanwhile, the Human Resources Development Agency (BKPSDM) stated that the length of the Regent's Decree issuance process is influenced by internal administrative factors, particularly recommendation letters from relevant agencies and the parties' commitment to mediation. This confirms that the ASN divorce permit mechanism is not merely administrative in nature but also encompasses moral and institutional development dimensions (Aghayeeabianeh, 2025; Venning, Morley, & Newcomb, 2025).

The urgency of this research is grounded in the weak implementation of *Government Regulation Number 45 of 1990* within the North Barito Regency Government, primarily due to the absence of technical Standard Operating Procedures (SOPs) at the regional level. This condition has led to legal uncertainty and inconsistencies in the processing of ASN divorce permits, as evidenced by the varying timeframes for decree issuance ranging from two weeks to two years. Normatively, this situation contravenes the principles of Good Governance and the Principle of Legal Certainty as mandated by Law Number 30 of 2014 concerning Government Administration. The absence of clear technical guidelines not only hinders the realization of an effective, efficient, and accountable public service system but also diminishes the protective function of the law for ASN undergoing divorce proceedings. Therefore, this study is crucial to identify implementation gaps and formulate concrete recommendations for local governments in harmonizing regional regulations with central policies, ultimately strengthening legal certainty and bureaucratic reform within the state civil apparatus.

This research focuses on problematic divorce applications of State Civil Apparatus (ASN) in the Regional Government of North Barito Regency. Research with a similar topic has never been conducted before based on the author's knowledge, although there are several previous studies that have relevance. First, the thesis by Nurhasan Samin from the Master of Family Law Program of IAIN Palangka Raya in 2017, entitled "Critical Legal Study of the Circular Letter of the Regent of West Kotawaringin concerning Divorce Permits for State Civil Apparatus," aims to analyze the lack of function of the Circular Letter of the Regent of West Kotawaringin No. 800/1582/Bk.V/2008 concerning the Reaffirmation of the Divorce Permit Process for Civil Servants (PNS). The research only focused on a critical legal study of the Regent's circular in the context of preventing ASN divorce in West Kotawaringin Regency, while this research focuses on the problems that occur in North Barito Regency. Nurhasan's research results show that the circular has not functioned significantly because it does not fully reflect the *maqāṣid al-shar'ah* (the purpose of sharia) in preventing damage due to ASN divorce. Second, Abdurahman Adu Asputera's thesis from the Al-Ahwal Al-Syakhshiyah Master's Program, Maulana Malik Ibrahim State Islamic University of Malang in 2014, entitled "Divorce Problems for Civil Servants (A Study of Judges' Views at the Gorontalo Religious Court)," examines the reasons and obstacles for judges in deciding divorce cases for civil servants without the permission of their superiors. Using an empirical and qualitative legal approach, the study concluded that judges have the authority to decide cases even without the permission of their superiors because it is based on the principles of social justice, the independence of the judiciary, and the responsibility not to reject cases. The fundamental difference with this research is that the focus of Abdurahman's research lies on the aspect of court decisions without superior permission, while the author's research focuses on the process and mechanism of divorce permits before the case is submitted to court, in accordance with the provisions of *Government Regulation Number 45 of 1990* concerning *Marriage and Divorce Permits for Civil Servants*.

Based on these issues, the researcher is interested in examining in more depth how the implementation of *Government Regulation Number 45 of 1990* concerning Divorce Permits for Civil Servants within the Regional Government of North Barito Regency. This study aims to analyze the mechanism for ASN divorce permits to determine whether they are in accordance with applicable regulations and how they are implemented in the BKPSDM of North Barito Regency. It is hoped that this research can provide theoretical contributions to the development of legal science, especially personnel administration law, as well as provide practical benefits for ASN and local governments in efforts to reduce the divorce rate among state civil servants.

METHOD

The research used in this thesis was empirical legal research, aimed at examining law in practice, focusing on how law operates in society through a qualitative approach.[translate:] Qualitative research generated descriptive data from people's words and observable behavior.

The approach was sociological juridical, based on binding norms or regulations, to reveal how law functions as a societal phenomenon causing various social consequences. This approach used primary data obtained directly from sources, remaining in raw form.

Data sources included primary materials such as verses from the Qur'an and Hadith related to civil servant divorce law, the Civil Servant Law, Government Regulations, Supreme Court Regulations, Minister of Religion Regulations, and the Compilation of Islamic Law. Secondary materials consisted of theses, related research, journals, books, and other references. Tertiary materials included dictionaries (Indonesian, Arabic, English, Legal), encyclopedias, and the Licensing Decree of the Regent of North Barito. Observation involved human senses like hearing and smell. Interviews were conducted through questions and answers to collect information.

Data analysis involved organizing, categorizing, and identifying patterns or themes to understand meaning. The analysis stages were editing, which entailed reviewing data for accuracy and quality; classification, which grouped problems encountered during the divorce permit process for State Civil Apparatus (ASN) in North Barito Regency—covering submission, objection period, mediation, recommendations, decree issuance per Government Regulation Number 45 of 1990, and related administrative steps; verification, which involved double-checking data by consulting informants and relevant agencies to confirm consistency; and analysis using qualitative descriptive methods to categorize and draw conclusions from the data.

Researchers described phenomena from interviews by classifying data into categories, comparing, analyzing, and verifying them. The conclusion phase addressed all research issues and focused solely on problems related to divorce permit applications for civil servants in North Barito Regency.

RESULTS AND DISCUSSION

Overview of the Research Location

1. North Barito Regency

North Barito Regency is one of the regencies in Province Central Kalimantan is in the middle of the island of Kalimantan and located in the equatorial region, namely at position 114° 20'3.32"—115° 50'47" East Longitude and 0° 49'00" North Latitude –10° 27'00" South Latitude, with boundaries:

- 1) To the north it borders Murung Raya Regency and West Kutai Regency, East Kalimantan Province.
- 2) To the south it borders South Barito Regency and Tabalong Regency, South Kalimantan Province.
- 3) To the east it borders on West Kutai Regency, West Java Province East Kalimantan.
- 4) To the west it borders Kapuas and Murung Districts Raya.

The area of North Barito Regency is legally stated in Provincial Regulation Number 08 of 2003 concerning the RTRWP map Province Central Kalimantan is 8,300 km² (830,000 Ha) in area. Furthermore, based on published data from the BPS of North Barito Regency in 2015, the area the area of North Barito Regency is 8,300 km² (830,000 Ha) or an area of 5.4% of the total area of Central Kalimantan Province. Administratively, North Barito Regency consists of 9 (nine) sub-districts, 93 (ninety-three) villages and 10 (ten) sub-districts.

The topography and morphology of the North Barito Regency area consists of a relatively low plain from the South to the East, while to the North it is in the form of a folded area, a fault lined by the Muller/Schwaner mountains. The area with a slope of 0-2% is located in the southern part of the Barito Riverbank, namely the Montallat and Teweh Tengah sub-districts covering an area of 165 km² (29.2%). The area with a slope of 2-15% is spread across all sub-districts covering an area of 4,785 km² (21.5%). The slope of 15-40% is spread across all sub-districts covering an area of 4,275 km² (51.5%) and the area with a slope above 40% covering an area of 2,075 km² (25%).

From the demographic conditions, the population of North Barito Regency Data from the Directorate General of Population and Civil Registration (*Dukcapil*) shows that the population of North Barito Regency, Central Kalimantan reached 158.51 thousand people in 2024.

Meanwhile, growth over the past five years has been recorded at 3.93%. Compared to other regencies/cities in Central Kalimantan province, North Barito Regency ranks sixth in population, while by island, it ranks 43rd.

The history of North Barito Regency began with the formation of a body called the Great Dayak Council, with an area of authority covering the Kapuas - Barito Afdeeling in 1938 by the NICA government in Banjarmasin, this was based on the Swapraja regulations (*Zelfbestuur Regeling*).

At that time, the Dutch attempted to re-establish their colonial presence in Indonesia by dividing the unitary state into states. In this uncertain political situation, with tensions among the people, on April 14, 1940, at the urging of the people, the Great Dayak Council issued a formal declaration of integration into the Republic of Indonesia, with Yogyakarta as its capital at the time. This bold and decisive action by the Great Dayak Council was followed by other states in Kalimantan.

In order to establish the *de facto de jure* status of the former Dutch-made states within the legal territory of the Republic of Indonesia, a decree was issued on April 4, 1950 number: 133/s/9 regarding the determination of the Banjar Region, the Greater Dayak Region, and the Southeast Kalimantan Region, which were formed by the Dutch, to have their status removed from the state of the United States of Indonesia (RIS) and to have the *de facto et de jure* status of the Republic of Indonesia in Yogyakarta.

Then, to strengthen the status of the division of the above regions, the Minister of Home Affairs of the Republic of Indonesia based on Law No. 22 of 1948 issued a decree dated June 29, 1950 number: c.17/15/3 to determine the areas in Kalimantan that had been incorporated into the Republic of Indonesia with government administration consisting of 6 Regency statuses, namely: Martapura, Kandangan, Kotabaru, Muara Teweh, Kapuas and Sampit.

Then, on August 3, the Governor of Kalimantan issued Decree No. 154/opb/92/04, which served as the basis for the region to implement the Minister of Home Affairs' decree. Since then, Barito Regency was born, encompassing the sub-districts of Barito Hulu, Barito Tengah, Barito Hilir, and Barito Timur, with its capital in Muara Teweh.

In subsequent historical developments, emergency law number 3 of 1953 was issued concerning the establishment of autonomous regions of regencies/special regions at the district/city level within the Kalimantan Province. Based on this emergency law, for the first time, government affairs were transferred to autonomous regions.

Then, six years later, Law No. 27 of 1959 was issued, which transformed Emergency Law No. 3 of 1953 into a law on the formation of Level II Regions in Kalimantan. As a manifestation of this law's implementation, in 1960, Barito Regency was divided into North Barito Regency with its capital in Muara Teweh and South Barito Regency with its capital in Buntok .

Research Subject Overview

1. Civil Servants of the Regional Government of North Barito Regency

North Barito Regency was on June 29, 1950 since the issuance of the Minister of Home Affairs Decree number: c.17/15/3 dated June 29, 1950 concerning the Establishment of a region that has the right to regulate and manage its own household. And then after obtaining the approval of the DPRD of the Level II Regional Regency of North Barito through Decree number: 55/sk-DPRD/1985 dated November 9, 1985, the Regent of Level II Regional Head of North Barito on February 10 issued decree number 74 of 1986 concerning the determination of the anniversary of North Barito Regency which falls on June 29. And then North Barito Regency was successively led by the Regional Head or Regent and Deputy Regent .

The vision of North Barito Regency is “ To create a religious, independent and prosperous North Barito community through the acceleration of development in the fields of human resources, infrastructure and the community economy .”

Presentation Of Research Data

1. Interview Results for Civil Servants of the North Barito Regency Regional Government

Based on the interview results, the researcher asked several questions to the informants regarding the process of filing for divorce by ASN in the Regional Government of North Barito Regency, namely regarding the length of time to obtain a Decree (SK) permitting divorce from the Regent, the implementation of mediation according to PP Number 45 of 1990, and the mechanism for filing for divorce from the original work unit (Satker) until the issuance of the Regent's Decree. The first informant, with the initials **ASF** , a civil servant of North Barito Regency who filed for divorce in 2015, explained that she had to wait for **two years** to obtain the SK due to the lengthy process of issuing a recommendation letter from the head of the agency, while the Regent's Decree was only issued approximately two months after the file was submitted to the BKPSDM. The second informant, a woman with the initials **R** , stated that she obtained the SK within **one month** after going through a mediation process facilitated by her agency according to the provisions of PP Number 45 of 1990; however, the mediation was not attended by her husband. The third source, a male **PPPK** with the initials **LM** , said that the process from the application to the issuance of the decree only took **two weeks** , without any mediation process—he only asked for his superior's signature as a form of notification. Meanwhile, the fourth source, a female civil servant with the initials **DL** , admitted to waiting **five to six months** from the application to the issuance of the Regent's decree, despite having undergone a mediation process in accordance with regulatory provisions. The wide variation in the issuance time of the decree, from two weeks to two years, indicates an inconsistency in the implementation of the ASN divorce permit mechanism in North Barito Regency. Furthermore, not all agencies implement mediation as mandated by **Article 6 paragraphs (1–3) of Government Regulation Number 45 of 1990 in conjunction with Government Regulation Number 10 of 1983** , which expressly requires authorized officials to make efforts to reconcile couples by summoning both parties for advice before a decision is made. In practice, mediation efforts are often ineffective because one party does not attend the summons, and a similar situation also occurs during trials at the Religious Court. Furthermore, **Article 3 paragraph (1)** of the same regulation states that the plaintiff civil servant is required to obtain written permission from the official, while the

defendant civil servant is required to obtain a certificate before the divorce is carried out. However, based on the annual report of the Muara Teweh Religious Court for the period 2021–2024, no data was found on the issuance of such certificates (nil). This condition indicates that the implementation of PP Number 45 of 1990 in conjunction with PP Number 10 of 1983 within the North Barito Regency Government has not been running optimally, both in terms of administrative procedures and the application of legal principles that should guarantee an orderly divorce process for ASN.

Research Data Analysis

1. Not yet existence SOP Permission divorce

Results interview researchers with Employee BKPSDM (Body Development Staffing Source Human Resources) Regency Barito Utar a part Discipline Monday, March 17, 2025 that the SOP (Standard Operating Procedure) for employee divorce permit applications does not exist and is only based on PP Number 45 of 1990 in conjunction with PP Number 10 of 1983.

A Standard Operating Procedure (SOP) is a set of instructions or activities carried out by a person to complete a job safely, without adverse impacts on the environment (in compliance with relevant laws and regulations) and to meet operational and production requirements. [Kenneth A. Friedman, PhD].

This SOP is a written agreement containing rules, policies, technical specifications that must be used consistently to ensure that the processes, products and services that are the output are in accordance with the objectives and quality specified .

There are at least 6 main reasons why an institution must have SOPs, namely:

1. Knowing the role and position of each work unit within the institution;
2. Give clarity about process Work And responsibility;
3. Explaining the relationship between one work process and another work process;
4. Guard consistency in operate work process;
5. Minimize the occurrence of error in do work process;
6. Help do evaluation to every process work.

This SOP needs to be created to describe a process that involves more than one person. from 1 (One) Part, And or need something condition choice (decision). For a simple process, in the form of instructional steps, and only involving 1 (one) Part, it is sufficient to create a Work Instruction (IK). (<http://dewasurat.com/2015/12/contoh-surat-edaran-yang-baik-dan-benar-2016.html> Accessed on April 5, 2025 at 17.01 WIB)

From explanation This need existence SOUP Which clear . SOUP This explain the flow in submitting employee permits to obtain a Decree, including the process flow requirements and the length of time required for divorce permit activities.

The problem of not having an SOP also causes time differences and differences. agency in carry out PP Number 45 Year 1990 jo PP Number Law No. 10 of 1983 clearly differs from region to region. Several sources noted this and argued that it presents an obstacle when filing a divorce in court, as it was stated that the civil servant filing the lawsuit must attach a decree from the head of the official as a mandatory requirement.

This was also conveyed by the Head of the Muara Teweh Religious Court on Tuesday, March 18, 2025 when interviewed by researchers as material for this research.

" In the civil servant trial, if the Permit Decree from the Regent is already there so we Also Already Can accept And carry out application the lawsuit "

Not yet existence SOUP This Also Can become base No implementation PP optimal .

2. Not yet the existence of Letter Circular or Regulation Regent Which Explain in a Good way and in accordance with PP Number 45 of 1990 in conjunction with PP

Number 10 of 1983

Apart from the absence of an SOP (Standard Operating Procedure), the North Barito Regency Regional Government does not yet have a Circular Letter or Regent's Regulation that specifically explains the permit for civil servant divorces so that it can be maximized. operate PP Number 45 Year 1990, For Discipline Employee Already regulated in the Regent Regulation of North Barito Regency Number 7 of 2024 concerning the Implementation of Disciplinary Punishment of State Civil Apparatus Employees within the North Barito Regency Government dated April 8, 2024, which explains to comply with regulations, one of which is PP Number 45 of 1990.

Letter Circular is letter Which usually containing Information Which intended to inform a person or the general public about the contents of the letter the, And usually Also letter This Characteristic urge, However There is Also circular letter that is not very important for some parties. Circular letter or other name circular according to the meaning.

Dictionary Big Language Indonesia (KBBI) is letter circular or list Sent to a number of person in a number of place For convey A message to be known or implemented. Urgent circulars typically contain an appeal to the public about threats or disasters, regulatory changes, policy changes, and so on. For example, floods, volcanic eruptions, changes to articles in laws, changes to the function of an agency, changes to wage regulations, and so on. Urgent circulars This usually delivered in a way official By agency related And and at the same time important. (<http://dewasurat.com/2015/12/contoh-surat-edaran-yang-baik-dan-benar-2016.html> Accessed on April 5, 2025 at 17.01 WIB)

Examples that researchers can take are the Circular Letter of West Kotawaringin Regency Number 800/1582/Bk.V/2008 concerning the Reaffirmation of the Divorce Permit Process for Civil Servants (PNS) within the Regional Government of West Kotawaringin Regency and also Circular Letter Number 800.1.6.2/3471/35

Regulation regent/mayor by Regulation Minister In Country Number 80 of 2015 concerning the Formation of Regional Legal Products ("Minister of Home Affairs Regulation 80/2015") as Which has changed with Regulation Minister In Minister of Home Affairs Regulation Number 120 of 2018 concerning Amendments to the Regulation of the Minister of Home Affairs Number 80 Year 2015 about Formation Legal Products Area ("Minister of Home Affairs Regulation 120/2018") is then classified as a type of regional head regulation ("Perkada"). Article 19 of Minister of Home Affairs Regulation 80/2015 reads:

- a. Planning the preparation of regional regulations and DPRD regulations is the authority of and is adjusted to the needs of each institution, commission or agency.
- b. Planning for the preparation of regulations as referred to in paragraph (1) is prepared based on orders from higher statutory regulations or based on authority.
- c. The planning of the preparation as referred to in paragraph (1) is determined by decision leadership institution, commission, or agency each for a period of 1 (one) year.
- d. Planning compilation regulation Which has set with the decision of the leadership of the respective institution, commission or agency as referred to in paragraph (3) may include additions or reductions.

An example of a Regent's Regulation is the Regulation of the Regent of Tabalong, South Kalimantan Number 21 of 2022 concerning Technical Instructions for Divorce and Marriage Permits. Employee Country civil Which issued on date 30 June 2022. In Article 13, apart from the time limit of no later than 3 (three) months from the date he received it, permission request. And also the implementation of Mediation by authorized officials are in Article 8 paragraphs 1 to 4.

3. Factors Constraint Permission Divorce ASN Regency Barito North and Parts that need PP optimization Number 45 of 1990 in conjunction with PP Number 10 of 1983

Divorce for civil servants can be hampered by several factors, such as superior dissatisfaction with the reason for the divorce, lack of supporting documents, or unfulfilled administrative procedures. Furthermore, personal and family circumstances can also influence the decision to grant leave. Which No Adequate: Superior Possible feel that reason Which

Results a number of interviews from ASN Which Already apply for a permit divorce in According to researchers, North Barito Regency has experienced many obstacles, especially in obtaining a Decree from the Regent.

Moving on from that, the BKPSDM itself is asking whether the work is in accordance with procedures or whether there is simply no required time limit. In the regulations, existing discipline in the Regency Barito North alone indeed Not yet This divorce permit is clearly explained. The divorce permit application has been submitted to the BKPSDM (Personnel and Human Resources Development Agency). Source Power Man) Barito Regency North also not a little, the following data was obtained by the researcher:

Impact Divorce Permit Impact from permission divorce for ASN in Barito Regency North includes:

1. Welfare Psychological: A number of ASN report that divorce give them freedom and opportunities to start new life Work Performance: There are positive and negative influences on work performance ASN after Divorce, depends on support Which they accept.
2. Connection Social: Divorce can influence social relationships ASN with co-workers and family.

The obstacles that occur due to several problems in the local government that can be concluded by researchers include:

1. Complicated bureaucracy: long and complicated processes often become an obstacle for civil servants to obtain permits, namely because the regulations in force in local governments are not yet strong.
2. Social Stigma: Civil servants who file for divorce often face stigma from colleagues and the community, and there is a lack of public awareness from the government about the procedures and rights in divorce cases.
3. Career impact. There are concerns that filing for divorce could impact a civil servant's career and reputation, due to the implementation of civil servant disciplinary regulations in the North Barito Regency Government, as stipulated in Regent Regulation Number 7 of 2024.

4. The Theory of Benefit on the Implementation of PP Number 45 of 1990 in conjunction with PP Number 10 of 1983 regarding Article 3

Etymologically, the word *maslahat*, plural *masalih*, means something good, beneficial, and the opposite of evil and harm. Maslahat is sometimes referred to as seeking what is right. The essence of maslahat is the creation of goodness and happiness in human life and the avoidance of things that can harm the public life.

Ibn Taimiyyah, as quoted by Sheikh Abu Zahra (tt. 495), stated that what is meant by maslahat is the mujtahid's view of actions that contain clear goodness and are not actions that are contrary to sharia law. The maslahat in question is the maslahat that is the goal of sharia, not the maslahat that is solely based on human desires. Because it is fully realized that the goal of sharia law is none other than to realize the maslahat for humans in all aspects and aspects of their lives in the world and to avoid various forms that can lead to destruction.

In Arabic, benefits are called *maslahat* (plural *masalih*) which is a synonym for the word benefit and the opposite of the word mafsadat (damage). In a figurative sense, this word can also be used for actions that contain benefits. The word benefit is always interpreted as *ladzdzhah* (good taste) and efforts to obtain or maintain it. Furthermore, the original meaning

of benefit is to attract benefits or avoid *harm*. The meaning of the term is the maintenance of the goals of *maqasid syara'*, namely religion, soul, mind, lineage and property. Everything that contains the value of maintaining these five principles is *benefit*, everything that eliminates it is *mafsadat* and rejecting it is benefit. When viewed from the aspect of its existence, the ulama divide benefits into three types, namely:

- A. *Mu'tabarah Benefits*
- B. *The Benefit of Mursalah*
- C. *Maslahat Mulghat*.

Divorce should not be carried out easily and arbitrarily, especially in cases of divorce by a husband against his wife without considering the consequences that can cause suffering for the wife and children. Although divorce can be a way out of prolonged domestic conflict, its purpose must be to bring benefit, namely the creation of goodness and the prevention of damage in human life. According to Islamic jurisprudence (*fiqh*) based on the opinions of the Imams of the School of Islamic Studies (*Mazhab*), a divorce pronounced firmly or sarcastically accompanied by the intention to divorce is a valid termination of a marriage according to Islamic jurisprudence. In practice, divorce often occurs outside the court process, for example through direct divorce at home, in the presence of parents, traditional leaders, or religious officials. In fact, divorce is prescribed to rebuild a broken relationship and provide time for husband and wife to introspect and the possibility of reconciliation and rebuilding a better household. If after reconciliation in the first and second divorces there are still disputes, the divorce can be considered final. However, divorce should not be rushed to court because the legal process should be a space for learning and reflection, not an opportunity to expose the shame of the household. Therefore, every Muslim is obliged to obey the applicable legal provisions, including Government Regulation Number 45 of 1990 in conjunction with PP Number 10 of 1983, as a form of obedience to the government as long as it does not conflict with Islamic law.

Allah's Word in the Qur'an states:

Which means *"O you who believe, obey Allah and obey His Messenger and those*

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ
ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ﴿٥٩﴾

who hold authority among you" (QS. An-Nisa Verse 59).

The Marriage Law does not prohibit divorce, but only complicates its implementation. This means that divorce is still possible if it is truly unavoidable, and it must be properly executed in court. This type of divorce is new in Indonesian society, where previously the right to divorce rested entirely with the husband, allowing him to exercise it at will. This practice is deeply concerning for wives, as husbands often neglect the rights of their wives and children after divorcing their wives.

Therefore, divorce is not only legal according to religion, but to obtain legal certainty and certainty of the wife's rights and children's property rights, the divorce must also be legal according to the Marriage Law as a legitimate government product, so that a divorce that occurs guarantees and obtains certainty, benefit and justice. In accordance with the principle of benefit in divorce law.

Thus, to ensure the benefit as intended by the theory of *maslahah* in divorce as a permissible act, but hated by Allah, it is appropriate and reasonable for divorce to be carried out before the Sharia Court. Because the Sharia Court as a state judicial institution is able to guarantee legal certainty and certainty regarding the rights of the wife and children after a

divorce. If there is no awareness from the former husband to fulfill these obligations. However, for divorces with *talaq* that have already occurred outside the Sharia Court, for greater *benefit*, it is necessary to find a solution through the provisions of *isbat talaq*, as *isbat nikah* has been regulated in the Compilation of Islamic Law. In addition, to reduce the number of divorces outside the Sharia Court, legal regulations are needed that provide sanctions for those who divorce outside the Sharia Court.

If there are no legal sanctions, of course it will be difficult to stop the number of divorces that occur outside the Syar'iyah Court which have negative impacts, especially arbitrary divorces and there is no guarantee and certainty in obtaining the rights of ex-wives as well as *gift rights* for their children, even though there is a positive value from divorce outside the Syar'iyah Court, namely that there is a lot of reconciliation, because divorce in this form is not widely known by the general media and contains elements of the husband's learning process towards his wife, but in reality *the harm is greater than the benefit*.

CONCLUSION

Government Regulation PP Number 45 of 1990 in conjunction with Number 10 of 1983 aims to maintain the dignity and honor of Civil Servants (PNS/ASN) as role models for the community, but violations remain common, including secret subsequent marriages, divorces without superior permission, and infidelity. Many civil servants seek loopholes, such as early retirement or underhand marriages, to circumvent these binding regulations, reflecting the perception of marriage and divorce as private matters beyond state control. In North Barito Regency, regulatory gaps persist, especially in divorce filing, where delays in obtaining permission decrees range from two weeks to two years, and mandatory mediation is often skipped due to lack of Standard Operating Procedures (SOPs), circulars, or effective socialization by local government agencies like BKPSDM. Better coordination between the government and ASN, alongside comprehensive socialization and formal regulations for marriage and divorce permissions, is crucial to strengthen discipline and uphold the civil servants' code of ethics. Future research should investigate effective models of regulation implementation and socialization strategies to close these gaps and enhance compliance among Civil Servants in various regional governments.

REFERENCES

- Ag, Asman M. (2025). Interpretation of Marriage Law Determination: An Analysis Study of the Adult Age of Marriage in Indonesia. *Law & World*, 34, 112.
- Aghayeeabianeh, Banafsheh. (2025). Continuing the Debate Over the Association Between Divorce Laws and Divorce Rates: A Case Study of Iran. *Family Transitions*, 1–30.
- Aini, Siti Nur. (2025). *Gender role flexibility of spouses to realize a Sakinah family: Study on lecturers of state Islamic University Maulana Malik Ibrahim Malang*. Universitas Islam Negeri Maulana Malik Ibrahim.
- Aliyu, Yasmin, Anthonia, Baduku, & Abdulkadir, Jaafar. (2025). Assessment of the Causes and Effects of Marital Instability among the Hausa Ethnic Group in Nigeria. *Journal of Arts and Sociological Research*.
- Baharuddin, Muhammad Fadil, Naw, Syahrudin, & Aziza, Dian Eka Pusvita. (2025). Position Permission Divorce for Civil Servants at the Class 1A Religious Court Office in Makassar. *Advanced Private Legal Insight*, 1(1).
- Collins-Dike, Joy. (2025). Review of Spousal Communication and the Increasing Rate of Divorce in Nigeria Society. *Matondang Journal*, 4(2), 102–112.
- Hakim, Nurul, & Habibullah, Damirdas Kafa. (2025). The Prophet's Way of Resolving Divorce. *The Indonesian Journal of Islamic Law and Civil Law*, 6(1), 27–44.
- Idris, Muhamad Khabib, Shoim, Muhammad, & Najichah, Najichah. (2025). Examining

- Islamic Legal Implications of Women's Migrant Workers: Family Dynamics in Rural Central Java, Indonesia. *Fuqaha Journal of Islamic Law*, 1(1), 41–62.
- Ikhwan, M., Wahyudi, M. Agus, Efendi, Sumardi, Gumilang, Randi Muhammad, Alfiyanto, Afif, & Kumalasari, Reni. (2025). Deciding To Be a Widow or Stay with A Husband: The Experience of Muslim Women Filing for Divorce in the Aceh Sharia Court. *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 10, 80–99.
- Jaya, Alwi. (2025). Inequality of Rights in Verstek Divorce: Islamic Law Perspective and Practices in Religious Courts. *Journal of Indonesian Scholars for Social Research*, 5(1), 73–82.
- Kohn, Laurie S. (2025). Justice Delayed by Design: The Harms of Our Protracted Divorce System. *Vill. L. Rev.*, 70, 169.
- Lingga, Anggi Salsha Musdalifa, Sembiring, Idha Apriliana, & Barus, Utary Maharany. (2025). Provision of Maintenance for Former Wives of Civil Servants According to Government Regulation No. 45 of 1990. *Jurnal Hukum Indonesia*, 4(2), 66–80.
- Mehr, Reza Khojasteh, Najimi, Morteza, Roberts, Kelly M., & Sodani, Mansour. (2025). “Nothing Will Ever Be the Same Again”: The Lived Experience of Reconciliation After Filing for Divorce. *The American Journal of Family Therapy*, 53(3), 297–318.
- Moultrie, Lauren Channing. (2025). *The Perceived Impact of a Faith-Based Divorce Support Group on One's Spiritual Strength, Mental Health and Ability to Forgive Oneself and Others*.
- Purwanti, Ani, & Natalis, Aga. (2025). Law as Text, Culture as Context: The Semiotics of Marriage Dispensation and Judicial Considerations in Indonesia. *International Journal for the Semiotics of Law-Revue Internationale de Sémiotique Juridique*, 1–32.
- Shousha, Nayera Mohamed, & Taha, Dina Magdy. (2025). Sacred Bonds, Silent Pain: Understanding Women's Perceptions and Experiences of Marital Rape in Egypt. *Journal of Family Violence*, 1–16.
- Siregar, Rois Hamid, Amir, Sulaiman Muhammad, & Nasution, Muhammad Ali Azmi. (2025). Revitalizing the Function of Hadith as a Social Instrument in Preventing Divorce in the Modern Era. *Al Qalam: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan*, 19(6), 3672–3687.
- Utomo, Dinka Nehemia. (2025). *Project Portfolio: Strengthening Marital Bonding in Indonesian Christian Spouses Through a Contextually Designed Marriage Enrichment Retreat Curriculum*.
- Venning, Alyssa, Morley, Christine, & Newcomb, Michelle. (2025). Reimagining leadership in social work: A call for a distinctive activist approach to social work leadership. *The British Journal of Social Work*, bcaf144.
- Waraich, Aisha, Jamil, Muhammad Shoaib, Thakur, Shakeel Akhtar, & Sulehry, Muhammad Arslan Khalid. (2025). Distinction between Khula and Divorce Under Pakistani Law: A Doctrinal Analysis. *The Critical Review of Social Sciences Studies*, 3(2), 2370–2386.
- Zaidah, Yusna, Husna, Hatimul, & Mubarak, Ahmad. (2025). Legal Considerations of Marriage Dispensation Cases For Couples That Lead to Divorce. *Journal of Islamic and Law Studies*, 9(2), 206–222.