

Implementasi Dispensasi Kawin Pasca Perubahan Undang-Undang Perkawinan (Studi Permohonan Dispensasi Kawin Di Pengadilan Agama Klaten)

Adellia Mahardhika Widodo¹, Niken Wahyuning Retno Mumpuni²

INTISARI

Perubahan batas usia minimal perkawinan melalui Undang-Undang Nomor 16 Tahun 2019 merupakan langkah progresif untuk melindungi hak anak dan menekan angka perkawinan usia dini. Penelitian ini mengkaji pelaksanaan dispensasi nikah pasca amandemen UU di Pengadilan Agama Klaten, dengan fokus pada tren permohonan, pertimbangan hakim, dan efektivitasnya. Hasil penelitian menunjukkan bahwa meskipun jumlah permohonan mengalami penurunan, sebagian besar permohonan masih disetujui, yang sering kali disebabkan oleh kehamilan pranikah.

Penelitian ini menggunakan metode hukum empiris dengan pendekatan socio-legal, pendekatan sosiologis, dan studi kasus. Data diperoleh melalui wawancara dengan hakim serta studi kepustakaan, kemudian dianalisis secara deskriptif.

Hasil penelitian menunjukkan bahwa meskipun terjadi penurunan jumlah permohonan dispensasi kawin, namun tingkat pengabulannya tetap tinggi, dengan alasan dominan berupa kehamilan di luar nikah. Upaya seperti syarat rekomendasi psikolog belum efektif menjadikan dispensasi sebagai pengecualian yang ketat.

Temuan ini menunjukkan bahwa dispensasi kawin belum sepenuhnya efektif mencegah perkawinan anak, sehingga diperlukan penguatan regulasi, sinergi lintas sektor, dan edukasi masyarakat agar dispensasi benar-benar berfungsi sebagai perlindungan darurat, bukan celah hukum.

Kata Kunci : Dispensasi kawin, Perkawinan anak, Pengadilan Agama, Implementasi hukum.

¹ Mahasiswa Prodi Hukum (S-1) Universitas Jenderal Achmad Yani Yogyakarta

² Prodi Hukum (S-1) Universitas Jenderal Achmad Yani Yogyakarta

***Implementation of Marriage Dispensation After Amendment to
Marriage Law (Study of Marriage Dispensation Application at Klaten
Religious Court)***

Adellia Mahardhika Widodo¹, Niken Wahyuning Retno Mumpuni²

ABSTRACT

The change in the minimum age limit for marriage through Law Number 16 of 2019 is a progressive step to protect children's rights and reduce the number of early marriages. This study examines the implementation of marriage dispensation after the amendment to the Law at the Klaten Religious Court, focusing on the trend of applications, judges considerations, and its effectiveness. The findings reveal that although the number of applications has decreased, most are still approved, often due to premarital pregnancy.

This study uses an empirical legal method with a socio-legal, empirical, and case study. Data were obtained through interviews with judges and literature studies, then analyzed descriptively.

The results of the study show that although there has been a decrease in the number of applications for marriage dispensation, the rate of granting them remains high, with the dominant reason being pregnancy outside of marriage. Efforts such as the requirement for a psychologist's recommendation have not been effective in making the dispensation a strict exception.

These findings indicate that marriage dispensation has not been fully effective in preventing child marriage, so that strengthening regulations, cross-sector synergy, and public education are needed so that the dispensation truly functions as emergency protection, not a legal loophole..

Keywords : *Marriage dispensation, Child Marriage, Religious Court, Legal Implementation*

¹ Mahasiswa Prodi Hukum (S-1) Universitas Jenderal Achmad Yani Yogyakarta

² Prodi Hukum (S-1) Universitas Jenderal Achmad Yani Yogyakarta