ABSTRACT

Name : MUHAMMADIN, Nim : 71220212022, Tittle : Marriage Dispensation Decisions at the Religious Court of Medan Reviewed from the Perspective of Maqāṣid al-Sharī'ah

This study aims to analyze marriage dispensation decisions at the Religious Court of Medan from the perspective of maqāṣid al-sharī'ah. The focus of this research includes judges' considerations in deciding marriage dispensation cases, the underlying factors of such applications, and the conformity of these decisions with the principles of maqāṣid al-sharī'ah.

This research employs a qualitative method with an empirical juridical approach. Data were collected through interviews with judges, clerks, mediators, and litigants, as well as documentation studies of court decisions. The data were analyzed using descriptive qualitative techniques, including data reduction, data presentation, and conclusion drawing.

The results indicate that judges tend to emphasize emergency conditions (ḍarūrah), particularly in cases of out-of-wedlock pregnancy, as the primary basis for granting marriage dispensation. Pregnancy is the most dominant factor in such cases. The principles of maqāṣid al-sharī'ah have been partially applied, especially in preserving religion (hifz al-dīn) and lineage (hifz al-nasl), but not comprehensively, as less attention is given to the preservation of intellect (hifz al-'aql), life (hifz al-nafs), and wealth (hifz al-māl). Furthermore, judicial decisions tend to focus on preventing immediate harm, such as avoiding zina and social stigma, rather than considering long-term risks, including early divorce, domestic violence, poverty, and school dropout.

Therefore, a more comprehensive approach in applying maqāṣid al-sharī'ah is needed to ensure that marriage dispensation decisions not only address immediate issues but also promote long-term welfare, especially for children.

Keywords: *Marriage Dispensation, Judicial Decision, Maqāṣid al-Sharī'ah, Religious Court*

ABSTRAK

Nama : MUHAMMADIN, Nim : 71220212022, Judul : PUTUSAN DISPENSASI NIKAH DI PENGADILAN AGAMA MEDAN DI TINJAU BERDASARKAN MAQOSHID SYARIAH

Penelitian ini bertujuan untuk menganalisis putusan dispensasi nikah di Pengadilan Agama Medan ditinjau berdasarkan *maqaṣid syari'ah*. Fokus penelitian meliputi pertimbangan hakim dalam memutus perkara dispensasi nikah, faktor-faktor yang melatarbelakangi permohonan, serta kesesuaian putusan dengan prinsip-prinsip *maqaṣid syari'ah*.

Jenis penelitian yang digunakan adalah penelitian kualitatif dengan pendekatan yuridis empiris. Data dikumpulkan melalui wawancara dengan hakim, panitera, mediator, serta para pihak berperkara, disertai dengan studi dokumentasi terhadap putusan dispensasi nikah. Teknik analisis data dilakukan secara deskriptif kualitatif melalui reduksi data, penyajian data, dan penarikan kesimpulan.

Hasil penelitian menunjukkan bahwa dalam praktiknya, hakim lebih menekankan pada aspek darurat (*ḍarurah*), terutama dalam kasus kehamilan di luar nikah, sebagai dasar utama dalam mengabulkan permohonan dispensasi nikah. Faktor kehamilan menjadi alasan yang paling dominan dalam pengajuan perkara. Pertimbangan *maqaṣid syari'ah* telah diterapkan, khususnya dalam aspek menjaga agama (*hifz al-din*) dan keturunan (*hifz al-nasl*), namun belum dilakukan secara komprehensif karena masih kurang memperhatikan aspek menjaga akal (*hifz al-'aql*), jiwa (*hifz al-nafs*), dan harta (*hifz al-mal*). Selain itu, putusan hakim cenderung berorientasi pada pencegahan mudarat jangka pendek, seperti menghindari zina dan stigma sosial, namun belum sepenuhnya mempertimbangkan potensi mudarat jangka panjang, seperti perceraian dini, kekerasan dalam rumah tangga, kemiskinan, dan putus sekolah.

Berdasarkan temuan tersebut, diperlukan pendekatan yang lebih komprehensif dalam penerapan *maqaṣid syari'ah* agar putusan dispensasi nikah tidak hanya menyelesaikan masalah sesaat, tetapi juga mampu memberikan kemaslahatan jangka panjang bagi para pihak, khususnya anak.

Kata Kunci: Dispensasi Nikah, Putusan Hakim, *Maqaṣid Syari'ah*, Pengadilan Agama