

**ANALISIS PERTIMBANGAN HAKIM TERHADAP DISPENSASI
PERKAWINAN BERDASARKAN UU NOMOR 16 TAHUN 2019
TENTANG PERKAWINAN
(STUDI KASUS PENGADILAN AGAMA DABO SINGKEP)**

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Abstrak

Dispensasi Perkawinan dapat diartikan sebagai upaya bagi mereka yang ingin menikah tetapi belum mencapai usia perkawinan yang disyaratkan pemerintah, sehingga orang tua bagi anak yang belum cukup umurnya tersebut bisa mengajukan dispensasi perkawinan ke Pengadilan Agama melalui proses persidangan untuk mendapatkan izin dispensasi perkawinan dan di daerah Dabo Singkep banyak sekali peningkatan sehingga menjadi pertimbangan hakim dalam memutuskan suatu perkara dispensasi perkawinan. Penelitian ini bertujuan untuk mengetahui hal yang menjadi pertimbangan hakim dalam mengabulkan dan menolak suatu permohonan dispensasi perkawinan di pengadilan agama Dabo Singkep. Teori yang digunakan dalam penelitian ini adalah menggunakan teori pertimbangan hakim. Adapun metode penelitian yang digunakan dalam penelitian yaitu normatif. Berdasarkan hasil penelitian diatas maka dapat disimpulkan bahwa Putusan di Pengadilan Agama Dabo Singkep melalui majelis hakim dalam memberikan izin permohonan dispensasi perkawinan ternyata memiliki banyak pertimbangan sebelum akhirnya dikabulkan. Pertimbangan tersebut antara lain karena tidak adanya halangan untuk menikah artinya bahwa kedua calon mempelai tidak memiliki halangan untuk melakukan pernikahan seperti tidak adanya hubungan sedarah atau nasab, tidak adanya paksaan untuk menikah artinya bahwa kedua calon mempelai ingin menjalin ikatan hubungan pernikahan atas dasar saling cinta atau sama-sama cinta tanpa paksaan, kesiapan kedua calon mempelai (Psikis dan Fisik) artinya Hakim menilai kedua calon mempelai sudah siap secara psikis karena mereka berdua sudah sama-sama siap untuk membangun rumah tangga. Namun beda halnya dengan kesiapan fisik, Hakim berpendapat bahwa mempelai wanita belum terlalu siap untuk melahirkan dan menjadi seorang ibu di usia muda. Pertimbangan tanggungjawab suami istri, pertimbangan bahwa orang tua membantu secara moril dan materil. Hakim sudah menilai bahwa mempelai pria dan mempelai wanita sudah mengetahui peran dan tanggung jawab.

Kata kunci : Pertimbangan Hakim, Dispensasi Perkawinan, Pengadilan Agama

**ANALYSIS OF JUDGMENT CONDITIONS ON MARRIAGE
DISPENSATION BASED ON LAW NUMBER 16 OF 2019 CONCERNING
MARRIAGE
(CASE STUDY OF THE DABO SINGKEP RELIGIOUS COURT)**

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Abstract

Marriage dispensation can be interpreted as an effort for those who want to get married but have not reached the marriage age required by the government, so that parents of children who are not yet old enough can apply for marriage dispensation to the Religious Courts through a trial process to obtain a marriage dispensation permit and in the Dabo Singkep area there are so many increases that it becomes a judge's consideration in deciding a marriage dispensation case. This study aims to find out the things that are considered by judges in granting and rejecting a marriage dispensation application at the Dabo Singkep religious court. The theory used in this research is the judge's consideration theory. The research method used in this research is normative. The approach used in this research is the statutory and regulatory approach related to the legal issues being handled. Based on the results of the above research, it can be concluded that the decision at the Dabo Singkep Religious Court through the panel of judges in granting permission to request a marriage dispensation turned out to have many considerations before it was finally granted. These considerations, among other things, are that there are no obstacles to getting married, meaning that the two prospective bride and groom have no obstacles to marrying, such as the absence of blood or lineage relations, the absence of coercion to marry, meaning that the two prospective bride and groom want to tie a marriage relationship on the basis of mutual love or mutuality. -love without coercion, the readiness of the two bride and groom (Psychological and Physical) means that the Judge assesses that the two prospective brides are psychologically ready because they are both ready to build a household. However, unlike the case with physical readiness, Hakim argued that the bride was not yet ready to give birth and become a mother at a young age. Consideration of husband and wife responsibilities, consideration that parents help morally and materially. The judge has assessed that the groom and the bride already know their roles and responsibilities.

Keywords: Consideration of Judges, Dispensation of Marriage, Religious Courts