

## **ABSTRAK**

### **“ANALISIS HUKUM PERTIMBANGAN HAKIM TERHADAP PERKARA DISPENSASI PERKAWINAN DALAM PERSPEKTIF KEADILAN”**

**Oleh**

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Penelitian ini bertujuan untuk mengkaji pertimbangan Hakim dalam mengabulkan, tidak dapat menerima atau menolak permohonan dispensasi perkawinan di Pengadilan Agama, serta apakah pertimbangan tersebut sudah mencerminkan prinsip keadilan, kepastian hukum, dan kemanfaatan hukum. Dispensasi perkawinan merupakan mekanisme yang diajukan orang tua di Pengadilan untuk mengizinkan anak-anak di bawah usia minimal pernikahan untuk menikah. Namun, pernikahan dini sering kali menimbulkan dampak negatif baik secara fisik, psikologis, maupun sosial bagi anak-anak yang melaksanakannya. Penelitian ini menggunakan metode penelitian dengan jenis normatif empiris, tipe penelitian deskriptif dengan menjelaskan permasalahan yang ada, serta pendekatan masalah *judicial case study* atau meninjau kasus di beberapa putusan Pengadilan yang telah diambil terkait dispensasi perkawinan. Hasil penelitian menunjukkan bahwa Hakim dalam berbagai kasus dispensasi perkawinan mempertimbangkan faktor-faktor seperti kesiapan mental, kesehatan, dan dampak sosial jangka panjang bagi anak yang menikah di usia muda. Beberapa putusan yang ditolak dan tidak dapat diterima dispensasi perkawinan didasarkan pada prinsip perlindungan anak dan kemaslahatan jangka panjang, sementara putusan yang menerima dispensasi memperhitungkan situasi darurat atau kondisi yang sangat mendesak. Kesimpulan dari penelitian ini adalah bahwa tidak semua pertimbangan Hakim dalam memberikan izin dispensasi perkawinan selalu mencerminkan keadilan bagi anak, tetapi harus ada keadilan bagi orangtua, sosial. Saran dari penelitian ini, diperlukan kerjasama antar lembaga seperti Kementerian Agama, Dinas Pendidikan, dan Dinas Perlindungan Anak untuk meminimalisir praktik perkawinan di bawah umur, memperkuat perlindungan bagi anak-anak dan upaya edukasi, sosialisasi mengenai bahaya perkawinan di bawah umur agar tercipta generasi yang sejahtera, terdidik, sehat di masa mendatang.

**Kata kunci : Dispensasi Perkawinan, Pertimbangan Hakim, Keadilan, Kepastian Hukum, Kemanfaatan Hukum.**

## **ABSTRACT**

### ***Legal Analysis of Judges' Considerations of Marriage Dispensation Cases from a Justice Perspective***

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*This research aims to examine the judge's considerations in granting, not accepting or rejecting requests for marriage dispensation in the Religious Courts, as well as whether these considerations reflect the principles of justice, legal certainty and legal benefit. Marriage dispensation is a mechanism proposed by parents in court to allow children under the minimum marriage age to marry. However, early marriage often has negative impacts both physically, psychologically and socially for the children who carry it out. This research uses research methods with a normative empirical type, descriptive research type by explaining existing problems, as well as a judicial case study problem approach or reviewing cases in several court decisions that have been taken regarding marriage dispensations. The research results show that judges in various marriage dispensation cases consider factors such as mental readiness, health and long-term social impacts for children who marry at a young age. Some decisions that are rejected and cannot be accepted by the marriage dispensation are based on the principles of child protection and long-term benefit, while decisions that accept the dispensation take into account emergency situations or very urgent conditions. The conclusion of this research is that not all of the judge's considerations in granting marriage dispensation permits always reflect justice for the child, but there must be justice for parents and social issues. Suggestions from this research are that cooperation is needed between institutions such as the Ministry of Religion, the Education Service, and the Child Protection Service to minimize the practice of underage marriage, strengthen protection for children and educational efforts, socialize the dangers of underage marriage in order to create a prosperous generation. , educated, healthy in the future.*

***Keywords: Marriage Dispensation, Judge's Consideration, Justice, Legal Certainty, Legal Benefits***