

**PERSPEKTIF HAKIM DALAM MEMBERIKAN
PERTIMBANGAN PADA PENETAPAN DISPENSASI KAWIN DI
PENGADILAN AGAMA AMBARAWA**

Oleh

Viki Viya Rohmah

E1A020134

ABSTRAK

Batas usia perkawinan diatur dalam pasal 7 ayat (1) Undang-Undang Nomor 16 Tahun 2019 baik pria maupun wanita adalah 19 tahun. Terdapat pengecualian apabila seseorang belum memenuhi syarat batas usia perkawinan, yaitu dapat mengajukan permohonan dispensasi kawin kepada Pengadilan baik secara konvensional maupun *e-court*.

Penelitian ini bertujuan untuk mengetahui prosedur pengajuan permohonan dispensasi kawin yang dilakukan baik secara konvensional maupun *e-court* serta untuk mengetahui perspektif hakim dalam memberikan pertimbangan hukum atas permohonan dispensasi kawin. Penelitian ini menggunakan metode pendekatan yuridis empiris dengan spesifikasi penelitian menggunakan deskriptif analisis, sumber data yang digunakan adalah data primer, metode pengumpulan data dengan observasi dan wawancara serta metode analisis dengan menggunakan normatif kualitatif.

Hasil penelitian prosedur pengajuan permohonan dispensasi kawin di Pengadilan Agama Ambarawa telah sesuai dengan Peraturan Mahkamah Agung Nomor 5 Tahun 2019 tentang Pedoman Mengadili Permohonan Dispensasi Kawin dan Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik. Perspektif ketiga hakim dalam memberikan pertimbangan atas permohonan dispensasi kawin didasarkan oleh kesiapan fisik, psikis dan ekonomi dari anak pemohon dan calon suami/istri. Terdapat perbedaan perspektif hakim pada aspek pendidikan yaitu hanya dua dari tiga hakim yang mempertimbangkan aspek pendidikan. Hakim perlu untuk mempertimbangkan secara teliti alasan permohonan dispensasi kawin terutama aspek pendidikan agar menghasilkan suatu penetapan yang adil yang berpihak kepada kesejahteraan anak agar terwujud tujuan perkawinan sesuai undang-undang perkawinan.

Kata Kunci : Dispensasi Kawin, Prosedur, Perspektif

***THE JUDGE'S PERSPECTIVE IN GIVING CONSIDERATIONS ON
THE DETERMINATION OF MARRIAGE DISPENSATION IN THE
AMBARAWA RELIGIOUS COURTS***

By

Viki Viya Rohmah

E1A020134

ABSTRACT

The age limit for marriage regulated in article 7 paragraph (1) of Law Number 16 of 2019 for both men and women is 19 years. There is an exception if someone has not met the marriage age limit requirements, namely they can submit a request for marriage dispensation to the Court either conventionally or e-court.

This research aims to find out the procedure for submitting applications for marriage dispensation carried out both conventionally and e-court and to find out the judge's perspective in providing legal considerations on requests for marriage dispensation. This research uses an empirical juridical approach method with research specifications using descriptive analysis, the data source used is primary data, the data collection method is observation and interviews and the analysis method uses normative qualitative.

The research results of the procedure for submitting applications for marriage dispensation at the Ambarawa Religious Court are in accordance with Supreme Court Regulation Number 5 of 2019 concerning Guidelines for Adjudicating Applications for Marriage Dispensation and Supreme Court Regulation Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Court. The perspective of the three judges in giving consideration to requests for marriage dispensation is based on the physical, psychological and economic readiness of the applicant's children and prospective husband/wife. There are differences in the judges' perspectives on the educational aspect, namely only two of the three judges consider the educational aspect. Judges need to carefully consider the reasons for requests for dispensation from marriage, especially the educational aspect, in order to produce a fair decision that favors the welfare of the child so that the goals of marriage are realized in accordance with the marriage law.

Keywords: *Marriage Dispensation, Procedure, Perspective*