

Urgensi dibukanya alur laut Kepulauan Indonesia Barat-Timur bagi wilayah Perairan Indonesia ditinjau dari united nations convention on the law of the sea 1982 dan hukum nasional = Urgency of determining the Indonesian archipelagic sea lanes west east for Indonesian Waters territory judging from the united nations convention on the law of the sea 1982 and the national law

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Abstrak

Pengakuan terhadap prinsip negara kepulauan Indonesia dalam UNCLOS 1982 harus dibayar dengan mengakomodir kepentingan yang sah dan hak-hak tertentu negara pengguna perairan negara kepulauan, berupa hak lintas kapal dan pesawat udara asing melalui alur laut kepulauan. Indonesia kemudian menentukan skema alur laut kepulauan, yang dikenal dengan Alur Laut Kepulauan Indonesia (ALKI) yang terdiri dari ALKI I, ALKI II, dan ALKI III beserta cabangnya. Namun, menurut Amerika Serikat dan Australia, penetapan tiga ALKI tersebut belum cukup mengakomodir kepentingan mereka. Menurut Amerika Serikat, Indonesia telah membatasi hak terbang di atas perairan kepulauan Indonesia dan terjadi ketidakkonsistenan penetapan hak lintas dalam UNCLOS 1982. Hasjim Djalal, pakar hukum laut internasional menjelaskan bahwa sehubungan dengan belum ditentukannya ALKI dari timur ke barat, maka kapalkapal asing yang melalui perairan Indonesia dari arah timur ke barat berhak menentukan sendiri jalur pelayaran mereka. Apabila Indonesia menginginkan kapal asing melintas di jalur yang dikehendaki, maka Indonesia harus secepatnya menentukan alur laut kepulauan Indonesia timur-barat. Penelitian ini akan mengkaji apakah Indonesia perlu memenuhi tuntutan dunia internasional untuk membuka ALKI Barat-Timur, dengan mempertimbangkan berbagai aspek dan implikasi yang mungkin terjadi jika ALKI Barat-Timur tersebut diwujudkan.

.....Recognition of the principles of Indonesia archipelagic state in UNCLOS 1982, should be paid to accommodate the legitimate interests and rights of certain countries that use the waters in the archipelagic state, in the form of a right of passage of foreign ships and aircrafts through archipelagic sea lanes. Indonesia then determines the archipelagic sea lanes scheme, known as the Indonesian archipelagic sea lanes (ALKI) consisting of ALKI I, ALKI II and III and their branches. However, according to the United States and Australia, the establishment of three ALKI are not sufficient to accommodate their interests. According to the United States, Indonesia has restricted the right to navigate over the waters of Indonesia and there is an inconsistency in the determination of a right of passage based on UNCLOS 1982. Hasjim Djalal, an expert on the International Law of the Sea explained that considering the fact that the ALKI from east to west has yet to be determined, the foreign ships through Indonesian waters from east to west, has the right to determine their own shipping line. If Indonesia wants every foreign ships to pass in the desired track, then Indonesia should immediately determine the Indonesian east-west archipelagic sea lane east-west. This study will examine whether Indonesia needs to fulfill the demands of the international community to open ALKI West-East, taking into account various aspects and implications that may occur if the East-West ALKI is realized.