

**IMPLEMENTASI PEMBERIAN DISPENSASI PERKAWINAN
TERHADAP ANAK DI BAWAH UMUR DALAM KEADAAN HAMIL
MENURUT UNDANG – UNDANG NOMOR 16 TAHUN 2019 DI
PENGADILAN NEGERI SINGARAJA KELAS I B**

Oleh

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ABSTRAK

Penelitian ini bertujuan untuk mengetahui dan menganalisis bagaimana Implementasi Pasal 16 Tahun 2019 terkait pemberian Dispensasi Kawin di Pengadilan Negeri Singaraja Kelas I B dan bagaimana pertimbangan hakim dalam memberikan penetapan serta akibat hukum yang timbul dengan adanya dispensasi kawin terhadap anak di bawah umur. Penelitian ini menggunakan jenis penelitian yuridis empiris. Penelitian ini bersifat deskriptif kualitatif. Lokasi penelitian ini dilakukan di Pengadilan Negeri Singaraja Kelas I B bertempat di Jalan Kartini, Nomor 2 Singaraja Kecamatan Buleleng Kabupaten Buleleng. Pengumpulan data yang digunakan melalui studi dokumen, wawancara dan observasi yang nantinya data yang diperoleh tersebut, akan diteliti secara deksriptif kualitatif. Hasil penelitian menunjukkan bahwa terjadinya peningkatan Permohonan Dispensasi Kawin terhadap anak di bawah umur yang diajukan ke pengadilan, proses dan prosedur pemberian dispensasi kawin berpedoman pada Peraturan Mahkamah Agung Nomor 5 Tahun 2019. Pertimbangan hakim mengabulkan permohonan dispensasi pada anak di bawah umur dalam keadaan hamil dengan asas kepentingan terbaik bagi anak dan asas lainnya yang terdapat dalam pasal 2 dengan pertimbangan hukum dan pertimbangan keadilan masyarakat. Akibat hukum yang diterima dengan dikeluarnya penetapan dispensasi yakni perkawinan dapat dicatatkan secara sah di Kantor Catatan Sipil dan memperoleh Akte Perkawinan.

Kata Kunci : perkawinan, dispensasi kawin, pertimbangan hakim, akibat hukum

**IMPLEMENTATION OF GRANTING OF MARRIAGE DISPENSATION TO
UNDER CHILDREN IN PREGNANCY ACCORDING TO LAW NUMBER 16
OF 2019 IN SINGARAJA STATE COURT CLASS I B**

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ABSTRACT

This study aims to find out and analyze how the implementation of Article 16 of 2019 relates to the granting of a marriage dispensation at the Singaraja Class I B District Court and how judges consider it in providing repairs and legal consequences that arise with the marriage dispensation for minors. This research uses a type of empirical juridical research. This research is a descriptive qualitative research. The location of this research was carried out at the Singaraja Class I B District Court, located at Jalan Kartini, Number 2 Singaraja, Buleleng District, Buleleng Regency. The collection of data used through document studies, interviews and observations which later the data obtained, will be examined descriptively qualitatively. The results showed that there was an increase in requests for dispensation for marriage to minors submitted to court, the process and procedure for granting dispensation for marriage were guided by Supreme Court Regulation Number 5 of 2019. The judge's consideration granted the request for dispensation for minors who were pregnant on the principle the best interests of the child and other principles contained in article 2 with legal considerations and considerations of community justice. The legal consequence received by the dispensation arrangement issued is that marriages can be registered legally at the Civil Registry Office and obtain a Marriage Certificate.

Keywords: *marriage, marriage dispensation, judge's consideration, legal consequences*