

**PERTIMBANGAN HAKIM DALAM PENETAPAN DISPENSASI KAWIN  
(Tinjauan Yuridis Penetapan Pengadilan Agama Padang Sidempuan Nomor:  
16/Pdt.P/2022/PA.Psp)**

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**ABSTRAK**

Batas usia perkawinan diatur dalam Pasal 7 ayat (1) dan (2) Undang-undang Nomor 16 Tahun 2019 yaitu baik pria maupun wanita adalah 19 tahun. Namun apabila terdapat keadaan mendesak yang menyebabkan seseorang harus melangsungkan perkawinan di bawah umur, maka orang tua pihak wanita dan/atau pria dapat meminta dispensasi kepada Pengadilan dengan alasan sangat mendesak disertai bukti-bukti pendukung yang cukup.

Rumusan masalahnya adalah apa faktor dan alasan yang melatar belakangi diajukannya permohonan dispensasi kawin dan bagaimana dasar pertimbangan hukum hakim dalam mengabulkan permohonan dispensasi kawin terhadap anak di bawah umur pada Penetapan Pengadilan Agama Padang Sidempuan Nomor 16/Pdt.P/2022/PA.Psp. Metode yang digunakan adalah yuridis normatif, spesifikasi penelitian menggunakan perspektif analisis, sumber data yang digunakan adalah sumber data sekunder, metode pengumpulan data dengan studi kepustakaan dan metode analisis dengan menggunakan normatif kualitatif.

Hasil penelitian permohonan dispensasi kawin anak pemohon berusia 17 tahun dapat disimpulkan bahwa terdapat faktor internal dan eksternal. faktor internal (diri sendiri) dan faktor eksternal (ekonomi, keterbatasan pendidikan dan tradisi/agama) serta alasan utama pemohon mengajukan permohonan dispensasi kawin ialah karena anak pemohon sudah saling mencintai satu sama lain, menikah bukan karena paksaan orang tua dan khawatir akan terjadi perzinaan dikemudian hari. Hakim Pengadilan Agama Padang Sidempuan berwenang mengadili perkara Nomor 16/Pdt.P/2022/PA/Psp berdasarkan Pasal 49 Undang-Undang No. 3 Tahun 2006 jo Undang-Undang No.50 Tahun 2009 Tentang Peradilan Agama. Hakim dalam mengabulkan permohonan dispensasi kawin berdasar Pasal 7 ayat (1) dan (2) Undang-Undang No. 16 Tahun 2019 tentang batas usia perkawinan 19 tahun & dapat mengajukan dispensasi kawin ke pengadilan agama dengan alasan mendesak dan disertai bukti pendukung yang cukup. Dalam penetapan ini alasan diajukannya dispensasi kawin tidak bertentangan dengan peraturan karena hakim berpendapat apabila tidak dikabulkan akan berpotensi terjadi kerugian dikemudian hari. sehingga majelis hakim dalam penetapannya mengabulkan permohonan tersebut. Menurut penulis hakim mengabulkan dispensasi kawin tanpa mempertimbangkan kembali alasan dalam keadaan mendesak seperti yang diatur dalam Pasal 7 ayat (2) Undang-Undang No. 16 Tahun 2019 Tentang Perkawinan.

**Kata Kunci :** *Penetapan, Dispensasi Kawin.*

# **JUDGES' CONSIDERATIONS IN DETERMINING MARRIAGE DISPENSATION**

*(Juridical Review Stipulation of the Padang Sidempuan Religious Court  
Number: 16/Pdt.P/2022/PA.Psp)*

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## **ABSTRACT**

The age limit for marriage is regulated in Article 7 paragraph (1) and (2) of Law Number 16 of 2019, namely that both men and women are 19 years old. However, if there is an urgent situation that causes a person to enter into an underage marriage, then the parents of the woman and/or man can ask for a dispensation from the Court with very urgent reasons accompanied by sufficient supporting evidence.

The formulation of the problem in this research is what are the factors and reasons behind the application for marriage dispensation and what is the basis for the judge's legal considerations in granting the request for marriage dispensation for minors in the Determination of the Padang Sidempuan Religious Court Number 16/Pdt.P/2022/PA. Psp. The method used is normative juridical, the research specifications use an analytical perspective, the data sources used are secondary data sources, the data collection method uses literature study and the analysis method uses qualitative normative.

The results of the research on the request for dispensation from marriage for the applicant's child aged 17 years can be concluded that there are internal and external factors. internal factors (self) and external factors (economy, educational limitations and traditions/religion) and the reason for the applicant submitting a marriage dispensation application is because the applicant's children already love each other, married not because of coercion of parents and the judge's concern that adultery will occur in the future day. The Padang Sidempuan Religious Court judge has the authority to try case Number 16/Pdt.P/2022/PA/Psp based on Article 49 of Law No. 3 of 2006 in conjunction with Law No. 50 of 2009 concerning the Religious Courts. The judge in granting the request for marriage dispensation based on Article 7 paragraph (1) and (2) of Law no. 16 of 2019 concerning the marriage age limit of 19 years & can apply for a marriage dispensation to the religious court with urgent reasons and accompanied by sufficient supporting evidence. In this stipulation, the reason for submitting a marriage dispensation does not conflict with the regulations so that the panel of judges in its stipulation granted the request. According to the author, the judge granted the dispensation of marriage without considering the reasons in an urgent situation as stipulated in Article 7 paragraph (2) of Law no. 16 of 2019 concerning Marriage.

**Keyword :** Determination, Marriage Dispensation.