

ABSTRAK

Muhammad Anis furkhan 1920110041, Untuk mengetahui bagaimana pernikahan wali hakim berdasarkan pertimbangan di PA Pati, pertimbangan dalam pernikahan wali hakim dan proses pernikahan wali hakim. Dalam melakukan penelitian peneliti menggunakan metode penelitian lapangan (*Field research*), dengan pendekatan kualitatif deskriptif, di PA Pati (setting penelitian), pihak lembaga Instansi Pengadilan (subyek penelitian), (sumber data), penetapan.(primer) buku-buku, Undang-Undang Perkawinan, Kompilasi Hukum Islam, Jurnal, (sekunder), teknik pengumpulan data, observasi, wawancara, dokumentasi, pengujian keabsahan data, triangulasi sumber, triangulasi teknik, triangulasi waktu, teknis analisis data, reduksi data, penyajian data, Verifikasi dan Penarikan Kesimpulan, dalam proses pernikahan yang diajukan ke Pengadilan Agama karena Wali nasabnya tidak ingin menikahkan calon mempelai perempuan, dengan pertimbangan hakim dalam mengabulkan permohonan, dengan bukti-bukti dan dalam pandangan hukum islam. Menurut Madzhab Hambali dalam penentuan wali adhol yang dikarenakan wali nasabnya adhol diperbolehkan dilimpahkan melalui seorang hakim, Madzhab Maliki dalam penyelesaian wali adhol, bagi hakim berkewajiban menggantikannya sebagai jalan menuju penyelesaian bila dalam wali yang bersangkutan tetap dalam sikap adholnya, Madzhab Hanafi wali adhol memiliki kesamaan dengan wali ghoib, Mazhab Syafi'i wali adhol akan tampak nyata dalam permasalahan perwalian, yang manakala telah dihadapkan dan dibuktikan oleh hakim yang menangannya mengenai keadholanya.

Kata kunci: pernikahan wali hakim

ABSTRACT

To find out how the judge's guardian marriage is based on considerations at PA Pati, considerations in the judge's guardian marriage and the judge's guardian marriage process. In conducting the research, the researchers used field research methods (field research), with a qualitative descriptive approach, at PA Pati (research setting), the court institution (research subject), (data source), determination (primary) of books, Marriage Law, Compilation of Islamic Law, Journals, (secondary), data collection techniques, observations, interviews, documentation, testing the validity of data, triangulation of sources, triangulation techniques, time triangulation, technical data analysis, data reduction, data presentation, verification and Drawing conclusions, in the process of marriage being submitted to the Religious Court because the guardian of his lineage does not want to marry off the prospective bride, with the consideration of the judge in granting the request, with evidence and in the view of Islamic law. According to the Hambali Madzhab in determining the adhol guardian because the adhol nasab guardian is allowed to be delegated through a judge, the Maliki Madzhab in the settlement of the adhol guardian, the judge is obliged to replace him as a way to settlement if the guardian concerned remains in his adhol attitude, the Hanafi Madzhab adhol guardian has similarities with ghoib wali, Syafi'i school of wali adhol will be evident in guardianship issues, which when it has been confronted and proven by the judge handling it regarding its adhol.

Keywords: judge's guardian marriage