

Penanganan Keamanan Area Tumpang Tindih antara Malaysia-Indonesia di Kawasan Perairan Selat Malaka = Handling Security of the Undelimited Water Area Between Malaysia and Indonesia in the Malacca Strait

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Abstrak

Tesis ini membahas strategi dan upaya penanganan keamanan maritim di area tumpang tindih antara Malaysia dengan Indonesia khususnya di perairan Selat Malaka. Berdasarkan ketentuan hukum internasional yang berlaku selama ini, proses penegakan hukum antar negara tetangga yang memiliki wilayah tumpang tindih dan belum ditetapkan batasnya, perlu memperhatikan prinsip-prinsip proporsional dan didasari pada ketentuan United Nation Convention on the Law of the Sea (UNCLOS) 1982, Undang-Undang Nomor 5 Tahun 1983 tentang Zona Ekonomi Eksklusif, Undang-undang Nomor 6 Tahun 1996 tentang Perairan. Penelitian ini menggunakan pendekatan kualitatif dengan metode studi kasus. Hasil penelitian menunjukkan bahwa aktor utama dalam pengamanan area tumpang tindih khususnya di perairan Selat Malaka ialah TNI AL, Bakamla, Ditpolairud Baharkam Polri dan Ditjen Bea Cukai. Kendati demikian, tata kelola keamanan maritim masih belum jelas sehingga menyebabkan adanya kesimpangsiuran dalam kewenangan penegakan hukum di wilayah perbatasan laut. Untuk mengatasi hal itu maka diperlukan suatu regulasi yang komprehensif didukung dengan satu gugus tugas khusus yang berperan mengkoordinasi aktor-aktor yang terlibat dalam pengamanan area tumpang tindih di perairan Selat Malaka.

.....This study discusses strategies and efforts to handle maritime security in the undelimited water area between Malaysia and Indonesia, especially in the waters of the Malacca Strait. Based on the provisions of international law that have been in force so far, the process of law enforcement between neighboring countries that have overlapping areas and the boundaries have not been determined, need to pay attention to proportional principles and are based on the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), Law No. -Law Number 5 of 1983 concerning Exclusive Economic Zones, Law Number 6 of 1996 concerning Waters. This research uses a qualitative approach with a case study method. The results showed that the main actors in securing overlapping areas, especially in the waters of the Malacca Strait, were the Navy, Bakamla, Ditpolairud Baharkam Polri and Customs. However, maritime security governance is still unclear, causing confusion in the authority of law enforcement in maritime border areas. To overcome this, a comprehensive regulation is needed supported by a special task force whose role is to coordinate the actors involved in securing overlapping areas in the waters of the Malacca Strait.