LEGAL ANALYSIS OF OPPORTUNITIES AND CHALLENGES IN IMPLEMENTING ISLAMIC COMMUNITY GUIDANCE CIRCULAR LETTER NO. 2 OF 2024 WITHIN INDONESIA'S MARRIAGE REGULATORY SYSTEM

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Abstract

The high divorce rate in Indonesia indicates a lack of readiness among couples to build strong household. In response, the Ministry of Religious Affairs issued Circular Letter Number 2 of 2024 from the Director General of Islamic Community Guidance concerning the enhancement of premarital counseling quality for prospective brides and grooms. This study aims to examine the legal standing of circular letter within Indonesia's legislative system and to analyze the normative opportunities and challenges within the marriage regulatory framework. As a normative juridical study, it employs a statutory approach with descriptive qualitative analysis. The findings show that the circular is an administrative legal product not included in the formal hierarchy of legislation and is non-binding externally, However, it plays an important role in the implementation of premarital counseling. Normatively, its implementation still faces substantial barriers, includes the absence of effective coercive norms, disharmony among cross-sectoral regulations, and disparities in regional understanding. Therefore, strengthening its legal foundation through higher-level regulation, cross-agency synergy, and increased capacity of implementers is necessary to ensure the effectiveness of this policy in building family resilience.

Keywords: *Family Resilience; Circular Letter; Premarital Counseling.*

Abstrak

Tingginya angka perceraian di Indonesia menunjukkan belum siapnya pasangan suami istri dalam membangun rumah tangga yang kokoh. Sebagai respons, Kementerian Agama menerbitkan Surat Edaran Nomor 2 Tahun 2024 dari Direktorat Jenderal Bimbingan Masyarakat Islam tentang peningkatan kualitas bimbingan pranikah bagi calon pengantin. Penelitian ini bertujuan untuk mengkaji kedudukan hukum surat edaran dalam sistem perundang-undangan Indonesia serta menganalisis peluang dan tantangan normatif dalam kerangka regulasi perkawinan. Sebagai studi yuridis normatif, penelitian menggunakan pendekatan perundang-undangan dengan analisis kualitatif deskriptif. Temuan menunjukkan bahwa surat edaran merupakan produk hukum administratif yang tidak termasuk dalam hierarki peraturan perundang-undangan formal dan tidak mengikat secara eksternal, namun

memainkan peran penting dalam implementasi bimbingan pranikah. Secara normatif, implementasinya masih menghadapi kendala substansial, termasuk ketiadaan norma pemaksa yang efektif, disharmoni antarregulasi sektoral, serta disparitas pemahaman daerah. Oleh karena itu, penguatan landasan hukum melalui regulasi tingkat lebih tinggi, sinergi lintas instansi, dan peningkatan kapasitas pelaksana diperlukan untuk memastikan efektivitas kebijakan ini dalam membangun ketahanan keluarga.

Kata Kunci: *Ketahanan Keluarga; Surat Edaran; Bimbingan Pranikah.*

A. Introduction

Indonesia, as a constitutional state implementing a presidential system of government, places the President at the apex of executive power, who is assisted by ministers in managing various governmental affairs. In this context, the Ministry of Religious Affairs, as one of the executive bodies, holds a strategic responsibility in fostering religious life, including matters related to marriage, which serves as an essential foundation for the social order of society. (Kelmaskosu & Rauta, 2025). The constitutional role of the Ministry of Religious Affairs includes formulating policies that progressively strengthen family resilience while simultaneously reducing social problems inherently associated with marriage-related issues.

Marriage, as stipulated in Article 1 of Law Number 1 of 1974 on Marriage, is not merely a social or religious event, but also carries comprehensive legal implications, encompassing the civil status of individuals as well as the mutual rights and obligations of the parties bound by it. (Samsidar et al., 2025). Article 3 of the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) explicitly states that the purpose of marriage is to establish a family that is *sakinah*, *mawaddah***,** and *rahmah*, an ideal that demands the couple's mature readiness in emotional, material, spiritual, and intellectual aspects. (Maimun, 2022). Unfortunately, a lack of adequate readiness often serves as a catalyst for the high divorce rate in Indonesia. In response, the Ministry of Religious Affairs issued Circular Letter Number 2 of 2024 from the Director General of Islamic Community Guidance, concerning the enhancement of premarital counseling quality for prospective spouses. This policy aims to equip the target group with knowledge and perspectives necessary for building a *sakinah*, *mawaddah*, and *rahmah* family, while also minimizing the incidence of divorce.

Indonesia is currently experiencing a significant increase in divorce rates. Statistical data from the Central Statistics Agency (Badan Pusat Statistik/BPS) consistently indicate that the divorce rate in Indonesia remains at an alarming level. Although annual fluctuations occur, the overall trend shows either an increase or

persistent stagnation at high levels, as reported in the 2023 BPS divorce statistics publication. This phenomenon highlights an urgent need for more robust preventive approaches in public policy. In response to this urgency, the Ministry of Religious Affairs issued Circular Letter Number 2 of 2024 from the Director General of Islamic Community Guidance on Improving the Quality of Marriage Counseling for Prospective Couples. This circular is designed as a proactive policy instrument aimed at strengthening premarital counseling programs as a fundamental effort to build family resilience and reduce the growing divorce rate. (Kementerian Agama RI, 2024). This represents a governmental obligation to foster family resilience and reduce the divorce rate.

revious studies have provided relevant empirical and theoretical foundations. For example, an empirical study entitled *"Premarital Counseling for Prospective Couples in Building a Sakinah Family"* conducted at the Office of Religious Affairs (KUA) in Anjasari District, Bandung, concluded that the implementation of premarital counseling based on the Circular Letter of Islamic Community Guidance Number 2 of 2024 has proven effective in enhancing the understanding, skills, and preparedness of prospective spouses in establishing a *sakinah* family (Robiah et al., 2025). Furthermore, prior to the issuance of the Circular Letter, a literature-based study entitled *"The Urgency of Premarital Education in Building a Family: A Perspective of Khoiruddin Nasution"* highlighted Nasution's view, which advocates for serious governmental attention to the implementation of premarital education, emphasizing that it should not be treated as a mere formality.(Suud Sarim Karimullah, 2021). Thus, the objective of the policy can be fully achieved, allowing society to experience its positive impacts through the establishment of resilient and well-being-oriented families.

Therefore, this study seeks to juridically analyze the legal standing of the Circular Letter of Islamic Community Guidance No. 2 of 2024 within the hierarchy of Indonesian legislation, as well as to identify the opportunities and challenges inherent in this policy in supporting the regulatory framework of marriage in Indonesia. It is expected that this study will contribute significantly to strengthening the normative and institutional framework of faith-based family policies, while offering strategic insights for the formulation of more effective and applicable policies aimed at reducing the divorce rate and achieving comprehensive family resilience.

B. Research Methods

This study adopts a normative juridical method, an approach fundamentally focused on the analysis and interpretation of applicable written legal norms. The

object of this research is the Circular Letter of the Director General of Islamic Community Guidance Number 2 of 2024. The approach used is the statute approach. The data sources were obtained through library research, encompassing various types of legal documents, including laws, government regulations, ministerial regulations, circular letters, as well as scholarly literature, journals, and books that are directly relevant to the topic of premarital counseling and marriage regulation in Indonesia. The data were then analyzed using a qualitative descriptive analysis technique, which enables the researcher to identify, classify, and interpret the content of legal norms and relevant literature in order to present a comprehensive overview of the opportunities and challenges in implementing Circular Letter No. 2 of 2024. This method ensures that the legal analysis is conducted in a thorough and systematic manner, reflecting the normative aspects of the policy under examination**.** (Achmad Irwan Hamzani, Tiyas Vika Widyastuti, 2024).

C. Results and Discussion

1. The Essence of the Circular Letter of the Director General of Islamic Community Guidance Number 02 of 2024

The issuance of Circular Letter Number 02 of 2024 by the Director General of Islamic Community Guidance represents a strategic initiative by the Indonesian Ministry of Religious Affairs to strengthen the foundation of quality families. The letter's preamble emphasizes the importance of preparing prospective spouses to build *sakinah* families, raising shared awareness about the importance of healthy and high-quality family life, and fostering commitment to resolving potential family conflicts. Accordingly, premarital counseling policy is regarded as a crucial long-term investment in the sustainability of society (Direktur Jenderal BIMAIS Kemenag RI, 2024).

The government has undoubtedly identified the social issues surrounding divorce cases. Nevertheless, policy programs designed without a clear identification of problems on the ground are difficult to implement in a society characterized by complex cultural diversity, varying capacities, and differing levels of readiness to accept policy interventions. Problem identification thus shapes a well-targeted policy direction through careful consideration, ensuring that the implemented policy can achieve its objectives optimally. This circular letter has a clear aim and purpose: to comprehensively equip prospective spouses. The preparation includes in-depth knowledge for planning a quality family and practical skills essential for doing so. It also focuses on preparing a future generation of quality individuals and realizing a *sakinah*, *mawaddah*, and *rahmah* family, an Islamic ideal of family life that has been adopted into

Indonesia's marriage regulations. (Kompilasi Hukum Islam, Inpres No. 1 Tahun 1991, Pasal 3). The goals and targets of this policy are expected to foster the creation of *sakinah*, *mawaddah*, and *rahmah* families. In this regard, adequate preparedness plays a vital role in shaping a harmonious and quality family. The stability that arises from such readiness and maturity has direct implications for family well-being and the development of a future generation that is strong, intelligent, and resilient—capable of contributing to and supporting national development.

The legal foundation for the issuance of Circular Letter No. 2 of 2024 by the Directorate General of Islamic Community Guidance is robust**.** *First,* it rests upon Law No. 1 of 1974 concerning Marriage, as amended by Law No. 16 of 2019. Substantively, this law standardized the minimum marriage age for both men and women at 19 years, providing protection against child marriage and contributing to the prevention of early marriage. (Fatimah et al., 2022). This Circular Letter serves as a follow-up to the spirit of that protection by requiring prospective spouses to participate in Marriage Counseling, in order to ensure they are mentally, emotionally, and intellectually prepared before entering into marriage.

Second, Minister of Religious Affairs Regulation Number 20 of 2019 concerning Marriage Registration (State Gazette of the Republic of Indonesia Year 2019 Number 1118) regulates the procedures and administrative requirements for couples who wish to marry and officially register their marriage at the Office of Religious Affairs (KUA) (Menteri Agama, 2019). In this context, Circular Letter of Islamic Community Guidance No. 2 of 2024 serves as a complementary instrument that strengthens the process by mandating Muslim prospective spouses to undergo Marriage Counseling (*Bimbingan Perkawinan* or *Bimwin*) before the official marriage registration is carried out. This means that Bimwin becomes an essential preparatory stage, aimed at ensuring mental, emotional, and intellectual readiness before entering married life. Accordingly, the Circular supports the implementation of Ministerial Regulation No. 20 of 2019 not only from an administrative standpoint but also in terms of guidance and preparation for couples in forming a harmonious and responsible family.

Third, Minister of Religious Affairs Regulation Number 876 of 2023 concerning the *Gerakan Keluarga Sakinah* (Sakinah Family Movement). This regulation emphasizes the importance of family development from the premarital to post-marital stages, through a systematic educational and spiritual approach. (*SK 2023.Pdf*, n.d.). Thus, this Circular Letter represents an

initial implementation of the broader vision outlined in Minister of Religious Affairs Regulation No. 876/2023. Namely, preparing prospective married couples to establish *sakinah* families through the provision of knowledge, religious understanding, and essential life skills for household management. Both instruments complement each other in the effort to build strong, sustainable, and quality family resilience within society.

Fourth, the Decree of the Director General of Islamic Community Guidance Number 189 of 2021 on the Guidelines for the Implementation of Marriage Counseling for Prospective Spouses, as amended by Decree Number 172 of 2022, affirms that Circular Letter No. 2 of 2024 strengthens these technical guidelines (SK 189/172) by making them an administrative requirement specifically, the issuance of the marriage certificate book depends on the completion of premarital counseling by the prospective spouses. While the Decree (189/172) provides the technical framework for implementation, Circular Letter 2/2024 enforces operational compliance by imposing a sanction in the form of delaying the issuance of the *buku nikah* for those who fail to attend Bimwin as mandated in the guidelines.

Within its scope, this Circular Letter mandates that all prospective spouses attend marriage counseling at the District Office of Religious Affairs (*Kantor Urusan Agama* or KUA). This reinforces the role of the KUA as the frontline institution for religious services and positions the counseling program as a structured curriculum. (Siregar et al., 2024). The implementation is expected to reach all regions and areas, including remote and isolated communities. In this way, all segments of society can experience the positive impacts of the policy's implementation, as reflected in the development of family resilience, the improvement of family well-being, and a reduction in divorce rates.

To ensure flexibility and accessibility in premarital services, Circular Letter of Islamic Community Guidance Number 2 of 2024 sets forth several key provisions. *First*, both prospective spouses are required to attend premarital counseling organized by the District Office of Religious Affairs (KUA). (Direktur Jenderal BIMAIS Kemenag RI, 2024). This obligation affirms the state's role in preparing prospective spouses mentally, spiritually, and administratively before entering into marriage. The involvement of the District Office of Religious Affairs (*KUA*) as the implementing body of the counseling program also reflects a decentralized approach to public service delivery, enabling more equitable and accessible services for the community. At the same time, it strengthens the role of religious institutions in fostering *sakinah*, *mawaddah*, and *rahmah* families.

Second, the implementation method of premarital counseling is designed to be flexible by offering three alternative approaches: classical (in-person) sessions, self-directed learning through modules or online platforms, and virtual participation via webinars. (Direktur Jenderal BIMAIS Kemenag RI, 2024). This variation in methods reflects an adaptive response to the development of information technology while addressing the diverse needs of society in terms of geography, time, and accessibility. Such an approach not only broadens the reach of services but also illustrates the government's efforts to modernize religious services, making them more inclusive and relevant to current social dynamics without compromising the substance of the counseling materials, which remain grounded in the core principles of family guidance in Islam.

Third, the implementation of premarital counseling in Circular Letter of Islamic Community Guidance Number 2 of 2024 refers to the Decree of the Director General of Islamic Community Guidance Number 189 of 2021, as amended by Decree Number 172 of 2022.(Direktur Jenderal BIMAIS Kemenag RI, 2024). This reference serves as the operational standard and curriculum guideline for the counseling program, ensuring that the materials delivered are uniform and can be evaluated for effectiveness at the national level. With a clear regulatory foundation, the implementation of premarital counseling is not merely an administrative formality, but a structured, professional, and educational process aimed at improving the quality of family life among Muslims in Indonesia**.**

Thus, this Circular Letter serves as a comprehensive operational guideline that outlines the implementation of marriage counseling mandates by the Office of Religious Affairs (KUA). It functions as an instrument that provides direction and standards for field implementers, bridging the national policy vision on family resilience with its practical implementation (Susanti, E., 2022, h. 45-50). The presence of the Office of Religious Affairs (KUA) is a crucial point of contact for delivering this policy directly to the community as the target group. However, effective strategies are still needed to implement the policy in areas with diverse cultural backgrounds, in order to ensure that it is accepted and embraced by the target population.

2. Classification and Legal Standing of Circular Letter of Islamic Community Guidance No. 2 of 2024 within the Hierarchy of Indonesian Legislation

Understanding the legal standing of Circular Letter of Islamic Community Guidance Number 2 of 2024 requires an examination of Indonesia’s legislative hierarchy, which is grounded in the principles of the supremacy of law and

legality. The principle of the supremacy of law affirms that all actions taken by the government and citizens must comply with the prevailing laws, ensuring that no authority is above the law. Meanwhile, the principle of legality emphasizes that every governmental action must have a clear legal basis and must not contradict higher-ranking laws and regulations. (Habibani & Frinaldi, 2024).

he concept of a hierarchical structure of norms was first systematically introduced by Hans Kelsen through his theory of Stufenbau des Recht. Kelsen argued that legal norms are arranged in a tiered structure, where each lower-level norm derives its validity from a higher-level norm, ultimately culminating in the Grundnorm a hypothetical basic norm (Friedman, L. M., 2001, h. 109-112). Consequently, if a higher-level legal norm is repealed or revoked, the lower-level norms that derive their validity from it will, in principle, also be annulled or rendered invalid.

Kelsen's student, Hans Nawiasky, refined this theory through his Theorie von Stufenaufbau der Rechtsordnung (Theory of the Hierarchical Structure of the Legal Order), categorizing the levels of legal norms into four main tiers: Staatsfundamentalnorm (the fundamental norm of the state), Staatsgrundgesetz (the basic law of the state), Formelles Gesetz (formal statutes), and Verordnung und autonome Satzung (regulations and autonomous statutes) (Prianto et al., 2024). In Indonesia, Pancasila, as enshrined in the Preamble to the 1945 Constitution (UUD 1945), is recognized as the Staatsfundamentalnorm, providing the philosophical foundation for the entire national legal system.

Based on Law Number 12 of 2011 concerning the Formation of Laws and Regulations, as amended by Law Number 15 of 2019 and most recently by Law Number 13 of 2022, statutory regulations are defined as written rules containing legally binding norms of a general nature, established or enacted by state institutions or authorized officials through procedures stipulated in the prevailing legislation. (Sikumbang et al., 2019). These provisions affirm that legality and procedural compliance are essential elements in the regulatory-making process, ensuring that the resulting legal products possess strong legitimacy and are capable of guaranteeing legal certainty and justice within society.

The types and hierarchy of laws and regulations in Indonesia are explicitly stipulated in Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Laws and Regulations. (Bentley, 2011). The provision states that the hierarchy of laws and regulations consists of: (1) the 1945 Constitution of

the Republic of Indonesia, (2) Decrees of the People's Consultative Assembly (MPR), (3) Laws or Government Regulations in Lieu of Law (Perpu), (4) Government Regulations (PP), (5) Presidential Regulations (Perpres), (6) Provincial Regulations, and (7) Regency/Municipal Regulations. (Kementerian Sekretariat Negara RI, 2011). The establishment of this hierarchy aims to create an orderly and systematic legal system, ensuring that each type of regulation has a clear position and function within the national legal structure, while also preventing normative conflicts between different levels of regulation.

Article 8 of the same law provides room for other types of regulations issued by certain state institutions, including ministers. The article states that legislation also includes regulations enacted by, among others, the People's Consultative Assembly, the House of Representatives, the Supreme Court, the Constitutional Court, and ministers, insofar as these institutions are established by law or pursuant to the mandate of a law. (Kementerian Sekretariat Negara RI, 2011). Thus, normatively, a minister holds the authority to issue regulations as part of carrying out the duties and functions of their ministry. Although such regulations are not included in the primary legislative hierarchy, they still possess legally binding power insofar as they do not conflict with higher-ranking laws.

With regard to Article 8, the term used is "regulation," which differs from an "official circular". It is important to distinguish between "regulations" as referred to in Article 8 and other forms of administrative policy such as circular letters. The term "regulation" in legal context carries juridical consequences, as it is generally binding and has legal force that can give rise to legal effects for the public. In contrast, a circular letter essentially serves as a guideline or internal directive intended for officials within the institution that issues it, and it is not generally binding. (Yusdheaputra, 2023). Therefore, an official circular cannot be equated with statutory regulations, either in terms of hierarchical position or legal authority.

Therefore, a Circular Letter does not possess binding legal authority externally for the broader public, in the sense that it cannot impose sanctions or legal obligations directly upon individuals outside the issuing institution's organizational structure. Its nature is more of an internal guideline, administrative instruction, or technical directive intended for subordinate units to implement a higher-level policy or regulation. (Yusdheaputra, 2023). The position of the Circular Letter of Islamic Community Guidance (Bimas Islam) No. 2 of 2024 lies outside the formal legal hierarchy; therefore, *de jure*, it cannot impose sanctions or obligations directly upon the general public. Rather, it is

only internally binding upon employees within the Ministry of Religious Affairs, particularly those under the Directorate General of Islamic Community Guidance.

The legal implication of this Circular Letter is that it serves as a concrete effort to implement and reinforce the spirit of the Marriage Law, particularly in the context of pre-marital counseling. This circular functions as an implementing instrument derived from higher legal norms, in alignment with Kelsen's theory of Stufenbau des Recht. In the context of Indonesian administrative law, this Circular Letter is more appropriately classified as an internal guideline or directive, representing a part of the *Verordnung* and *Autonome Satzung* within Nawiasky's theory. It functions to fill operational gaps within the broader legal framework.

3. Normative Challenges and Opportunities in the Implementation of Pre-Marital Education Policy and Recommendations for Strengthening

The Implementation of Government Policy on Islamic Community Guidance Circular Letter No. 2 of 2024 inevitably encounters various issues in the field. A number of challenges—both normative and practical emerge during its execution. However, on the other hand, the implementation of the policy also reveals a range of opportunities that support the success of its enforcement. The normative and practical challenges, as well as the opportunities in the implementation of Islamic Community Guidance Circular Letter No. 2 of 2024, are outlined as follows

a. Normative and Practical Challenges in the Implementation of Islamic Community Guidance Circular Letter No. 2 of 2024

First, the potential for normative inconsistency may arise if the interpretation or implementation of the Circular Letter exceeds the limits permitted by higher-ranking legal instruments (such as the Marriage Law or the Compilation of Islamic Law). This situation can lead to normative conflicts and legal uncertainty (Marzuki, P. M., 2008, h. 201-205).

Second, practical implementation constraints arise due to the absence of coercive norms with external binding force. Since the Circular Letter does not possess legally binding authority beyond the issuing institution, the Ministry of Religious Affairs cannot directly compel prospective spouses to attend pre-marital counseling sessions. This condition potentially conflicts with citizens' constitutional rights to freedom, particularly if the counseling is de facto perceived as a "mandatory requirement" for marriage (Atmasasmita, R., 2002, h. 75-78).

Third, the challenge of vertical and horizontal regulatory harmonization becomes apparent. Vertically, it pertains to the alignment of the Circular Letter with higher-level legal norms, while horizontally, it involves synchronization with technical regulations issued by other ministries or agencies example the Civil Registry Office. Any disharmony either hierarchical or inter-institutional may hinder the effective implementation of the policy.

Fourth, disparities in understanding among implementers across regions may lead to inconsistencies in the quality and standards of premarital counseling implementation, thereby creating inequities in access and service delivery.

Fifth, there is a potential for discriminatory access among certain social groups, such as indigenous communities in remote areas or minority groups facing cultural or linguistic barriers. The lack of digital infrastructure exacerbates this gap. This issue is further compounded by the high rate of divorce cases. (Badan Pusat Statistik, 2023) This indicates the urgency of the program, yet implementation challenges may hinder its overall effectiveness. (Misbah, M., 2020, h. 45-60; Nurhayati, S., 2021, h. 112-125).

b. Normative Opportunities in the Implementation of Bimas Islam Circular Letter No. 2 of 2024

Despite facing several challenges, this circular presents strategic opportunities to strengthen pre-marital education policies. It serves as an initial catalyst and adaptive governmental measure toward building more resilient families. The circular facilitates a more systematic and goal-oriented implementation of marriage counseling. Its flexibility in implementation methods whether classical, self-directed, or virtual offers significant potential to broaden outreach, particularly in remote areas. Moreover, the circular provides a formal internal legal framework for organizing counseling activities across all Religious Affairs Offices (KUA), thereby enhancing awareness and stakeholder participation. In the long term, this policy instrument may serve as a foundation for the development of more binding regulations with higher legal authority. (Kementerian Agama RI, 2024).

c. Normative Opportunities in the Implementation of Bimas Islam Circular Letter No. 2 of 2024

Following a review of the implementation of Circular Letter No. 2 of 2024 issued by the Directorate General of Islamic Community Guidance

concerning the organization of pre-marital counseling, several normative opportunities and challenges have been identified that require comprehensive consideration. To ensure the effectiveness of this policy, the following strategic recommendations are proposed as a basis for strengthening both regulatory frameworks and implementation mechanisms:

First, Strengthening the Legal Status of Pre-Marital Counseling Policy: Given the inherent limitations of a circular letter, elevating the legal standing of the policy is essential. This can be achieved through the issuance of a specific Minister of Religious Affairs Regulation (Peraturan Menteri Agama/PMA) that provides a clear legal framework, including provisions for administrative sanctions, while ensuring the protection of fundamental rights of citizens. Furthermore, consideration should be given to revising the Marriage Law to explicitly mandate pre-marital counseling, thereby providing a more robust legal foundation and ensuring uniform legal enforceability across jurisdictions.

Second, Inter-Agency Synergy and Development of an Integrated System: Effective implementation requires a coordinated and integrated effort among key institutions, including the Ministry of Religious Affairs (KUA), the Population and Civil Registration Office (Dukcapil), and the Religious Courts. Such synergy may take the form of integrated data exchange, coordinated counseling schedules, or the establishment of a unified task force or *one-stop service* model. These collaborative mechanisms are expected to reduce bureaucratic inefficiencies, enhance service delivery, and ensure that pre-marital counseling becomes an integral part of marriage preparation.

Third, Capacity Building of Human Resources and Inclusive Policy Dissemination: The quality of pre-marital counseling is highly dependent on the competency of its implementers. Therefore, continuous professional development for *penghulu* (marriage registrars) and religious counselors is essential. Training should encompass themes such as modern family dynamics, counseling techniques, marital psychology, and parenting. Furthermore, wide-reaching, inclusive, and adaptive policy dissemination must be conducted using accessible media and language to ensure public comprehension. A proactive approach is needed to reach indigenous communities, rural populations, and minority groups in order to prevent discriminatory access and foster greater participation. Comprehensive

regulatory and implementation strengthening of this nature is expected to significantly contribute to the resilience of families in Indonesia.

D. Conclusion

Based on the conducted analysis, it can be concluded that Circular Letter (SE) No. 02 of 2024 is an administrative legal product that does not fall within the formal hierarchy of legislation in Indonesia. Consequently, the circular does not possess externally binding legal force but is internally binding on officials and work units within the Ministry of Religious Affairs. In its implementation, the circular faces significant normative challenges, including potential normative misalignment with higher-level regulations, the absence of coercive norms enforceable externally, vertical and horizontal disharmony among regulations, as well as disparities in understanding among implementers across different regions. Despite these challenges, the circular offers strategic opportunities as an initial catalyst and adaptive governmental measure to strengthen pre-marital education policy. It facilitates a more systematic, targeted, and flexible delivery of pre-marital counseling through various implementation methods. This study recommends strengthening the legal basis through the issuance of higher-level regulations, enhancing inter-agency synergy, improving the capacity of human resources responsible for delivering the program, and promoting inclusive and adaptive dissemination of the policy to the wider public.

Reference

Achmad Irwan Hamzani, Tiyas Vika Widyastuti, F. D. A. (2024). *Metodologi Penelitian dan Penulisan Bidang Ilmu Hukum*.

Direktur Jenderal BIMAIS Kemenag RI. (2024). Surat Edaran No. 02 Tahun 2024 tentang Bimbingan Perkawinan Bagi Calon Pengantin. In *Menteri Agama RI* (pp. 1–2).

Fatimah, D., Ramadhani, R., & Tahir, M. (2022). Telaah Kritis Terhadap Pengaturan Batas Usia Perkawinan di Indonesia Corresponding Author. *Jurnal Hukamaa*, *2*(2), 1–7. https://creativecommons.org/licenses/by/4.0/

Habibani, R. A., & Frinaldi, A. (2024). *Gudang Jurnal Multidisiplin Ilmu Penerapan Prinsip Legalitas Dalam Kebijakan Administrasi Publik*. *2*, 296–303.

Kelmaskosu, K., & Rauta, U. (2025). *Kekuasaan Presiden Dalam Pembentukan Kabinet Menurut Sistem Presidensial The President ' s Power in Forming t he*

Cabinet According to the Presidential System tidak adanya pembatasan jumlah tersebut melenceng dari sistem pemerintahan presidensial . *8*(1), 10–11.

Kementerian Sekretariat Negara RI. (2011). Undang-Ungan No 12 Tahun 2011 Tentang Pembentukan Peraturan Peundang -Undangan. *Kementerian Sekretariat Negara RI*, hlm. 39-41. http://bphn.go.id/data/documents/11uu012.pdf

Maimun, M. (2022). Pernikahan Dalam Kompilasi Hukum Islam Dan Perdata. *Jurnal Al-Mizan*, *9*(1), 12–21. https://doi.org/10.54621/jiam.v9i1.263

Menteri Agama. (2019). PMA No 20 Tahun 2019 Tentang Pencatatan Pernikahan. *Berita Negara Republik Indonesia*, *1118*, 29.

Prianto, W., Hukum, F., Ulama, N., Tenggara, S., Mayor, J., Katamso, J., Baruga, K., & Kendari, K. (2024). Analisis Hierarki Perundang-Undangan Berdasarkan Teori Norma Hukum Oleh Hans Kelsen Dan Hans Nawiasky. *Jurnal Ilmiah Ilmu Sosial Dan Pendidikan*, *2*(1), 8–19. https://jurnal.unusultra.ac.id/index.php/jisdik

Robiah, R. S., Muttaqin, Z., & Garnita, A. (2025). Bimbingan Pranikah untuk Calon Pengantin dalam Membangun Keluarga Sakinah. *Irsyad: Jurnal Bimbingan, Penyuluhan, Konseling, Dan Psikoterapi Islam*, *13*(1), 109–132. https://doi.org/10.15575/irsyad.v13i1.39351

Samsidar, Marilang, & Akmal, A. M. (2025). Hukum Islam dalam Perkawinan di Indonesia: Telaah SosialBudaya dan Implikasinya. *EKSPOSE: Jurnal Penelitian Hukum Dan Pendidikan*, *24*(1), 62–81.

Sikumbang, S. M., Sjarif, F. A., & Salampessy, M. Y. (2019). Pengantar Ilmu Pengetahuan Perundang Undangan. In *Universitas Terbuka*.

Siregar, Z., Kustati, M., Amelia, R., & Rajab, R. (2024). Bimbingan Perkawinan Pranikah bagi Calon Pengantin di Kantor Urusan Agama. *Prima Abdika: Jurnal Pengabdian Masyarakat*, *4*(2), 336–345. https://doi.org/10.37478/abdika.v4i2.4109

SK 2023.pdf. (n.d.).

Suud Sarim Karimullah. (2021). Urgensi Pendidikan Pra Nikah dalam Membangun Keluarga Sejahtera Perspektif Khoiruddin Nasution. *Kariman: Jurnal Pendidikan Keislaman*, *9*(2), 229–246.

https://doi.org/10.52185/kariman.v9i2.184

Yusdheaputra, W. (2023). Kedudukan Surat Edaran Menteri Dalam Hierarki Peraturan Perundang-Undangan. *Jurist-Diction*, *6*(1), 191–214. https://doi.org/10.20473/jd.v6i1.43557

Achmad Irwan Hamzani, Tiyas Vika Widyastuti, F. D. A. (2024). *Metodologi Penelitian dan Penulisan Bidang Ilmu Hukum*.

Direktur Jenderal BIMAIS Kemenag RI. (2024). Surat Edaran No. 02 Tahun 2024 tentang Bimbingan Perkawinan Bagi Calon Pengantin. In *Menteri Agama RI* (pp. 1–2).

Fatimah, D., Ramadhani, R., & Tahir, M. (2022). Telaah Kritis Terhadap Pengaturan Batas Usia Perkawinan di Indonesia Corresponding Author. *Jurnal Hukamaa*, *2*(2), 1–7. https://creativecommons.org/licenses/by/4.0/

Habibani, R. A., & Frinaldi, A. (2024). *Gudang Jurnal Multidisiplin Ilmu Penerapan Prinsip Legalitas Dalam Kebijakan Administrasi Publik*. *2*, 296–303.

Kelmaskosu, K., & Rauta, U. (2025). *Kekuasaan Presiden Dalam Pembentukan Kabinet Menurut Sistem Presidensial The President ' s Power in Forming t he Cabinet According to the Presidential System tidak adanya pembatasan jumlah tersebut melenceng dari sistem pemerintahan presidensial .* *8*(1), 10–11.

Kementerian Sekretariat Negara RI. (2011). Undang-Ungan No 12 Tahun 2011 Tentang Pembentukan Peraturan Peundang -Undangan. *Kementerian Sekretariat Negara RI*, hlm. 39-41. http://bphn.go.id/data/documents/11uu012.pdf

Maimun, M. (2022). Pernikahan Dalam Kompilasi Hukum Islam Dan Perdata. *Jurnal Al-Mizan*, *9*(1), 12–21. https://doi.org/10.54621/jiam.v9i1.263

Menteri Agama. (2019). PMA No 20 Tahun 2019 Tentang Pencatatan Pernikahan. *Berita Negara Republik Indonesia*, *1118*, 29.

Prianto, W., Hukum, F., Ulama, N., Tenggara, S., Mayor, J., Katamso, J., Baruga, K., & Kendari, K. (2024). Analisis Hierarki Perundang-Undangan Berdasarkan Teori Norma Hukum Oleh Hans Kelsen Dan Hans Nawiasky. *Jurnal Ilmiah Ilmu Sosial Dan Pendidikan*, *2*(1), 8–19. https://jurnal.unusultra.ac.id/index.php/jisdik

Robiah, R. S., Muttaqin, Z., & Garnita, A. (2025). Bimbingan Pranikah untuk Calon

Pengantin dalam Membangun Keluarga Sakinah. *Irsyad: Jurnal Bimbingan, Penyuluhan, Konseling, Dan Psikoterapi Islam*, *13*(1), 109–132. https://doi.org/10.15575/irsyad.v13i1.39351

Samsidar, Marilang, & Akmal, A. M. (2025). Hukum Islam dalam Perkawinan di Indonesia: Telaah SosialBudaya dan Implikasinya. *EKSPOSE: Jurnal Penelitian Hukum Dan Pendidikan*, *24*(1), 62–81.

Sikumbang, S. M., Sjarif, F. A., & Salampessy, M. Y. (2019). Pengantar Ilmu Pengetahuan Perundang Undangan. In *Universitas Terbuka*.

Siregar, Z., Kustati, M., Amelia, R., & Rajab, R. (2024). Bimbingan Perkawinan Pranikah bagi Calon Pengantin di Kantor Urusan Agama. *Prima Abdika: Jurnal Pengabdian Masyarakat*, *4*(2), 336–345. https://doi.org/10.37478/abdika.v4i2.4109

SK 2023.pdf. (n.d.).

Suud Sarim Karimullah. (2021). Urgensi Pendidikan Pra Nikah dalam Membangun Keluarga Sejahtera Perspektif Khoiruddin Nasution. *Kariman: Jurnal Pendidikan Keislaman*, *9*(2), 229–246. https://doi.org/10.52185/kariman.v9i2.184

Yusdheaputra, W. (2023). Kedudukan Surat Edaran Menteri Dalam Hierarki Peraturan Perundang-Undangan. *Jurist-Diction*, *6*(1), 191–214. https://doi.org/10.20473/jd.v6i1.43557