

## ABSTRAK

Dispensasi dalam Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, berarti mengizinkan terjadinya perkawinan antara calon mempelai yang belum memenuhi batas minimum usia nikah, dengan syarat permohonan dispensasinya dikabulkan oleh Hakim Pengadilan Agama. Penulisan ini bertujuan untuk mengetahui faktor-faktor yang menyebabkan terjadinya dispensasi kawin dan dasar pertimbangan Hakim terhadap permohonan dispensasi kawin (Studi Putusan Nomor 366/Pdt.P/2020/PA.Rbg).

Peneliti menggunakan metode penelitian hukum dengan pendekatan yuridis normatif yaitu menggunakan konsep *legis positivis*. Spesifikasi penelitian menggunakan deskriptif analisis, jenis dan sumber data berasal dari data sekunder. Metode pengumpulan data menggunakan metode pustaka (*library research*) yaitu penelitian dilakukan dengan penelusuran literatur yang berkaitan dengan dispensasi nikah dan perundang-undangan.

Hasil penelitian yang kemudian dianalisis secara kualitatif mengenai faktor-faktor yang menyebabkan terjadinya pengajuan dispensasi kawin, meliputi: Faktor orangtua dalam pembentukan konsep diri remaja yang menikah dini, remaja yang sudah melakukan pernikahan dini hampir semuanya disetujui oleh orangtua mereka masing-masing, faktor kelompok rujukan dalam konsep diri remaja yang menikah dini bahwa setiap kelompok mempunyai norma-norma tertentu, konsep diri remaja kalau setelah mereka melakukan pernikahan dini sama sekali tidak membuat mereka minder atau tidak percaya diri baik di lingkungan masyarakat dan lingkungan pergaulan mereka, faktor ekonomi, hubungan sudah sangat erat, calon mempelai sudah berpacaran cukup lama, dan sudah tidak enak dipandang dalam lingkungan masyarakat dan lingkungan setempat. Dasar pertimbangan hakim terhadap permohonan dispensasi kawin dilihat dari ketentuan Pasal 7 ayat (2) dan (3) Undang-Undang Nomor 16 Tahun 2019 tentang Perkawinan dan kedua belah pihak sudah menyatakan kesiapan dan kesanggupan menjalin hubungan rumah tangga, hubungan keduanya sudah sangat erat yang dikhawatirkan terjadi kemudharatan (zina).

**Kata Kunci: Dispensasi Nikah, Pertimbangan Hakim**

## **ABSTRACT**

*Dispensation in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, means allowing marriage between prospective brides who have not met the minimum age limit for marriage, provided that their dispensation request is granted by the Judge of the Religious Court. This writing aims to determine the factors that lead to dispensation of marriage and the basis for judges' consideration of applications for marriage dispensation (Decision Study Number 366 / Pdt.P / 2020 / PA.Rbg).*

*Researchers used legal research methods with a normative juridical approach, namely using the positivist legis concept. The research specification uses descriptive analysis, the types and sources of data come from primary data and secondary data. Methods of data collection using the library method (library research), namely research conducted using literature related to dispensation of marriage and legislation.*

*The results showed that the factors that led to the submission of dispensation for marriage, including: Parental factors in the formation of the self-concept of adolescents who were married early, almost all of them who had already had early marriage were approved by their respective parents, the factors of the reference group in the self-concept of adolescents. those who marry early, that each group has certain norms, the self-concept of adolescents, if after they do early marriage it doesn't make them feel inferior or not confident in their community and social environment, economic factors, very close relationships, the prospective bride have been dating for a long time, and are not pleasing to the eye in the community and local environment. The basis for the judge's consideration of the application for marriage dispensation is seen from the provisions of Article 7 paragraphs (2) and (3) of Law Number 16 of 2019 concerning Marriage and both parties have stated their readiness and ability to establish domestic relations, the relationship between the two is very close which is worrying happened kemudharatan (adultery).*

**Keywords: Marriage Dispensation, Judge's Consideration**