

Penegakan hukum di Zona Ekonomi Eksklusif yang belum disepakati (undelimited area) di Laut Natuna Utara antara Indonesia dengan Vietnam = Law enforcement in the Exclusive Economic Zone undelimited area in the North Natuna Sea in Indonesia with Vietnam

Friget Wiyanto, author

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Abstrak

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Perbatasan perairan suatu negara seringkali menimbulkan suatu konflik apabila wilayah suatu negara tidak memiliki kejelasan yang pasti, hal tersebut dikarenakan dalam hukum internasional wilayah negara mempunyai peran yang sangat penting dalam melaksanakan yurisdiksi suatu negara. Seperti halnya delimitasi maritim zona ekonomi eksklusif Indonesia dengan Vietnam di Laut Natuna Utara, yang sedang berkembang saat ini adalah belum adanya kesepakatan (undelimited area) batas zona ekonomi eksklusif di laut Natuna Utara Indonesia dengan Vietnam. Sehingga mengakibatkan saling klaim terhadap pemanfaatan sumber daya alam hayati perikanan di zona ekonomi eksklusif tersebut begitu pula dengan penegakan hukumnya (law enforcement), seperti halnya kejadian saling tangkap antara aparat penegak hukum di laut baik oleh Indonesia maupun aparat penegak hukum di laut Vietnam ataupun terhadap nelayan Vietnam yang melakukan penangkapan ikan di zona ekonomi eksklusif laut Natuna Utara tersebut. UNCLOS 1982 menawarkan beberapa mekanisme penyelesaian sengketa sambil menunggu kesepakatan perjanjian delimitasi maritim tersebut, salah satunya dengan kerjasama antar negara pantai berdasarkan pembentukan perjanjian delimitasi ZEE yang saling tumpang tindih, serta adanya penyelesaian secara diplomatik oleh pihak ketiga dan penyelesaian secara hukum melalui ITLOS maupun ICJ/Mahkamah International.

ABSTRACT

The borders of a country's waters often cause a conflict if the territory of a country does not have definite clarity, this is because in international law the territory of the country has a very important role in carrying out the jurisdiction of a country. As with the maritime delimitation of Indonesia's exclusive economic zone with Vietnam in the North Natuna Sea, which is currently developing, there is an undelimited area of exclusive economic zone boundaries in the North Natuna Sea of Indonesia and Vietnam. Thus resulting in mutual claims against the utilization of the living natural resources of fisheries in the exclusive economic zone as well as law enforcement (law enforcement), as well as the occurrence of mutual arrest between law enforcement officers in the sea both by Indonesia and law enforcement officers in the Vietnamese sea or fishermen Vietnam is fishing in the exclusive economic zone of North Natuna UNCLOS 1982 offers several dispute resolution mechanisms while awaiting the

agreement of the maritime delimitation agreement, one of which is cooperation between coastal countries based on the formation of overlapping exclusive economic zone delimitation agreements, and diplomatic settlement by third parties and legal settlement through ITLOS and International Court of Justice.