

## ABSTRAK

Tujuan penelitian ini adalah untuk mengetahui dan menganalisis pelaksanaan dispensasi kawin akibat hamil di luar nikah di Pengadilan Agama Kota Jambi dan untuk mengetahui dan menganalisis pertimbangan hukum Hakim dalam merumuskan penetapan dispensasi kawin akibat hamil di luar nikah di Pengadilan Agama Kota Jambi. Dalam penulisan skripsi ini, penulis menggunakan metode penelitian yuridis empiris dengan penarikan sampel dilakukan secara *purposive sampling*. Temuan skripsi menunjukkan bahwa: 1). Pelaksanaan dispensasi kawin merujuk pada Peraturan Mahkamah Agung Nomor 5 Tahun 2019 tentang Pedoman Mengadili Permohonan Dispensasi Kawin, yang mana pemohon harus memenuhi persyaratan administrasi dalam pengajuan permohonan Dispensasi Kawin. Selanjutnya, pengajuan dispensasi kawin di Pengadilan Agama Kota Jambi memiliki mekanisme tersendiri dengan beberapa tahapan. Pada pemeriksaan oleh Hakim, tidak terlepas dari ketentuan sebagaimana juga diatur dalam Peraturan Mahkamah Agung Nomor 5 Tahun 2019. Sejauh ini pelaksanaan dispensasi kawin akibat hamil di luar nikah di Pengadilan Agama Kota Jambi belum ada permohonan yang ditolak, tidak diterima ataupun gugur hal ini dikarenakan pemohon dapat menghadirkan orang tua/wali dari calon anaknya serta saksi di persidangan serta memberikan bukti-bukti yang cukup. 2). Hakim dalam mempertimbangkan suatu penetapan didasarkan pada faktor-faktor yang menjadi penyebab pengajuan dispensasi kawin serta bukti-bukti untuk menguatkan permohonan tersebut, tidak terlepas dari ketentuan yang diatur dalam Peraturan Mahkamah Agung Nomor 5 Tahun 2019 tentang Pedoman Mengadili Permohonan Dispensasi Kawin. Selain itu, pertimbangan oleh hakim juga berdasarkan; kemaslahatan yaitu pertimbangan kebaikan dan menolak kerusakan dalam masyarakat serta upaya mencegah kemudharatan, kepastian hukum yaitu agar terciptanya suasana yang aman dan tentram dalam masyarakat, serta kemanfaatan yaitu tujuan hukum itu harus berguna bagi banyak masyarakat.

**Kata kunci:** *Pemberian, Dispensasi Kawin, Pengadilan Agama*

## ABSTRACT

The purpose of this study was to find out and analyze the implementation of the dispensation for marriage due to pregnancy out of wedlock at the Jambi City Religious Court and to find out and analyze the legal considerations of judges in formulating the stipulation of dispensation for marriage due to pregnancy out of wedlock at the Religious Court of Jambi City. In writing this thesis, the authors used empirical juridical research methods with purposive sampling. The thesis findings show that: 1). The implementation of marriage dispensation refers to Supreme Court Regulation Number 5 of 2019 concerning Guidelines for adjudicating applications for marital dispensation, in which the applicant must meet administrative requirements in submitting a marriage dispensation application. Furthermore, the submission of a marriage dispensation at the Jambi City Religious Court has its own mechanism with several stages. During the examination by the Judge, it is inseparable from the provisions as also regulated in Supreme Court Regulation Number 5 of 2019. So far the implementation of the dispensation for marriage due to pregnancy out of wedlock at the Jambi City Religious Court has not had any application rejected, not accepted or dropped, this is because the applicant can present the parents/guardians of their prospective children as well as witnesses at the trial and provide sufficient evidence. 2). Judges in considering a decision are based on the factors that cause the application for marital dispensation as well as evidence to corroborate the application, inseparable from the provisions stipulated in Supreme Court Regulation Number 5 of 2019 concerning Guidelines for Adjudicating Applications for Marriage Dispensation. In addition, the consideration by the judge is also based on; beneficence, namely the consideration of goodness and rejecting damage in society as well as efforts to prevent harm, legal certainty, namely to create a safe and peaceful atmosphere in society, and expediency, namely the purpose of the law must be useful for many people.

**Keywords:** *Gift, Marriage Dispensation, Religious Courts*