

Penerapan two-step approach dalam delimitasi batas maritim: studi kasus: Indonesia-Palau = Application of the two step approach in maritime boundary delimitation: case study: Indonesia Palau

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Abstrak

ABSTRAK

The 1982 United Nations Convention on the Law of the Sea tidak menentukan suatu metode tertentu untuk menentukan batas Zona Ekonomi Eksklusif. Namun demikian, Mahkamah dan Majelis internasional secara konsisten menerapkan two-step approach untuk menyelesaikan sengketa batas maritim. Berdasarkan metode ini, suatu proses delimitasi dimulai dengan menarik garis median sementara dan dilanjutkan dengan memeriksa relevant circumstances untuk menentukan apabila garis tersebut harus disesuaikan, agar tercapai hasil yang adil. Menerapkan two-step approach untuk menentukan batas Zona Ekonomi Eksklusif antara Indonesia dan Palau, artikel ini menyimpulkan bahwa terdapat dua relevant circumstances yang mengharuskan penyesuaian garis median sementara, yakni ketimpangan panjang pantai terkait dan keberadaan pulau lepas pantai yang berukuran kecil.

ABSTRAK

The 1982 United Nations Convention on the Law of the Sea does not provide any specific method of delimitation of the Exclusive Economic Zone. However, International Court and Tribunal have consistently followed a two-step approach to resolve maritime boundary disputes. According to this method, the delimitation process begins by drawing a provisional median line and followed by examining the relevant circumstances to determine whether the provisional line needs to be adjusted, in order to achieve an equitable result. Adopting two-step approach to delimit the Exclusive Economic Zone boundary between Indonesia and Palau, this thesis concludes that there are two relevant circumstances requiring the adjustment of the provisional median line, namely the disparity in the lengths of the respective coasts and the presence of small offshore islands. Keywords: Two-step approach, maritime boundary delimitation, Indonesia's maritime boundaries, relevant circumstances.