

# WONOSARI RELIGIOUS JUDGMENT OPINION TO MARRIAGE DISPENSATION AFTER THE ISSUANCE OF THE REGULATION OF GUNUNG KIDUL REGENCY NUMBER 36 OF 2015

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## ABSTRACT

Indonesia does not want underage marriage, this is relevant to the provisions of Article 7 paragraph (1) of Law Number 1 Year 1974 which determines the minimum age for marriage. The application of marriage age limits can be deviated through Article 7 paragraph (2) of Law Number 1 Year 1974 which states that in the event of deviations in paragraph (1) of this article, it can request dispensation to the Court or other officials. In Gunung Kidul the above provisions were followed up with the Gunung Kidul Regent Regulation No. 36 of 2015. However, data on requests for dispensation in the Wonosari Religious Court indicate that there are still high rates of underage marriage in Gunung Kidul district. The article raised from this study aims to describe the consideration of the Wonosari Religious Court judges in deciding the marriage dispensation request and describing the consideration of the Wonosari Religious Court judges in deciding the marriage dispensation request.

The results of the study show, 1) Consideration of the Religious Court judges in deciding the application for marital dispensation, among others by paying attention to administrative completeness, besides that the application may not conflict with the provisions of Article 7 paragraph (2) Marriage Law and Compilation of Islamic Law, and base its decision on Fiqhiyah's rules. 2) Related to the rules regarding marital dispensation whose existence is also recognized in Regent Regulation No. 36 of 2015, the Judge argues that: a) the existence of marital dispensation is needed as a solution or solution in an emergency, b) the decision of dispensation is given by prioritizing benefit, and avoiding harm, c) giving dispensation by referring to maqashid al-sharia legal objectives , which aims to provide five protection targets, namely: protection of religion, soul, mind, descent, property

Kata Kunci: *Judge's opinion, Marriage dispensation, Gunung Kidul Regent Regulation no.36 / 2015*