

ABSTRAK

Penulisan Skripsi ini mengambil judul Analisis Yuridis Pertimbangan Putusan Hakim dalam Penyelesaian Perkara Dispensasi Nikah Akibat Hamil di luar Nikah di Pengadilan Agama Demak Kelas 1-b. Adapun yang melatarbelakangi penulis mengambil penulisan tersebut adalah bertujuan untuk mengetahui pertimbangan Ketua Hakim pengadilan Agama Demak dalam menyelesaikan perkara dispensasi nikah akibat hamil di luar nikah, serta untuk mengetahui alat bukti yang digunakan apakah sudah cukup kuat dalam menetapkan permohonan dispensasi nikah akibat hamil di luar nikah.

Metode penelitian yang digunakan adalah metode yuridis sosiologis dengan menggunakan data primer sebagai data utamanya. Teknik pengumpulan data primer dengan wawancara kepada Ketua Hakim Pengadilan Agama Demak, Ketua KUA Demak, pemohon dan termohon dispensasi nikah akibat hamil di luar nikah serta menggunakan data sekunder dengan membaca, mengkaji, menganalisa bahan hukum primer, sekunder dan tersier. Teknik analisis yang digunakan adalah analisis kualitatif yaitu ditafsirkan secara logis dan sistematis kemudian ditarik kesimpulan.

Hasil penelitian ini dapat ditarik kesimpulan bahwa Hakim Pengadilan Agama dalam menyelesaikan perkara dispensasi nikah akibat hamil di luar nikah menggunakan pertimbangan formil dan materiil serta pertimbangan *relative* menurut hakim dan kekuatan alat bukti diperoleh dari keterangan para saksi dan para pihak dengan pengucapan sumpah. Adanya peningkatan pendaftaran dispensasi nikah akibat hamil di luar membuat acara peradilan di Pengadilan Agama Demak Kelas 1-b tidak efektif, sehingga dikhawatirkan putusan tidak mengandung asas kemanfaatan.

Kata Kunci : Dispensasi Nikah, Hamil di Luar Nikah, Pertimbangan Hakim

ABSTRACT

This research is entitled to The Juridical Analysis Consideration of The Judge's Consideration in Solving The Marriage Dispensation Cases Due to Unwed Pregnancy at the Demak Religious Court at the Class 1-b. Based on the background of the research, it aims to know the consideration of the chief judge of the Demak Religious Court in solving cases of marriage dispensation due to unwed pregnancy and the evidence used in determining applications for marriage dispensation due to unwed pregnancy.

The research method used was sociological juridical method using primary data as the main data. The technique of data collection in primary data collection was interview. This technique was carried out by interviewing the chief judge of the Demak Religious Court, the chairperson of the Office of Demas Religious Affairs (KUA), the applicant and the respondent for marriage dispensation due to unwed pregnancy. Besides, the secondary data was used by reading, examining, and analyzing the primary, secondary and tertiary legal materials. To draw the conclusion, the technique of data analysis used was qualitative analysis which was interpreted logically and systematically.

The results of this research can be concluded that the judges of Religious Court in solving the cases of marriage dispensation in unwed pregnancy used formal, material and relative consideration according to the judge. Besides, strength of evidence was obtained from the witnesses' testimony and parties by taking the oath. In addition, there was an increase in the registration of marriage dispensation due to unwed pregnancy which made less effective in Demak Religious Court at the Class 1-b. As the result, it is feared that the verdict does not contain the principle of the utility.

Keywords: Marriage Dispensation, Unwed Pregnancy, Judge's Consideration