

**ASAS KEPENTINGAN TERBAIK BAGI ANAK SEBAGAI
PERTIMBANGAN PENETAPAN DISPENSASI PERKAWINAN DALAM
PENETAPAN NOMOR 19/Pdt.P/2024/PN.Sgr**

Oleh

Gusti Agus Made Dwi Juliananta, 2114101079

Jurusan Hukum dan Kewarganegaraan

ABSTRAK

Penelitian ini membahas permasalahan implementasi dispensasi perkawinan, terutama terkait ketidakjelasan parameter hukum dan penerapan asas kepentingan terbaik bagi anak. Tujuannya adalah menganalisis pertimbangan hakim dalam putusan dispensasi kawin serta mengkaji perlindungan anak. Sasarannya adalah analisis putusan dan penerapan hukum sesuai peraturan terkait perlindungan anak. Penelitian yang dilakukan peneliti ini menggunakan jenis penelitian Hukum Normatif. Dengan tiga pendekatan yaitu pendekatan undang-undang, pendekatan studi kasus dan pendekatan konseptual. Penelitian hukum normatif terutama bertumpu pada bahan-bahan hukum yang diperoleh melalui penelaahan secara menyeluruh terhadap literatur, undang-undang, dan peraturan, tanpa mengandalkan data lapangan. Hasil penelitian menunjukkan bahwa dispensasi perkawinan pada Penetapan Nomor 19/Pdt.P/2024/PN.Sgr diberikan karena alasan kehamilan di luar nikah dan demi menghindari aib serta perlindungan status anak. Hakim mempertimbangkan aspek hukum, sosial, dan kepentingan terbaik anak, serta memastikan seluruh prosedur dan syarat administratif telah dipenuhi. Penetapan dispensasi perkawinan Nomor 19/Pdt.P/2024/PN.Sgr diberikan karena alasan kehamilan di luar nikah dan perlindungan status anak. Pengadilan mempertimbangkan aspek hukum, sosial, dan kepentingan terbaik anak. Prosedur dan syarat administratif terpenuhi, serta hakim memberikan nasihat terkait risiko perkawinan dini. Dispensasi ini mencerminkan keseimbangan antara kebutuhan sosial dan hukum. Perlu penegasan parameter “alasan sangat mendesak” agar tidak disalahgunakan. Edukasi masyarakat tentang dampak negatif perkawinan dini sangat penting. Pengadilan harus selalu mengutamakan kepentingan terbaik anak dan memperkuat peran edukatif hakim dalam setiap putusan dispensasi kawin.

Kata kunci: dispensasi perkawinan, perlindungan anak, asas kepentingan terbaik bagi anak.

**THE PRINCIPLE OF BEST INTERESTS FOR CHILDREN AS A
CONSIDERATION IN DETERMINING MARRIAGE DISPENSATION IN
DETERMINATION NUMBER 19/Pdt.P/2024/PN.Sgr**

By

Gusti Agus Made Dwi Juliananta, 2114101079

Department of Law and Citizenship

ABSTRACT

This research discusses the implementation of marriage dispensation, particularly in relation to the unclear legal parameters and the application of the principle of the best interests of the child. The aim is to analyze the judge's consideration in the marriage dispensation decision and examine child protection. The goal is to analyze the decision and the application of the law according to regulations related to child protection. The research conducted by this researcher uses the type of Normative Legal research. With three approaches, namely the statue approach, case study approach and conceptual approach. Normative legal research relies primarily on legal materials obtained through a thorough review of literature, laws, and regulations, without relying on field data. The results showed that marriage dispensation in Decision Number 19/Pdt.P/2024/PN.Sgr was given for reasons of pregnancy outside of marriage and to avoid disgrace and protect the status of children. The judge considers the legal, social, and best interests of the child, and ensures that all administrative procedures and requirements have been met. The marriage dispensation decision in No. 19/Pdt.P/2024/PN.Sgr was granted for reasons of pregnancy outside marriage and protection of the child's status. The court considered the legal, social, and best interests of the child. Administrative procedures and requirements were met, and the judge provided advice on the risks of early marriage. This dispensation reflected a balance between social and legal needs. There is a need to clarify the parameters of "very urgent reasons" so that they are not misused. Public education on the negative impacts of early marriage is essential. Courts should always prioritize the best interests of the child and strengthen the educative role of judges in every marriage dispensation decision.

Keywords: *marriage dispensation, child protection, the principle of the best interests of the child.*