

Perlindungan kawasan laut sensitif dari perusakan kapal asing melalui konsep particularly sensitive sea area. = Protection of sensitive sea areas from damage caused by foreign ships through particularly sensitive sea area concept

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Abstrak

ABSTRAK

Tesis ini membahas tentang perlindungan kawasan laut yang memiliki kriteria ekologi, sosio ekonomi dan kepentingan ilmiah yang rawan perusakan oleh kapal asing. Pelayaran internasional ternyata memiliki dampak buruk seperti polusi minyak dari aktifitas rutin seperti pencucian tangki, pembuangan kotoran, dan polusi udara. Lebih lanjut, keselamatan bernavigasi secara tidak langsung berpengaruh terhadap lingkungan laut karena kecelakaan kapal dapat mengakibatkan kebocoran minyak dan bila kandas dapat membentur terumbu karang. Konsep Particularly Sensitive Sea Area dipraktikkan oleh sejumlah negara antara lain Australia dan Amerika Serikat melindungi kawasan laut sensitif nya. Teori yang digunakan dalam penelitian ini adalah sustainable development dan teritorial jurisdiction yang merupakan alasan utama negara-negara menerapkan konsep tersebut. Konsep PSSA merupakan pelaksanaan kewajiban United Convention Law of The Sea, 1982 UNCLOS, untuk mencapai tujuan United Nations Conventions on Biological Diversity, 1992 CBD dengan tindakan perlindungan berdasarkan hukum dan standar internasional seperti International Convention for the Prevention of Pollution from Ships, 1973/1978 MARPOL, Convention on the International Regulations for Preventing Collisions at Sea, 1972 COLREG dan International Convention for the Safety of Life at Sea, 1974 SOLAS melalui adopsi International Maritime Organization. Tujuan penelitian ini membahas ancaman lingkungan laut akibat pelayaran kapal asing, hukum internasional yang berkaitan dengan perlindungan laut dan upaya perlindungan kawasan laut sensitif. Jenis penelitian ini adalah penelitian hukum normatif. Hasil penelitian ini menyarankan Indonesia yang lingkungan laut sensitif nya terancam pelayaran internasional terus berupaya dalam pengajuan PSSA. PSSA merupakan re-adjustment kepentingan negara pantai melindungi lingkungan laut dan negara bendera kapal yang menginginkan terjaminnya freedom of navigation.

ABSTRACT

This thesis discusses the protection of Sensitive Sea areas that have ecological, socio economic and scientific criteria that are vulnerable damage caused by foreign ships. International shipping turns out to have adverse effects such as oil pollution from routine activities such as tank leaching, sewerage, and air pollution. Furthermore, the safety of navigating indirectly affects the marine environment due to ship accidents which can result in oil leakage and when aground can hit coral reefs. Particularly Sensitive Sea Area concept is practiced by a number of countries including Australia and the United States to protect their sensitive sea areas. The theory used in this research are sustainable development and territorial jurisdiction which are the main reason countries apply the concept. The concept is the implementation of United Convention Law of the Sea, 1982 UNCLOS obligation, to achieve the goals of United Nations Conventions on Biological Diversity, 1992 CBD with protection measures under international law and standards such as the International Convention for the Prevention of Pollution from Ships, 1973 1978 MARPOL, Convention

on the International Regulations for Preventing Collisions at Sea, 1972 COLREG and International Convention for the Safety of Life at Sea, 1974 SOLAS through International Maritime Organization adoption. The objectives of this study addressed the threats of the marine environment due to international shipping, international law related to marine protection and the protection of sensitive areas. This type of research is normative legal research. The results of this study suggest that Indonesia's sensitive marine environment under threat of international shipping continues to attempt in the submission of PSSA. The PSSA is a re-adjustment of the coastal state's interests protecting the marine environment and flag state's interest that wants guaranteed freedom of navigation.