

## **ABSTRAK**

### **AKIBAT HUKUM PEMBERIAN DISPENSASI PERKAWINAN TERHADAP ANAK DITINJAU DARI UNDANG-UNDANG NOMOR 35 TAHUN 2014 TENTANG PERUBAHAN ATAS UNDANG-UNDANG NOMOR 23 TAHUN 2002 TENTANG PERLINDUNGAN ANAK (Studi Kasus Di Pengadilan Agama Tanjung Karang)**

**Oleh**

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Sejak tahun 2019 sampai akhir tahun 2021 kasus perkawinan dini di Indonesia terus meningkat. Berdasarkan data Kementerian PPPA (Pemberdayaan Perempuan dan Perlindungan Anak) dan BKKBN (Badan Kependudukan Dan Keluarga Berencana Nasional) naik 30% setiap tahunnya. Hal ini juga tergambar pada akumulasi data permohonan dispensasi perkawinan pada Pengadilan Agama Tanjung Karang yang menunjukkan pada tahun 2021 terdapat 30 perkara masuk sedangkan pada tahun 2022 naik menjadi 36 permohonan. Adanya fenomena ini tentunya membawa akibat hukum tersendiri terhadap anak, khususnya pada hak-hak anak. Oleh karena itu, munculah rumusan masalah pada penelitian ini terkait apa saja pertimbangan hakim dalam mengabulkan dispensasi perkawinan sekaligus menelaah akibat hukum yang timbul pada anak lewat penetapan dispensasi perkawinan.

Penulisan pada penelitian ini memakai metode penelitian hukum normatif, dengan tipe penelitian deskriptif. Sumber penelitian yaitu berasal dari studi kepustakaan. Pendekatan masalah pada penelitian ini menggunakan metode kualitatif. Pengumpulan data dilakukan dengan studi bahan pustaka, observasi langsung, wawancara dan dokumentasi. Selanjutnya data dalam penelitian diolah melalui tahapan pemeriksaan data, klarifikasi data, dan analisis data.

Pada penelitian ini diperoleh hasil yang menunjukkan dalam pertimbangan hakim ada beberapa hal yang menjadi landasan pemberian dispensasi perkawinan yaitu dipenuhinya syarat-syarat yang ada pada perkawinan, kematangan fisik dan kedewasaan anak, serta melihat pertimbangan maslahat untuk mencegah mudharat (karena kasus hamil di luar nikah). Selain itu, akibat hukum pemberian dispensasi perkawinan meliputi timbulnya pelanggaran terhadap hak-hak anak dan timbulnya kewajiban baru sebagai suami istri meliputi didapatnya izin melangsungkan perkawinan, hak dan kewajiban pada hubungan suami istri, harta benda serta kecakapan anak.

**Kata Kunci : Dispensasi, Perkawinan, Anak.**

## **ABSTRACT**

### **LEGAL CONSEQUENCES OF GIVING MARRIAGE DISPENSATION TO CHILDREN IN VIEW FROM LAW NUMBER 35 OF 2014 CONCERNING AMENDMENT TO LAW NUMBER 23 OF 2002 CONCERNING CHILD PROTECTION (Case Study at the Tanjung Karang Religious Court)**

**BY**

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*From 2019 to the end of 2021 cases of early marriage in Indonesia have continued to increase. Based on data from the PPPA Ministry (Women's Empowerment and Child Protection) and the BKKBN (National Population and Family Planning Agency) this increases 30% annually. This is also reflected in the accumulated data on requests for marital dispensation at the Tanjung Karang Religious Court which shows that in 2021 there were 30 cases filed while in 2022 it increased to 36 applications. The existence of this phenomenon certainly brings its own legal consequences for children, especially on children's rights. Therefore, the formulation of the problem emerged in this study regarding what the judges considered in granting the marriage dispensation as well as examining the legal consequences that arise for the child through the determination of the marriage dispensation.*

*The writing of this research uses normative empirical legal research methods, with a descriptive research type. The source of the research is derived from the study of literature. Approach to the problem in this study using qualitative methods. Data collection was carried out by studying library materials, direct observation, interviews and documentation. Furthermore, the data in the study were processed through the stages of data checking, data clarification, and data analysis.*

*In this study, the results showed that in the judge's consideration there were several things that became the basis for granting marital dispensation, namely the fulfillment of the conditions that existed in marriage, physical maturity and maturity of the child, as well as looking at considerations of benefit to prevent harm (due to cases of pregnancy out of wedlock). . In addition, the legal consequences of granting marital dispensation include the emergence of violations of children's rights according to and the emergence of new obligations as husband and wife including obtaining permission to carry out marriages, rights and obligations in marital relations, property and skills of children.*

**Keywords : Dispensation, Marriage, Children.**