



**THE BEST INTERESTS OF THE CHILD FROM AN ADULT PERSPECTIVE
(A Case Study on Child Marriage Dispensation Cases at the Sukadana
Religious Court)**

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Abstract: This study examines how the child's best interests principle is applied in child marriage dispensation cases at the Sukadana Religious Court, emphasizing the contrasting viewpoints of applicants (parents or guardians) and judges. This topic is significant due to the high prevalence of child marriages at the Sukadana Religious Court, which frequently leads to various adverse effects on children's development. This research employs a qualitative approach combining normative and empirical methods, utilizing a case study framework. It includes an analysis of decisions from the Sukadana Religious Court, in-depth interviews with judges, and a review of case applicants. The results reveal that applicants and judges have yet to apply the child's best interests principle fully. Second, the applicants tend to focus on quick solutions to social, moral, or cultural pressures, such as out-of-wedlock pregnancies, premarital sexual relations, or concerns about family shame. Third, judges adopt a normative approach by assessing the child and their partner's physical, psychological, and financial readiness. However, they often prioritize solutions to the urgent situations presented by the applicants. The study concludes that strengthening the implementation of the child's best interests requires stricter regulations in decision-making, offering pre-marriage education and awareness programs on children's rights, and improving judges' competencies. This study recommends collaboration between the courts, educational institutions, and community organizations to strengthen public understanding of the child's best interests as the primary principle in child protection.

Keywords: best interests of the child, marriage dispensation, religious court

A. Introduction

Child marriage is a social phenomenon that remains prevalent in various regions of Indonesia, including in East Lampung Regency. Although the government has enacted Law No. 16 of 2019 aimed at reducing the rate of early marriage, the reality on the ground



shows that applications for child marriage dispensation remain high. According to the Report on the Activities of the Sukadana Religious Court, 243 marriage dispensation cases were filed from 2019 to 2023. (Pengadilan Agama Sukadana, 2023). According to Table 1 data from the Sukadana Religious Court, in 2019, there were 23 marriage dispensation applications. 2020, this number increased to 38 applications and rose significantly to 69 in 2021. Although the number of applications decreased to 61 cases in 2022, this figure remains high. In 2023, 52 marriage dispensation applications were recorded.

Table 1: Number of Dispensation Cases at the Religious Court from 2019 to 2024

Reason	2019	2020	2021	2022	2023	Total
Avoiding Zina	7	5	25	14	12	63
Pregnant	8	28	40	29	32	137
Promiscuity	8	5	4	16	7	40
Culture/Custom	0	0	0	2	1	3
Total	23	38	69	61	52	243
Number granted	17	32	62	54	47	212

Data Source: Coding and Tabulation of SIPP Data from the Sukadana Religious Court

Applications for marriage dispensation at the Sukadana Religious Court are frequently filed with reasons such as preventing zina, addressing out-of-wedlock pregnancies, and avoiding promiscuity. Avoiding zina and preserving dignity through early marriage becomes a solution for pregnant couples concerned about being caught in behavior that violates social norms (Rachmatulloh & Syafiuddin, 2022). Selain itu, orang tua sering mengajukan dispensasi untuk melindungi anak-anak mereka dari pengaruh negatif pergaulan bebas (Ikawati & Anisa, 2023). In some communities, traditions and customs support marriage at a young age, leading couples to choose marriage even if they have not reached the minimum age required by law (Herviani et al., 2022). These reasons reflect the various social and cultural factors that impact the decision to seek a marriage dispensation. Despite the goal of Law No. 16 of 2019 to reduce early marriage, many couples still feel compelled to apply for a marriage dispensation due to the factors outlined above.

According to the data in Table 1 from the Sukadana Religious Court, the number of approved marriage dispensation cases has varied yearly. In 2019, 17 marriage dispensation cases were approved. This number increased significantly in 2020, with 32 cases approved, and rose again to 62 cases in 2021. In 2022, the number of approved cases decreased to 54; in 2023, it slightly dropped to 47. From 2019 to 2023, the Sukadana Religious Court approved 212 marriage dispensation cases. This data reflects a steady and substantial demand for marriage dispensation within the community over the past five years.

In Indonesia's legal framework, marriage dispensation is governed by Article 7, paragraph (2) of Law No. 16 of 2019, which is an amendment to Law No. 1 of 1974 on Marriage (Aradia & Amanda, 2021). The regulation specifies that the court may approve a marriage dispensation application only if compelling reasons are supported by solid evidence and with due regard for the child's best interests (Rusyda & Syofiarti, 2023).

Before deciding on a marriage dispensation case, judges play a crucial role in delivering justice by considering various factors when making their decisions. They need

to examine and comprehend the legal values present in society, uphold independence, and implement legal norms with strong ethical integrity (Maggalatung, 2014). Judges must examine cases even when the law is unclear and incorporate societal values into their considerations. The close relationship between law, morality, and justice is recognized, with morality being an essential aspect of legal decision-making (Zikra & Minh, 2022). Judges must consider valid evidence when delivering a verdict and ensure their decisions comply with the applicable legal regulations (Sandra, 2022). Judges play a crucial role in upholding justice in marriage dispensation cases by considering various factors, including societal and legal values, morality, and fairness (Angel & Hadiati, 2023). From an adult perspective, both applicants (parents or legal representatives) and judges express their views on the child's best interests. Judges must integrate societal values with legal norms and morality in their decision-making. This highlights that the adult perspective, including the applicants' arguments and the judges' considerations, is the primary determinant in applying the child's best interests principle in marriage dispensation cases.

The Best Interests of the Child (BIC) is a core principle in children's rights, defined by the United Nations Convention on the Rights of the Child in 1989 (Torrecuadrada García-Lozano, 2016). This principle covers material-physiological and contextual aspects, focusing on the child's physical and psycho-socio-emotional well-being (Mendes & Ormerod, 2019). It is a subjective right for minors and an interpretative principle for decisions affecting them. Although widely used in legal and social contexts, there is little consensus on its precise definition or application (Kelly, 1997). Although important, the concept of the child's best interests is not without challenges, as it allows for judicial discretion that can lead to questionable outcomes (Torrecuadrada García-Lozano, 2016). The discussion emphasizes the need to assess and critically review how adults, especially judges and applicants, apply the Best Interests of the Child principle in child marriage dispensation cases to ensure decisions safeguarding the child's rights and well-being.

Research on marriage dispensation and the child's best interests has been extensively explored. This literature review, for example, focuses on applying Supreme Court Regulation (PERMA) No. 5 of 2019 in marriage dispensation cases, specifically in decision number 134/Pdt.P/2022/PA.Kds, emphasizes the significance of the best interests of the child principle as a critical factor in judicial decision-making. Through the method of legal discovery, judges consider legal aspects and social contexts, including protecting children from social stigma due to out-of-wedlock pregnancies. The legislative approach and grammatical legal interpretation indicate that this decision aligns with applicable regulations procedurally and substantively. The judges' considerations involve health, psychology, education, and well-being to safeguard children's rights and ensure their future welfare. This demonstrates a balance between the application of modern law and an awareness of the community's cultural norms (Karima et al., 2023).

Secondly, Hardiansyah's research examines the shifts in handling marriage dispensation cases before and after the introduction of Supreme Court Regulation (PERMA) No. 5 of 2019, which provides guidelines for adjudicating such cases. This regulation is designed to fill the formal and material legal gaps in resolving such cases by establishing more precise standards for judges to ensure that decisions better consider the child's best interests. Through a qualitative method with a juridical-normative and empirical approach, the research shows that this PERMA provides a systematic guideline,

ensuring that court decisions are more directed, consistent, and based on the principle of child protection. With this standardization, PERMA strengthens legal certainty and emphasizes the importance of child protection values in every marriage dispensation ruling (Hardiansyah et al., 2024).

Third, Darwanta's research explores the crucial role of the law in safeguarding children's rights, particularly those involved with the law as offenders, victims, or witnesses. The rehabilitation of children in the Child Special Guidance Institution (LPKA) is a government responsibility to protect children's rights in line with the human rights principles guaranteed by Indonesia's constitution. Although there is an obligation for both formal and informal education in LPKA, the research shows that the implementation of rehabilitation in LPKA has not been optimal. Many LPKAs have not effectively implemented rehabilitation programs by regulations, leading to the neglect of children's rights, particularly in education. Implementing the best interests of the child principle in LPKA should be enhanced to ensure that children's rights are fully fulfilled, including social and psychological rehabilitation that aids their reintegration into society (Darwanta, 2020).

The literature review related to marriage dispensation has extensively discussed various aspects, ranging from the implementation of PERMA No. 5 of 2019 to the application of the best interests of the child principle. The study by Karima et al. (2023) highlights the implementation of PERMA No. 5 of 2019 in decision No. 134/Pdt.P/2022/PA.Kds, emphasizes the best interests of the child principle through legal discovery and social considerations, such as protecting children from social stigma due to out-of-wedlock pregnancies. Hardiansyah et al. (2024) discuss the changes in the marriage dispensation examination process before and after the implementation of this PERMA, showing that this new standard strengthens legal certainty and prioritizes child protection in court rulings. Meanwhile, Darwanta's research (2020) reviews child protection in the context of rehabilitation in LPKA, emphasizing the importance of implementing an optimal rehabilitation program based on the best interests of the child principle. In contrast to previous studies, this research will focus on how adults, particularly parents and judges, view and interpret the best interests of the child principle in the context of child marriage dispensation cases at the Sukadana Religious Court.

This paper addresses how adults' perspectives discuss and interpret the child's best interests in marriage dispensation cases. The study also seeks to explore the dynamics between the applicants' arguments, the judges' considerations, and the principle of child protection while providing recommendations to enhance the application of the best interests of the child principle within the judicial system. The research is based on the assumption that the perspectives of adults, specifically parents and judges, still need to incorporate the best interests of the child principle fully.

B. Method

The unit of analysis in this study consists of child marriage dispensation cases decided by the Sukadana Religious Court. The primary focus is on the arguments the applicants (parents or legal representatives) put forward, who usually serve as the child's representatives in the legal context. The adults' perspectives (the applicants and judges) are more easily accessible through official documents (such as court decisions) and interviews. In contrast, children's views are often difficult to access due to age limitations,

ethical concerns, and sensitivity. This study uses a qualitative, normative, empirical design with a case study approach. The case study was carried out at the Sukadana Religious Court. This approach was selected to understand better the complexities and dynamics involved in the decision-making process of child marriage dispensation cases.

Five court decision documents and in-depth interviews with judges handling child marriage dispensation cases are the primary data sources in this study. Additional data will be gathered from pertinent legal literature, regulations, and academic publications related to the best interests of the child and marriage dispensation. Document analysis will be conducted on court decisions to identify the patterns of argumentation presented by the applicants and the legal considerations used by the judges. Two court hearings will also be observed to gain a richer context of the local culture.

Data analysis uses thematic analysis, where data from documents and interviews are coded, and themes are identified. This process involves categorizing information based on critical topics such as the best interests of the child, moral considerations, and the influence of legal culture. The thematic analysis results are then interpreted to examine how adults' perspectives discuss and apply the child's best interests in the applicants' arguments and the judges' considerations. This study will also compare the findings with relevant theories to identify any alignment or inconsistencies with existing literature.

C. Result and Discussion

1. The Best Interests of The Child

The Best Interests of the Child principle is a legal concept that prioritizes the welfare and rights of children in decision-making processes concerning them. (Mendes & Ormerod, 2019). This principle underscores that any action, policy, or decision made by individuals, families, or governmental bodies must consider its effects on the child's physical, mental, emotional, and social development. Its scope covers education, health, protection from violence and exploitation, and the right to be heard and to participate in decisions that affect the child's life. Internationally recognized through the Convention on the Rights of the Child (CRC), this principle obligates countries to ensure that the child's best interests are always the primary consideration in all matters concerning them (Carpaneto, 2019).

The principle of child protection in the Marriage Law and the Convention on the Rights of the Child (CRC) highlights the significance of protecting children's welfare and rights within the context of marriage and family. For instance, Indonesia's Marriage Law sets a minimum marriage age to protect children from early marriages that could jeopardize their physical and mental well-being (Birchley, 2021).

At the same time, the Convention on the Rights of the Child stresses that any decision regarding a child must prioritize their best interests, including the right to education, protection from violence, and the opportunity to participate in decisions that impact their lives. These two legal frameworks work together to safeguard children from exploitation and the harmful effects of marriage while also ensuring they have the chance to grow and thrive in a safe and nurturing environment (Bisha, 2019).

Recent studies emphasize the difficulties in implementing the best interests of the child principle in marriage dispensation cases despite legal efforts to combat child marriage by increasing the minimum marriage age (Tasya & Winanti, 2021). Marriage

dispensation requests continue to rise due to economic conditions, premarital pregnancies, and cultural traditions (Chusnida & Anggriawan, 2022). Supreme Court Regulation No. 5 of 2019 provides guidelines for judges to prioritize the child's best interests when making decisions in these cases (Tasya & Winanti, 2021). This regulation has led to the establishment of support services outside the court, which combine psychological, legal, and religious methods, effectively persuading some child applicants to postpone their marriages (Fadhli & Warman, 2021). Nevertheless, there are still challenges in balancing the absence of judicial action and the duty to ensure justice and protect children's rights (Susanti, 2021). Continuous efforts are required to consistently apply the child protection principle in marriage dispensation cases across Indonesia.

2. Judges' Arguments and Applicants' Considerations in Marriage Dispensation Cases at the Sukadana Religious Court

Table 2: Applicants' Arguments and Judges' Considerations in Marriage Dispensation Cases at the Sukadana Religious Court in 2023

Case Number	Applicant's Reason	Reason Granted	Urgent Reasons
14/Pdt.P/2023/PA.Sdn	The applicant's child is 16 years and 6 months old, while her prospective husband is 18 years and 2 months old. She is currently pregnant with his child, with a gestational age of 28 weeks.	They already possess the minimum mental, financial, psychological, preparedness, and religious education foundation.	It is urgent because they have been in a long-term relationship and are in love, and the girl is 28 weeks pregnant.
13/Pdt.P/2023/PA.Sdn	The applicant's child is 18 years and 5 months old, while his prospective wife is 21 years and 9 months old. They have been in a relationship for 2 years and have engaged in marital relations twice.	The prospective wife has good psychological and physical health, and the prospective husband is independent and employed.	It is urgent because they have engaged in marital relations twice.
46/Pdt.P/2023/PA.Sdn	The applicant's children, namely the prospective wife, were 16 years old, and the prospective husband was 18 years old. They have had sexual intercourse and were even raided by the community.	The wife-to-be is in good psychological and health condition. The Prospective husband is independent and working.	Urgent because they had sex and were even raided by the community.
40/Pdt.P/2023/PA.Sdn	They had been in a close relationship for 1 year, and if they were not married off, this would bring shame to the family and disturb the neighborhood.	The wife-to-be is in good psychological and health condition. Good psychological and health conditions. The prospective husband is independent and working.	It is urgent to get married because the applicant worries that the relationship between them will cause mudhorot.

Case Number	Applicant's Reason	Reason Granted	Urgent Reasons
68/Pdt.P/2023/PA.Sdn	The applicant's child, the wife-to-be, was 18 years and 9 months old, while her husband-to-be was 22 years and 6 months old. The two have been in a close relationship for 1 year and have already held a proposal ceremony.	The prospective wife is physically and psychologically ready to lead a household life and the prospective.	Urgent because the petitioner feared that their relationship would violate religious norms.

Data Source: Direktori Putusan Mahkamah Agung

The reason for approving a marriage dispensation application is to ensure legal protection for both the mother and child, safeguarding their rights under the law. The judge's ruling, No. 14/Pdt.P/2023/PA.Sdn serves as evidence in the case, outlining the reasons for granting the marriage dispensation. Several vital factors justify the approval of a marriage dispensation based on pregnancy outside of marriage: first, the pregnancy status of the bride-to-be; second, the consent of the parents or guardians; and third, the need for legality and legal protection. If the application is denied, there is concern that an unregistered marriage (sirri marriage) may occur, which is prohibited by the state (Ahyani, 2016). If the judge denies the marriage dispensation based on pregnancy, it could have negative consequences for the couple, such as the pregnant individual being shamed and ostracized by the community for being unmarried (Yulindawati et al., 2021). It can be concluded that marriage dispensation for pregnant couples outside of marriage can be granted based on the points mentioned.

Marriage following an adultery incident can help alleviate shame and protect the reputations of both families involved. The judge's decision, Number 13/Pdt.P/2023/PA, reflects proof of the marriage's approval. Sdn and Number 46/Pdt.P/2023/PA.Sdn, which highlights that statements from the families and community endorsing the marriage are aimed at preserving the families' good names. The judge granted marriage dispensation on the grounds of adultery as a form of appreciation for good faith to follow existing legal procedures, avoid adultery, and maintain quality offspring. Research conducted by Arzaq, in addition to judges granting dispensation applications for fear of adultery, suggests pre-marital education and socialization of the purpose of marriage to both parties (Arzaq, 2023). The marriage dispensation application was granted because they were both in love and alone together (Fadhli & Warman, 2021). The judge's approval of the adulterous couple became a shield to cover the family's disgrace and maintain the family's good name.

Internal and external factors drive a marriage dispensation application submission based on a close relationship. The judge's decisions, Number 40/Pdt.P/2023/PA.Sdn and Number 68/Pdt.P/2023/PA.Sdn demonstrates that both the bride and groom wish for the marriage to be conducted promptly to prevent any potential consequences they fear may arise. The concerns that arise from both sides are threefold: first, avoiding continuing sin. Second, protecting offspring, and third, avoiding adultery. Waluyo's analysis suggests that granting a marriage dispensation application protects religious values (Sudarmaji, 2021). It is then necessary to prevent the harm or negative consequences that may arise if the marriage dispensation is granted (Jannah, 2021). The judge's decision in the dispensation

case is based on evaluating the readiness of both the prospective bride and groom to begin a family.

3. Implication of the Best Interest of the Child in Dispensation for Child Marriage in Sukadana Religious Court

Table 3: Demografi perkawinan usia anak

Factor	Description	Informant
Age Limit	<i>The increase in the age of marriage for women from 16 to 19 can also be a significant factor. This rule change has affected the number of people applying for marriage dispensation in that area.</i>	Ani Latifatuz Zahroh (Judge)
Economy	<i>Poor economic conditions sometimes make parents want to marry their children quickly because it reduces the family's burden, right? So, indeed, this economic factor can influence the decision to apply for marriage dispensation.</i>	Khalisahah Mulyani (Judge)
Education	<i>Lack of education, limited access to information, and not everyone's ability to attend school correctly mean many people do not need to understand the risks of marrying young. If education were better, people could be more aware of the dangers of marrying at an early age.</i>	Khatimatus Sa'adah (Judge)
Social and Cultural Norms	<i>In East Lampung, young marriage is considered normal, which is common in the community. This shows how solid cultural influences are in understanding why people often apply for marriage dispensation.</i>	Ratri Nurul Hikmah (Judge)
Environment and Technology	<i>The environment children play in and how they use technology, such as unsupervised cell phone use, can make them think about marrying young. This shows that outside factors, such as the environment and the way they use social media, can change the mindset and attitude of children and teenagers.</i>	Rifqiyatun Nisa (Judge)
Family Parenting	<i>The way parents take care of their children, especially if there are problems such as divorce or lack of affection, can make children want to get married quickly. Sometimes, they see early marriage as a way to get the attention or stability they feel is lacking at home.</i>	Ratri Nurul Hikmah (Judge)

Data Source: Interview Judge of Sukadana Religious Court

Judge Ani Latifatuz Zahroh suggests that the rise in the marriage age limit for women from 16 to 19 years could be a key factor contributing to the increase in marriage dispensation applications. This shift in legal policy has directly affected the decisions of young couples to seek dispensation (Imam & Az-Zarnuji, 2022). Economic factors also play an essential role in early marriage decisions. Khalisahah Mulyani stated that the community's poor economic conditions often lead parents to marry off their children to ease the family's financial burden (Fauzi, 2022). Economic factors also pose a risk of disputes and arguments within the family. This suggests that economic hardship is a significant reason behind marriage dispensation applications.

Additionally, limited education and access to information also play a role in the high rate of child marriage. Judge Khalisahah Mulyani highlighted that the lack of access to quality education leads to lower awareness of the risks associated with early marriage. Insufficient education can contribute to the occurrence of marriage at a young age (Fitriah et al., 2023). As stated by Nur, parents' education level influences children to enter into early marriage. Social and cultural norms also significantly influence many marriage dispensation applications (Indah Listyorini & Arief Hanif, 2023). Judge Ratri Nurul Hikmah discussed that young marriage is commonplace in East Lampung. This cultural norm reflects the importance of cultural context in understanding the factors that drive marriage dispensation applications.

Environment and technology also play a role in the decision to marry early. Rifqiyatun Nisa stated that the environment where children play and use technology, such as mobile phones, is not wise and can affect the mindset and behavior of children and adolescents (Mahsunah, 2018). These external factors show how the physical and digital environment can influence marriage decisions. Finally, the factor of parenting is no less critical. Judge Ratri Nurul Hikmah highlighted family parenting, especially in divorce or lack of parental attention and affection. Such attitudes can encourage children to marry early as a form of attention replacement or stability (Fitriani, 2020). Overall, the questionnaire results showed that factors such as age, economic conditions, education, social and cultural influences, environment and technology, and parenting all contribute to the high rate of child marriage in the region.

The implications of the best interest of the child principle, as revealed through the judges' interviews, highlight the complex challenges of applying child protection in marriage dispensation cases. The rise in the marriage age limit has increased marriage dispensation applications, suggesting the need for a more thorough policy revision. The economic, educational, and cultural factors identified by the judges indicate that the primary reasons for early marriage often overlook the child's long-term interests, including their right to education, mental health, and a decent quality of life. Parents' and children's low levels of education suggest poor access to information on the risks of early marriage, while social norms that regard young marriage as an average point to the need for culture-based interventions. In addition, the influence of the physical environment and technology, such as the uncontrolled use of gadgets, emphasizes the importance of digital education and environmental supervision. Family parenting, especially in less-than-ideal situations, triggers early marriage that demands more attention to family-strengthening policies. These implications underscore the need for a holistic approach in handling marriage dispensation that focuses on fulfilling legal procedures and protecting children's rights by the principle of the child's best interest.

4. Analysis of the Child's Best Interest from an Adult's Perspective

The child's best interest principle should be the primary guideline in marriage dispensation cases. However, in practice, the approach taken by applicants and judges often reflects an orientation towards short-term solutions and social pressure rather than considering the long-term impact on the child.

The applicants in the five cases analyzed generally applied for dispensation of marriage for reasons such as the age of the child being below the legal limit permitted by law, pregnancy before marriage, premarital sexual relations, as well as social pressure

and religious norms. For example, in case number 14/Pdt.P/2023/PA.Sdn, the child's pregnancy was the main reason for the application, while in cases number 13/Pdt.P/2023/PA.Sdn and 46/Pdt.P/2023/PA.Sdn, sexual relations outside of marriage were the factors that prompted the dispensation application. In addition, fear of family disgrace or community unrest was also the basis, as seen in case number 40/Pdt.P/2023/PA.Sdn.

In all cases, the applicant appeared focused on quickly resolving what was perceived as an urgent situation without thoroughly considering the impact on the child's rights and future. As a result, the applicant's approach contradicted the best interests of the child principle, which emphasizes that fulfilling a child's rights requires attention to their physical, psychological, social, and emotional well-being (Mendes & Ormerod, 2019). This approach suggests that the short-term need to resolve social or moral pressures often precedes a comprehensive evaluation of the child's best interests.

Table 4. Judge's Perspective with the Applicant

Judge	Applicant
Focus on short-term evaluation of aspects: <ul style="list-style-type: none"> - Loving each other - Getting pregnant - Having sex - Violating religious norms - Troubling the community 	Focus on short-term evaluation of aspects: <ul style="list-style-type: none"> - Environment - Family - Disgrace - Worried or already violating religious norms - Baby in the womb - Troubling the community

Judges in all five cases tended to adopt a normative view that focused on assessing the child's and prospective partner's readiness for marriage. In all cases, judges assessed that the children were physically and psychologically ready for marriage despite their young age, as seen in case number 46/Pdt.P/2023/PA.Sdn. In addition, the financial independence of the husband-to-be was an important consideration, assuming that the ability of the husband-to-be to work and support the new family's economy was sufficient to build a household.

Judges were also heavily influenced by the urgency of the situation presented by the applicant, such as pregnancy before marriage (case number 14/Pdt.P/2023/PA.Sdn), premarital sexual relations (cases number 13 and 46), or concerns about violating religious norms (case number 68). In making decisions, judges often use the criteria of the child's physical, psychological, and financial readiness as a basis for justification but tend to ignore long-term impacts such as the loss of the right to education and potential psychosocial risks for the child. This is further supported by observations of two marriage dispensation hearings at the Sukadana Religious Court, which reveal that the best interests of the child principle still need to be fully upheld. This is attributed to the suboptimal application of the guidelines for adjudicating marriage dispensation cases under PERMA Number 5 of 2019. Several violations observed include:

1. The non-application of Article 1 paragraph (11), where marriage dispensation hearings are still conducted with a panel of judges instead of a single judge as stipulated in the guidelines.

2. The non-application of Article 11 paragraph (2), where trial judges still used formal attributes that should be avoided in cases involving children.
3. The non-application of Article 15 (a) means that children's examinations in court are still conducted in the presence of parents, even though this rule aims to create a more conducive atmosphere for children.

Judges in marriage dispensation cases often base their decisions on normative perspectives, focusing on the children's physical, psychological, and financial readiness and their prospective partners. As Sandra (2022) pointed out, judges must consider valid evidence and ensure their decisions align with the relevant legal regulations, in this case, following the guidelines set out in PERMA Number 5 of 2019 (Sandra, 2022). However, this approach often ignores the long-term impact on children's rights, such as loss of access to education and psychosocial risks. In addition, observations at the Sukadana Religious Court show that the principle of the child's best interest has not been fully implemented, as the guidelines in PERMA Number 5 of 2019 are not optimally implemented. These violations include the incompatibility of trial mechanisms, the use of formal attributes that are not child-friendly, and the involvement of parents in the examination of children in court. These findings indicate the need for improvements in court practice to ensure better protection of children's rights and interests.

Several strategic solutions are needed to improve the implementation of the principle of the best interest of the child in marriage dispensation cases. First, the regulation of marriage dispensation should be tightened by involving child protection agencies in the decision-making process and emphasizing an in-depth evaluation of the long-term impacts, including children's education and health rights. Second, pre-marital education and socialization of children's rights should be extended to prospective brides and communities to reduce social pressures that encourage early marriage. Third, improving the competence of judges in applying this principle is also crucial through training and involving experts such as child psychologists or counselors in every decision. Approaches such as family counseling or social assistance should be prioritized as an alternative to addressing social pressure. Furthermore, monitoring and evaluating couples who marry through dispensation is crucial to protecting children's rights after marriage. By implementing these measures, marriage dispensation decisions are hoped to fully consider the children's best interests and positively affect their future.

D. Conclusion

The findings of this study indicate that, in marriage dispensation cases at the Sukadana Religious Court, the principle of the child's best interests has yet to be fully prioritized as the primary guideline for both the applicants and judges. Firstly, applicants tend to focus on a quick resolution to social, moral, or cultural pressures, such as out-of-wedlock pregnancy, premarital sexual relations, or concerns about family disgrace. Second, on the other hand, judges take a normative approach by assessing the physical, psychological, and financial readiness of the child and spouse but often prioritize solutions to the urgent situation presented by the applicant. Thirdly, both applicants and judges pay insufficient attention to long-term impacts, such as the loss of the right to education and psychosocial risks, so that decisions are more inclined to fulfill short-term needs than the best interests of the child as a whole.

This research makes a valuable contribution to academic knowledge, especially in enhancing the understanding of how the principle of the child's best interests is applied in marriage dispensation cases while also identifying factors that influence legal decisions, such as social pressure, religious norms, and psychological considerations. This research enriches the family law literature by highlighting the importance of an interdisciplinary approach involving social, psychological, and economic dimensions in analyzing the issue of early marriage. In addition, this study provides policy recommendations that can serve as a basis for policymakers and legal practitioners to formulate regulations more responsive to children's rights. The results also open up opportunities for further research on marriage dispensation and its impact on children and for strengthening academic discourse in family law and child protection in Indonesia.

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