

**DISPARITAS PERTIMBANGAN HAKIM DALAM PUTUSAN
DISPENSASI KAWIN TERKAIT BATAS USIA MINIMUM UNTUK
MENIKAH PASCA REVISI UNDANG-UNDANG PERKAWINAN
(STUDI PADA PENGADILAN AGAMA BANTUL)**

INTISARI

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Penelitian dan penulisan tesis ini dilakukan karena adanya indikasi perbedaan pandangan hakim yang mempengaruhi pertimbangan dan penetapan akhir dispensasi kawin di Pengadilan Agama Bantul. Tesis ini bertujuan untuk memperoleh informasi dan melakukan analisis terhadap disparitas pertimbangan hakim dalam putusan dispensasi kawin, hal-hal yang mendasari pertimbangan hakim dalam menerima atau menolak permohonan dan faktor-faktor yang mempengaruhi hakim dalam permohonan-permohonan dispensasi kawin di Pengadilan Agama Bantul.

Metode penelitian dalam tesis ini bersifat normatif empiris, menggunakan data primer dan data sekunder untuk memberikan gambaran mengenai implementasi dispensasi kawin dan kaitannya dengan perubahan batas usia minimum untuk menikah, khususnya di Pengadilan Agama Bantul. Metode analisis data secara kualitatif dalam penelitian ini diawali dengan melakukan analisis data, dilanjutkan dengan evaluasi, dan diakhiri dengan penarikan kesimpulan secara induktif.

Hasil penelitian menggambarkan adanya disparitas pertimbangan hakim dalam beberapa permohonan dispensasi kawin di Pengadilan Agama Bantul yang dipengaruhi oleh berbagai faktor. Adapun Berdasarkan hasil penelitian dan analisis, diperoleh dua kesimpulan yaitu *pertama*, permohonan diterima karena calon pengantin telah memenuhi syarat, calon pengantin perempuan telah hamil, atau karena kekhawatiran akan terjadinya hal-hal yang dilarang agama sedangkan alasan permohonan ditolak karena hakim menilai keadaan calon pengantin bukan kondisi yang mendesak, atau karena permohonan tidak disertai dengan bukti-bukti yang cukup dan mendukung. *Kedua*, faktor-faktor yang mempengaruhi pertimbangan hakim yaitu faktor kondisi calon pengantin ketika permohonan diajukan, faktor geografis dan kondisi masyarakat setempat, dan faktor kebijaksanaan serta kemampuan hakim dalam melakukan interpretasi peraturan perundang-undangan terhadap permohonan yang diajukan.

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**DISPARITY OF JUDGES' CONSIDERATION IN MARRIAGE
DISPENSATION VERDICTS REGARDING THE MINIMUM AGE FOR
MARRIAGE POST-REVISION OF MARRIAGE LAW (STUDY AT THE
BANTUL RELIGIOUS COURT)**

ABSTRACT

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The research and writing of this thesis was carried out because of the indications of the different views of the judges that influenced the consideration and final determination of the application for a marriage dispensation at the Bantul Religious Court. This thesis aims to identify and analyze the disparity of judges' considerations in marriage dispensation verdicts, the things that underlie judges' considerations in accepting or rejecting applications and the factors that influence judges in applications for marriage dispensations at the Bantul Religious Court.

The research method used in this thesis is empirical normative, by using primary data and secondary data to provide an overview of the implementation of the marriage dispensation and its relation to changes in the minimum age limit for marriage, especially in the Bantul Religious Court. The qualitative data analysis method in this study begins with data analysis, continues with evaluation, and ends with inductive conclusion drawing.

The results of the study describe the disparity of judges' considerations in several marriage dispensation applications submitted to the Bantul Religious Court which are influenced by various factors. Based on the results of the research and analysis that has been carried out, two conclusions were obtained, firstly, the application was accepted because the bride and groom had fulfilled the requirements, the bride-to-be was pregnant, or because of concerns about things that were forbidden by religion, while the reason for the application getting rejected is because the judge judged that the condition of the bride and groom is not under an urgent condition, or because the application is not accompanied by sufficient and supporting evidence. Secondly, the factors that influence the judge's consideration are the condition of the prospective bride and groom when the application is submitted, the geographical factor and the condition of the local community, and the wisdom factor and the ability of the judge to interpret the laws and regulations of the submitted application.

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