

## ABSTRAK

Yuliyanti Ibrahim “*Analisis Pertimbangan Hakim Pada Alasan Mendesak Dispensasi Kawin (Studi Kasus Pengadilan Agama Soasio No. 84/PDT.P/2023/PA.SS)*” Dibimbing Oleh Ibu Iyam Irahatmi Kaharu dan Bapak Dahlai Hasim

Penelitian ini bertujuan untuk (1) Untuk mengetahui prosedur penyelesaian permohonan dispensasi kawin di Pengadilan Agama Soasio, serta (2) Untuk mengetahui analisis pertimbangan Hakim terhadap dispensasi kawin terhadap anak dibawah umur akibat hamil diluar nikah pada perkara nomor: 84/PDT.P/2023/PA.SS.

Tipe penelitian yang digunakan adalah yuridis normatif, yaitu dengan mengkaji atau menganalisis data sekunder yang berupa Putusan Hakim Pengadilan Agama Soasio, Perkara Nomor 84/PDT.P/2023/PA.SS. Sedangkan jenis penelitian adalah kualitatif dengan menggunakan pendekatan analisis deskriptif.

Penelitian ini menunjukkan bahwa prosedur penyelesaian permohonan dispensasi kawin di Pengadilan Agama Soasio dijelaskan dengan detail, mulai dari pendaftaran hingga pelaksanaan sidang dan penyelesaian perkara. Pertimbangan hakim dalam mengabulkan permohonan ini mencakup dua aspek: formal dan materiil, serta aspek di luar hukum formal dan materiil. Secara formal, hakim mempertimbangkan syarat-syarat yang diajukan oleh pemohon, bukti-bukti berupa dokumen, kesaksian saksi-saksi, dan komitmen dari kedua orang tua untuk bertanggung jawab atas masa depan anak. Secara materiil, hakim mendasarkan keputusan pada dasar-dasar hukum yang berlaku. Di luar aspek formal dan materiil, hakim juga mempertimbangkan kemaslahatan dan kemudharatan akibat kehamilan di luar nikah serta kekhawatiran orang tua. Berdasarkan pertimbangan-pertimbangan tersebut, hakim memutuskan untuk mengabulkan permohonan dispensasi kawin. Dengan demikian, secara yuridis, pertimbangan hakim telah sesuai dan tidak bertentangan dengan hukum positif yang ada, serta mempertimbangkan kepentingan terbaik bagi anak di masa depan.

## ABSTRAC

Yuliyanti Ibrahim “**Analysis of Judges’ Considerations on Reasons for Urging Marriage Dispensation (Soasio Religious Court Case Study No. 84/PDT.P/2023/PA.SS)**” Supervised by Mrs. Iyam Irahatmi Kaharu and Mr. Dahlai Hasim.

This research aims to (1) To find out the procedures for resolving requests for marriage dispensation at the Soasio Religious Court, and (2) To find out the analysis of the Judge's considerations regarding marriage dispensation for minors due to pregnancy out of wedlock in case number: 84/PDT.P/2023 /PA.SS.

The type of research used is normative juridical, namely by examining or analyzing secondary data in the form of the Soasio Religious Court Judge's Decision, Case Number 84/PDT.P/2023/PA.SS. Meanwhile, the type of research is qualitative using a descriptive analysis approach.

This research shows that the procedures for resolving applications for marriage dispensation at the Soasio Religious Court are explained in detail, starting from registration to holding trials and settling cases. The judge's consideration in granting this request includes two aspects: formal and material, as well as formal and material aspects outside the law. Formally, the judge considers the conditions proposed by the applicant, evidence in the form of documents, witness testimony, and the commitment of both parents to be responsible for the child's future. Materially, the judge bases the decision on the applicable legal grounds. Apart from formal and material aspects, judges also consider the benefits and harms resulting from out-of-wedlock pregnancies and the parents' concerns. Based on these considerations, the judge decided to grant the marriage dispensation request. Thus, juridically, the judge's considerations are in accordance with and do not conflict with existing positive law, and take into account the best interests of the child in the future.