



Legal Consequences of Changing a Person's Name in Official State Documents Viewed from Civil Law

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Abstract: Changing the name is essentially changing the identity on the birth certificate. A name change must follow the processes outlined in Law Number 23 of 2006 to be legitimate. **Objectives** This text aims to learn about the method for changing names in official state papers and the repercussions of doing so in official state documents, which are not procedural in civil law. **Prior Work** This study provides a unique perspective on the topic by highlighting the individual's responsibility in adhering to protocols and procedures. It emphasizes the potential legal consequences of not following the proper procedure, such as identity fabrication and criminal charges. **Approach** This study used normative legal research by studying current laws and regulations. **Results** The study results show that changing the name in official state documents has legal ramifications, and it is essential to follow the proper procedure outlined by Dukcapil (Directorate General of Population and Civil Registration) to avoid complications and ensure the accuracy and legitimacy of the documents. **Implications** The article implies that individuals must follow the proper procedure outlined by Dukcapil (Directorate General of Population and Civil Registration) when changing their names in official state documents to avoid jeopardizing their civil rights, and **Value** The article's value lies in examining the legal consequences of changing a person's name in official state documents. The

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article also emphasizes the potential complications in population management and the need to correct any name-writing errors promptly.

Keywords: civil; consequences; name change

1. Introduction

A law is “A regulation or custom that is officially considered binding and is confirmed by the authorities or the government.” Law may be divided into two categories: law in the form of statutes and law in the sense of law enforcement by law enforcement agents. Laws are legal goods created by the state to power the wheels of government and carry out the goals of establishing a state (Subiharta, 2015).

Since Indonesia is a constitutional state, all people must follow all relevant laws. The law applies to all Indonesian citizens. As a result, if someone makes a mistake, there are various penalties for individuals who violate it. Laws are meant to govern all citizens, not to be broken. People with a high level of legal knowledge follow all applicable legislation. As a result, responsible citizens must follow all applicable regulations.

The law is split into two types based on its contents: public law and private law (civil law). Private law is a connection that governs the relationship of one person to another, with an emphasis on private interests. Private law governs the connection between persons in addressing their needs. Civil law is included in private law. Civil law is a set of rules that govern the rights and interests of persons in society. This legislation’s fundamental premise of citizen autonomy is that citizens belong to themselves and have the right to defend their will (Setiawan, 2019).

Humans are born in pairs on our planet, which is one of the most significant aspects of human life. Human marriage events can result in progeny or children. Children are a powerful gift to a family. Children have been a part of human life from the beginning of humanity. According to Civil Code article 330, children are minors who have not achieved the age of 21 years old and have not previously married. It indicates they are immature and have not attained the legal limit as legal subjects or as normal legal subjects defined by civil law.

A child’s rights and duties must be protected, secured, and fulfilled. Every person on this planet, including children, must have rights and responsibilities. It makes no

difference whose circle we come from or how wealthy or intelligent we are; rights and duties cannot be separated (Tyas, 2019). One of the rights granted to children is to use their name as a symbol or nickname. Children are entitled to a name from birth and will be registered shortly after birth.

Because a child's name is so significant to him in the future, he has the right to change it. The name change associated with the Population Administration is governed by Law Number 23 of 2006. According to Presidential Regulation Number 25 of 2008, renaming is also one of the significant events experienced by Indonesian citizens (WNI). Birth, death, stillbirth, marriage, divorce, child recognition, child validation, adoption, change of name, and citizenship status are all significant occurrences.

Because a child's name is so significant to him in the future, he has the right to change it. The name change associated with the Population Administration is governed by Law Number 23 of 2006. According to Presidential Regulation Number 25 of 2008, renaming is also one of the significant events experienced by Indonesian citizens (WNI). Birth, death, stillbirth, marriage, divorce, child recognition, child validation, adoption, change of name, and citizenship status are all significant occurrences. In order to ensure a child has the right to change his or her name or make corrections to the Civil Registration Deed carried out by the Civil Registration Officer at the Implementing Agency or the UPTD of the Implementing Agency who issues the Civil Registration Deed either at the initiative of the Civil Registration Officer or at the request of the population, but if it has been several years, a court order must be obtained to make changes to the birth certificate. The birth certificate is amended at the local *Disdukcapil* when a court judgment is issued (Selatan, 2018).

A name-writing error in an official state document should be corrected quickly so that subsequent administrative processes are not delayed. If an official state document is produced, but a mistake arises, and adjustments are made quickly, *Disdukcapil* can directly fix it. However, if it is allowed to develop, the discrepancy in names will pose complications in the future, and a court order is required to make changes to the preceding document.

The research gap in this study lies in the need for a comprehensive analysis of the personal contribution and implications of changing one's name in official state documents. While there are existing studies on the legal procedures and consequences of name changes, there is a need to highlight the individual's role and responsibility in ensuring the accuracy and legitimacy of their official papers.

This study aims to fill this gap by emphasizing the importance of following proper procedures and avoiding frequent name changes.

The novelty of this study lies in its focus on the personal contribution aspect of name changes. This study provides a unique perspective on the topic by highlighting the individual's responsibility in adhering to protocols and procedures. It emphasizes the potential legal consequences of not following the proper procedure, such as identity fabrication and criminal charges. Additionally, it highlights the complications that can arise in population management and treating individuals with different names. This novel approach adds value to the existing literature on name changes in official state documents.

2. Research Method

This study used normative legal research by studying current laws and regulations. According to Tesis, research is a scientific activity based on specific methodologies, systematics, and concepts to study one or more specific legal phenomena via analysis (Tesis, 2013). This study uses three approaches:

a. Statute Approach

The statutory approach is research that uses legal documents such as laws and regulations as a starting point for doing research. It is accomplished by analyzing all laws and regulations related to the legal issue.

b. Conceptual Approach

A conceptual approach is a form of method in legal research that gives an analytical viewpoint on problem-solving in legal research from the standpoint of core legal ideas or even from the values included in regulation about the concepts utilized.

c. Historical Approach

Researchers can use a historical method to grasp better the rules of a system, institution, or specific legal requirements, allowing them to make fewer mistakes in comprehending and administering a regulation.

Legal material analysis is carried out by collecting primary, secondary, and tertiary legal resources, both in the form of papers and relevant laws and regulations, through a study of library materials or secondary materials.

The technique for gathering legal materials in this study was done through document research, which included reading, studying, investigating, recognizing, evaluating, and progressively transferring legal documents. Literature study is gained to obtain concepts or theories, knowledge, and conceptual thinking in the form of laws, regulations, and other scientific works.

3. Results and Discussion

3.1. Name Change Procedure in Official State Documents

Keep the name the same in official state records when changing it since it needs a lengthy process. The processes that take place are lengthy. There are various ways to change names, including:

1. According to the Civil Code

Name change procedure according to the Civil Code by submitting an application. Then the application was submitted to the local district court.

- a) Family name

In ancient times, a person may only modify or add to his family name with the authority of the governor-general or the minister of justice. It is established in Civil Code Article 5, Paragraph 1. If someone does not have a family name, for example, if a kid is discovered and their origin is unclear, they will desire a family name; thus, consent is required, as stated in Article 5 Paragraph 1 of the Civil Code. If the application is denied, the minister may propose an alternative surname under Civil Code Article 9, Paragraph 3.

- b) First Name / Last Name

A person must apply to the District Court to modify or add their first name/last name. People who do not have a first name but want to use one must first obtain permission from the Minister of Justice, as Article 6 of the Civil Code states, „No one is allowed to change the name of his offspring, or add another name to his name without the permission of the President, and if the application is rejected, then the minister of justice can give another first name.”

The authorization of the Minister of Justice or a court ruling whose contents modify, add, or grant a new name must be entered in the current year’s register of civil records and mentioned on the margins of the birth certificate. However, the application may be denied if the names for which authorization is sought are too

similar to those of other persons. As a result, requests to the Minister of Justice will be publicized in advance in the State Gazette before a decision is made. Interested parties will be able to lodge objections to these applications. Furthermore, according to Article 10 of the Civil Code, the family name received as a result of the application cannot be used as a family name or related to another person with the same family name.

2. According to Law No. 4 of 1961 concerning Changes or Additions to Family Names

Quoting from a newspaper or Liberty magazine in the Rubric „You ask, we answer” Explain the name-changing procedure, including:

- a) Bringing three photocopies of Indonesian passports. The photocopy must be validated at the local district court for the husband and wife. Bring three passport photographs of each husband and wife.
- b) For minors under 18, no separate form is required; instead, use the form provided by the parents. Three photocopies of birth certificates are required and validated for parents not included on the Indonesian citizen certificate. Children under 18 do not need to utilize a passport photo.
- c) Each family head and member complete a form in three copies (Roestanadjie, 1975).

3. According to Law Number 23 of 2006 concerning Population Administration

Name changes are carried out by the local District Court Decree, according to Article 52 of Law Number 23 of 2006. An applicant must prepare many requirements before applying with the local district court. Among them are:

- 1) Application letter, stamped and signed by the applicant
- 2) Photocopy of Identity Card as much as one sheet
- 3) Photocopy of one sheet of Family Card
- 4) One copy of the marriage certificate
- 5) One copy of the diploma (if it has anything to do with the diploma).
- 6) One copy of the birth certificate
- 7) Photocopies of the witnesses' identities, namely in the form of Identity Cards, one sheet each.

A letter of application must be sent with precise grounds for the name change. The explanations include the applicant's intent and purpose for altering his or her name. Changing names should not be done for frivolous or minor reasons, such as trying to look more remarkable than the prior name, because the judge will only allow some petitions for a name change. Even though, according to the concept, a court may not decline a case, the judge may deny the applicant's request because the law needs to be explained.

To acquire a trial date, the petitioner must register with the local district court by bringing all the conditions that have been satisfied. In addition, the applicant must bring at least two witnesses to testify at the trial. The testimony bolsters the applicant's case for requesting a name change. When the trial begins, the judge will question the witnesses submitted by the applicant on why he wants to alter his name.

Completing these conditions will determine the number of trials an applicant will pass. In general, though, this name change phase was quick. Furthermore, the applicant will be responsible for the court fees associated with this name change application. The fee for each application is different, and no further fees are paid in addition to the charges indicated.

After a trial, if the judge grants the request, the petitioner must take the judge's ruling to the local population and civil register office to change the name in official state papers. The demographic and civil registration services will eventually offer marginal remarks on the name change.

Initially, they employed Civil Code laws to modify names, although there were exceptions for Chinese and Eastern communities. There existed a categorization of civil law in Indonesia at the time, which was separated into:

- 1) Indonesians (Bumiputera)
- 2) Europeans
- 3) *Tionghoa*
- 4) Foreign Easterners Who Do Not Come from China or Europe

So, while the Civil Code applies to all groups, there are several exceptions to the name change restrictions. In the Chinese Civil Registry Regulations, altering one's name is exclusively controlled for the Chinese group in terms of changing one's first name. There is no one civil registration rule for the various Eastern Foreign

groups.

Followed by Law No. 4 of 1961 on Changes or Additions to Family Names, which went into force on February 25, 1961, and intended to codify procedures governing name changes or additions in Indonesia. As a result of the issuing of Legislation Number 4 of 1961, the current provisions in the Civil Code governing altering or adding names are no longer valid, awaiting the release of the national civil registration legislation for all Indonesian nationals. In addition, Law Number 23 of 2006 on Population Administration was passed.

According to the research, the proper name change method is based on Population Administration Law Number 23 of 2006. It occurs because, in Indonesia, a principle of new legislation superseding old law, also known as the principle of *lex posterior derogat lex priori*, states that outdated rules must be repealed and replaced with the most current ones.

3.2. Legal Consequences of Changing Names in Official State Documents That Are Not Procedural

The birth name is a gift from the parents, and each word contains a prayer. However, not all names given by parents are appropriate for a child. There are many names from parents that are opposed to the decency rules that exist in the surrounding area. However, there are no explicit data-gathering restrictions in Indonesia. *Dukcapil*, on the other hand, follows several general principles, namely:

1) Not using symbols

Giving a child's name does not need symbols but letters. In the inclusion of the *Dukcapil*, it has been informed that giving a child's name cannot be with a symbol.

2) Not using aliases

Entering a name with an alias in the population registration is not recommended. The use of aliases in official documents will count as a name. It will cause problems in the future.

3) Cannot be abbreviated

For example, Ahmad may not be abbreviated as A in official documents. It is because the abbreviation A will be considered a name

4) Should be easy to spell

In giving a name should use a name that is easy to spell. Names with double vowel consonants will cause errors in recording. Recording errors, if left unchecked, will cause problems in the future.

5) Not too long

Giving a long name can cause problems because, in the end, the name is abbreviated in official documents. A name that is too long on a birth certificate will fit if written in full, but it differs from the KTP or Family Card (Saptoyo, 2021).

It will be challenging for the child if the name supplied by the parents contradicts the standards of the surroundings or the general regulations established by *Dukcapil*. Obtaining access to public services in official state papers like ID cards, driver's licenses, and family cards was tough. If a child's name contradicts community standards or breaches the general principles established by the *Dukcapil*, he may alter his name.

An effect is the outcome of a previously occurring event. Someone's civil rights will be jeopardized if they change their name on an official document. The legal ramifications of changing one's name are the legal status of some valid evidence in official state papers. Birth certificates, family cards, ID cards, and other similar papers fall within this category. Changing a child's name under 18 will, for example, alter the legitimacy of official papers, such as the name on the child's birth certificate following the name on the family card. It can also happen to an adult in the perspective of the law while undergoing a procedural name change.

Nonetheless, it is the procedure that makes the difference. Because changing the name begins with altering the name on the birth certificate via the civil registration certificate, the procedure will take longer. Then, up to the school graduation, modify the name on the family card, KTP, and passport. Even if changing one's name has legal ramifications, a person's rights and duties remain the same. It occurs because the person remains the same, but the rights and duties are transferred to a new name established by a local district court agreement.

Legal repercussions are the consequences of a legal occurrence. When someone changes their name, it affects the validity of official state papers but does not affect that person's rights and duties. People alter their names in official state papers for various reasons, including religious conversion. It is based on the fact that the name adopted incorporates components of the previous faith. People should sometimes pay greater attention to the issue of changing this name too frequently.

When someone converts to Islam and changes his true name to a name with an Islamic religious identity, he will marry according to Islam and use a new name, even though he has yet to file a request for a name change with the local District Court. It will not affect the marital status that will result. Even if the name has yet to get a legal stipulation from the local District Court, the marriage will be legitimate (Pramesti, 2013).

According to Article 2 Paragraph (1) of Marriage Law Number 1 of 1974, legal marriage specifies that marriage is lawful if performed under the rules of each faith and belief. That person's religion and belief system is Islam. According to Article 14, Complications of Islamic Law, a marriage is legitimate if it meets the pillars and criteria of marriage according to Islamic law, which are as follows:

- 1) Future husband
- 2) Future wife
- 3) Marriage guardian
- 4) Two witnesses and
- 5) *Ijab and qabull*

If all elements and pillars are met, the marriage will be lawful even if the District Court does not determine the name change in the document or if the current processes are not followed.

However, this will present issues in population management. When administering government agencies, differences in names in the marriage book and birth certificate can cause complications. People with different names will be treated differently. Even if the name is misspelled or abbreviated in other official papers, it is considered separate. When a person's name is regarded differently, their rights and duties are affected. As a legal subject, a human has rights and responsibilities recognized by the state under civil law. Furthermore, altering names in civil law has ramifications for everything relating to person/entity law, family law, property law, and inheritance law. As a result, when one person has two names and is regarded as two individuals, he has two rights and duties.

For example, there are issues in population administration since the two names are deemed distinct people; in this scenario, a declaration from the sub-district office declaring that the two names are the same person is required. Requirements for submitting a statement from the same person or statements under multiple

identities, specifically:

1. Photocopy and original of KTP and Family Card each 1 (one) sheet
2. Photocopy or legalization of official documents as a supporting basis
3. The person concerned makes a statement or statement of reporting from one person with the same/different name
4. A cover letter from the head of the neighborhood association. (Kecandran, n.d.)

According to protocols, changing one's name in official state papers is forbidden. Because changing one's name without following proper procedure constitutes identity fabrication, one may be charged with a criminal offense. An unlawful act violates the law, violates the rights of another, or causes injury to another person.

As a result, altering a person's name without following the method will generate problems in population management since a person's name is deemed different, impacting rights and duties. Furthermore, if someone has two names and is regarded as two individuals, he has two rights and duties. Furthermore, if the name change does not result from this procedural cause of loss, it may be illegal. It is preferable if the person changing the name follows the protocol and records the name change to correct the name on the official document.

4. Conclusion

Based on the analysis, it is evident that changing one's name in official state documents can have significant legal consequences. Individuals must follow the proper procedure outlined by *Dukcapil* to avoid jeopardizing their civil rights. Failure to do so may result in identity fabrication and potential criminal charges. Also, name discrepancies can lead to complications in population management and treating individuals with different names. Therefore, it is essential to promptly correct any name-writing errors in official state documents to prevent future complications. By adhering to the established protocols and procedures, individuals can ensure the accuracy and legitimacy of their official papers. It is also important to note that changing one's name does not alter a person's rights and duties, as they remain the same despite the name change. Overall, individuals should approach the issue of changing their name in official state documents with careful consideration and avoid frequent name changes.

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