

PERANAN HAKIM DALAM MEMBERIKAN PERLINDUNGAN HUKUM TERHADAP ANAK PEREMPUAN KORBAN PEMAKSAAN PERKAWINAN MELALUI DISPENSASI KAWIN

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INTISARI

Penelitian ini bertujuan untuk menganalisis persepsi hakim terhadap kedudukan dispensasi kawin pada anak pasca berlakunya UU TPKS yang mengatur adanya pemaksaan perkawinan, sekaligus mengkaji peranan hakim dalam menempatkan kedudukan dispensasi kawin pada UU TPKS sebagai upaya memberikan perlindungan hukum kepada anak perempuan korban pemaksaan perkawinan pada masa mendatang.

Metode penelitian dalam penelitian ini adalah penelitian hukum normatif-empiris, dengan menggunakan data primer melalui wawancara terhadap responden dan narasumber serta data sekunder melalui studi kepustakaan. Kemudian analisis secara kualitatif dengan metode deduktif sebagai penarikan kesimpulan.

Hasil penelitian ini menghasilkan dua kesimpulan. *Pertama*, Persepsi hakim pasca disahkannya UU TPKS menunjukkan adanya perubahan bertahap ke arah yang baik mengenai pemahaman tentang potensi pemaksaan perkawinan pada dispensasi kawin. Namun, kesulitan mengidentifikasi pemaksaan perkawinan dalam persidangan serta struktur patriarkal yang masih mempengaruhi hakim menyebabkan putusan belum sepenuhnya selaras pada semangat perlindungan hak anak. *Kedua*, Peranan hakim dalam menempatkan dispensasi kawin sebagai upaya perlindungan preventif bagi anak perempuan korban pemaksaan perkawinan, menunjukkan bahwa hakim harus bertindak secara proaktif dalam mencegah adanya indikasi pemaksaan perkawinan melalui kolaborasi dengan KemenPPA untuk melakukan identifikasi pemaksaan melalui penyusunan standar penilaian risiko pemaksaan, wajib konsultasi pada ahli, mendorong pemulihan dan reintegrasi sosial serta upaya restoratif dan alternatif selain perkawinan.

Kata Kunci: *Dispensasi Kawin, Pemaksaan Perkawinan, Feminist Legal Theory, Perlindungan Anak*

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THE ROLE OF JUDGES IN PROVIDING LEGAL PROTECTION FOR FEMALE CHILDREN VICTIMS OF FORCED MARRIAGE THROUGH MARRIAGE DISPENSATION

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ABSTRACT

The thesis aims to analyze judges' perceptions of the position of marriage dispensation for children after the enactment of the on Sexual Violence, particularly in the context of regulating forced marriage, as well as to examine the role of judges in placing marriage dispensation in the Law on Sexual Violence as an effort to provide legal protection to girls who are victims of forced marriage in the future.

The research method used in this study is normative-empirical legal research, using primary data obtained through interviews with respondents and informants, as well as secondary data obtained through literature studies. Qualitative analysis was then conducted using deductive methods to draw.

This study produced two conclusions. First, judges' perceptions after the enactment of the TPKS Law showed a gradual change for the better in terms of understanding the potential for forced marriage in marriage dispensations. However, difficulties in identifying forced marriage in court proceedings and the patriarchal structure that still influences judges meant that the decisions were not fully in line with the spirit of protecting children's rights. Second, the role of judges in placing marriage dispensations as a preventive measure for female victims of forced marriage shows that judges must act proactively in preventing indications of forced marriage through collaboration with the Ministry of Women's Empowerment and Child Protection (KemenPPA) to identify coercion by developing standards for assessing the risk of coercion, mandatory consultation with experts, promoting recovery and social reintegration, as well as restorative and alternative measures other than marriage.

Keywords: *Marriage Dispensation, Forced Marriage, Feminist Legal Theory, Child Protection*

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