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**Tinjauan Yuridis Permohonan Dispensasi Kawin Dalam UU No. 16 Tahun 2019 Tentang Perubahan Atas UU
No. 1 Tahun 1974 Tentang Perkawinan (Studi Kasus Putusan Nomor 7/Pdt.P/2024/PA.PKL).**
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# TINJAUAN YURIDIS PERMOHONAN DISPENSASI KAWIN DALAM UU NO. 16 TAHUN 2019 TENTANG PERUBAHAN ATAS UU NO. 1 TAHUN 1974 TENTANG PERKAWINAN (Studi Kasus Putusan Nomor 7/Pdt.P/2024/PA.Pkl)

Gregorious Oreiseno[1] dan Ninik Darmini[2]

## INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis prosedur pelaksanaan dispensasi kawin di Pengadilan Agama Kota Pekalongan ditinjau dari Undang-Undang No. 16 Tahun 2019 tentang Perubahan Atas Undang-Undang No. 1 Tahun 1974 tentang Perkawinan. Penelitian ini juga bertujuan untuk mengetahui dan menganalisis interpretasi yang dilakukan hakim dalam mengabulkan atau menolak permohonan dispensasi perkawinan.

Penelitian ini dilakukan dengan metode penelitian yuridis empiris. Metode pengumpulan data dilakukan melalui penelitian lapangan untuk mendapat data primer dan penelitian kepustakaan untuk mendapatkan data sekunder. Penelitian lapangan dilakukan dengan cara melakukan wawancara kepada responden dan narasumber. Penelitian kepustakaan dilakukan melalui studi pustaka dengan menganalisis peraturan perundang-undangan, buku, tugas akhir, jurnal, dan *website.* Data yang telah diperoleh selanjutnya dianalisis secara kualitatif dan hasilnya dijabarkan secara deskriptif.

Hasil penelitian menunjukan bahwa: *pertama,* prosedur pelaksanaan dispensasi kawin di Pengadilan Agama Kota Pekalongan mengacu pada Undang-Undang Nomor 16 Tahun 2019 juga Perma Nomor 5 Tahun 2019 tentang Pedoman Mengadili Dispensasi Kawin. Namun, terdapat beberapa kekeliruan seperti penggunaan toga hakim saat persidangan yang ternyata timbul perbedaan pendapat para hakim. Selain itu, terdapat beberapa penambahan terkait dengan syarat pengajuan dispensasi kawin. *Kedua,* hakim akan melakukan beberapa interpretasi dalam mempertimbangkan alasan mendesak pengajuan dispensasi kawin. Data yang penulis dapatkan menunjukan bahwa hakim menggunakan metode interpretasi sosiologis atau teleologis, interpretasi komparatif, dan interpretasi futuristik dalam menetapkan putusan *a quo.*

**Kata Kunci :** *Perkawinan, Dispensasi Kawin, Penafsiran Hakim*

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# *LEGAL REVIEW OF MARRIAGE DISPENSATION APPLICATION IN LAW NUMBER 16 OF 2019 CONCERNING AMENDMENTS TO LAW NUMBER 1 OF 1974 CONCERNING MARRIAGE (Case Study of Decision Number 7/Pdt.P/2024/PA.Pkl)*

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## *ABSTRACT*

*This research aims to determine and analyze the procedures for implementing marriage dispensation at the Religious Court of Pekalongan City in terms of Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage. This study also aims to determine and analyze the interpretations made by judges in granting or rejecting applications for marriage dispensation.*

*This research was conducted using empirical legal research methods. Data collection methods are carried out through field research to obtain primary data and library research to obtain secondary data. Field research was conducted by conducting interviews with respondents and sources. Library research was conducted through literature studies by analyzing laws and regulations, books, final assignments, journals, and websites. The data obtained were then analyzed qualitatively and the results were described descriptively.*

*The results of the study show that: first, the procedure for implementing marriage dispensation at the Pekalongan City Religious Court refers to Law Number 16 of 2019 and Perma Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation. However, there were several errors, such as the use of judges' gowns during trials, which resulted in differences of opinion among the judges. In addition, there are several additions related to the requirements for applying for a marriage dispensation. Second, the judge will make several interpretations in considering the urgent reasons for applying for a marriage dispensation. The data obtained by the author shows that judges use sociological or teleological interpretation methods, comparative interpretations, and futuristic interpretations in determining the a quo decision.*

**Keyword :** *Marriage, Marriage Dispensation, Judge Interpretation*

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