

Tinjauan hukum internasional mengenai overseas countries and territories (OCTs) Perancis dan Belanda berdasarkan article 198 treaty on the functioning of the european union 2007 = Overseas countries and territories of France and Netherlands based on article 198 treaty on the functioning of european union 2007 in international law perspective

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Abstrak

Penelitian ini bertujuan untuk menjelaskan dan menganalisis bagaimana kedaulatan dari suatu negara atas wilayah yang berada di luar negeri, dengan mengambil contoh negara Perancis dan Belanda sebagai anggota Uni Eropa yang menguasai wilayah di luar negeri. Penulis mempergunakan metode penelitian yuridis normatif dengan studi kepustakaan. Hasil penelitian menunjukkan bahwa meskipun kolonialisasi tidak lagi diakui oleh bangsa-bangsa di dunia, penguasaan oleh suatu negara terhadap wilayah yang terletak di luar negeri ternyata tidak bertentangan dengan hukum internasional. Hal ini ditegaskan dengan disepakatinya konsep non-self governing territories di dalam Piagam PBB serta dibentuknya Association of Overseas Countries and Territories (OCTs) oleh Uni Eropa di dalam Traktat Lisbon. Adanya kedaulatan dari Perancis dan Belanda atas wilayah-wilayah di luar negeri (OCTs) diakui oleh negara-negara anggota Uni Eropa sebagaimana diatur dengan ketentuan Article 198 Treaty on the Functioning of European Union (TFEU).

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Abstract

This research aimed to describe and to analyze the territorial sovereignty of a State over its overseas territories, by taking examples from France and Kingdom of Netherlands as Member States of European Union that possess overseas territories. Author use juridical-normative research method with literature studies. The research shows that although colonization is no longer recognized by all of nations, possession of a State over a territory which located overseas of its main territory is not contradictory to international law. It was acknowledged by the United Nations which agree upon Non-Self Governing Territories as stated in the UN Charter, and by European Union which establishing Association of Overseas Countries and Territories as stated in Lisbon Treaty. The sovereignty of France and the Kingdom of Netherlands upon their overseas territories was acknowledged by Member States of European Union as regulated by Article 198 Treaty on the Functioning of European Union (TFEU).