

SKRIPSI

**TANGGUNG JAWAB NEGARA TERHADAP KERUSAKAN LINGKUNGAN
LAUT AKIBAT PELAKSANAAN PERTAMBANGAN DI *THE AREA*
BERDASARKAN HUKUM INTERNASIONAL**

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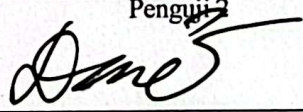
TANGGUNG JAWAB NEGARA TERHADAP KERUSAKAN LINGKUNGAN LAUT AKIBAT PELAKSANAAN PERTAMBANGAN DI *THE AREA* BERDASARKAN HUKUM INTERNASIONAL
(Abiyyu Trisna Hadi, 2110113134, Hukum Internasional, Fakultas Hukum, Universitas Andalas, hlm 125, 2025)

ABSTRAK

Kawasan (*The Area*) adalah dasar laut dan tanah di bawahnya yang berada di luar yurisdiksi nasional negara. Kawasan ini dikategorikan sebagai *Common Heritage of Mankind* (CHM), yang berarti sumber dayanya merupakan warisan bersama umat manusia dan harus dikelola untuk kesejahteraan bersama. Saat ini pelaksanaan pertambangan di *The Area* baru sebatas eksplorasi, yang berpotensi menimbulkan kerusakan lingkungan laut, gangguan ekosistem dasar laut, dan hilangnya keanekaragaman hayati. Kondisi ini menimbulkan kekhawatiran global mengenai keseimbangan antara pemanfaatan ekonomi dan pelestarian lingkungan. Pengaturan mengenai *The Area* terdapat dalam *UNCLOS 1982* Bagian XI, *Implementing Agreement 1994, Annex III* dan *Annex IV UNCLOS*, serta prinsip tanggung jawab negara dalam *ARSIWA 2001*. Rumusan masalah dalam penelitian ini adalah 1. Bagaimana pengaturan aktivitas pertambangan di *The Area* berdasarkan hukum internasional 2. Bagaimana tanggungjawab negara atas kerusakan lingkungan dalam aktivitas pertambangan di *The Area* berdasarkan hukum internasional. Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan konseptual dan pendekatan perundang-undangan. Hasil penelitian ini ditemukan bahwa 1. Pengaturan aktifitas pertambangan di *The Area* terdapat dalam *UNCLOS 1982* BAB XI dibawah pengawasan *International Seabed Authority* dengan memperhatikan keadilan distribusi manfaat, perlindungan lingkungan laut, serta larangan klaim kedaulatan. Selanjutnya, pengaturan terdapat dalam *Annex III* dan *Annex IV UNCLOS 1982* terkait eksplorasi dan eksploitasi, *Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982* yang menyesuaikan dan menafsirkan pelaksanaan Bab XI agar lebih realistis secara ekonomi dan diterima secara universal, tanpa mengubah prinsip dasar *The Area* sebagai *common heritage of mankind*. 2. Tanggung jawab negara atas kerusakan lingkungan akibat pertambangan di *The Area* mencakup kewajiban mencegah, mengendalikan, dan memulihkan dampak sesuai prinsip *common heritage of mankind, no-harm rule*, dan *precautionary principle* sebagaimana diatur dalam pasal 136,145 dan 194 *UNCLOS 1982* BAB XI dan *Draft Articles on Responsibility of States for Internationally Wrongful Acts 2001* Pasal 2,12,28,35, dan 36.

Kata Kunci: Hukum Internasional, Tanggung Jawab Negara, Kerusakan Lingkungan Laut, Pertambangan, *The Area*

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STATE RESPONSIBILITY FOR MARINE ENVIRONMENTAL DAMAGE RESULTING FROM MINING ACTIVITIES IN THE AREA BASED ON INTERNATIONAL LAW

(Abiyyu Trisna Hadi, 2110113134, International Law, Faculty of Law, Andalas University, Page 125, 2025)

ABSTRACT

The Area is the seabed and subsoil beyond national jurisdiction. It is categorized as the Common Heritage of Mankind (CHM), meaning that its resources are the shared heritage of humankind and must be managed for the common good. Currently, mining activities in The Area are limited to exploration, which has the potential to cause damage to the marine environment, disruption to the seabed ecosystem, and loss of biodiversity. This condition raises global concerns about the balance between economic exploitation and environmental preservation. Regulations regarding The Area are contained in UNCLOS 1982 Part XI, the 1994 Implementing Agreement, Annex III and Annex IV of UNCLOS, as well as the principle of state responsibility in ARSIWA 2001. The research questions in this study are: 1. How are mining activities in The Area regulated under international law? 2. What are the responsibilities of states for environmental damage caused by mining activities in The Area under international law? The research method used is normative juridical with a conceptual and legislative approach. The results of this study found that 1. The regulation of mining activities in The Area is contained in UNCLOS 1982 Chapter XI under the supervision of the International Seabed Authority with regard to the equitable distribution of benefits, protection of the marine environment, and prohibition of sovereignty claims. Furthermore, regulations are contained in Annex III and Annex IV of UNCLOS 1982 related to exploration and exploitation, the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of December 10, 1982, which adjusts and interprets the implementation of Chapter XI to be more economically realistic and universally accepted, without changing the basic principle of The Area as the common heritage of mankind. 2. State responsibility for environmental damage caused by mining in The Area includes the obligation to prevent, control, and restore impacts in accordance with the principles of common heritage of mankind, no-harm rule, and the precautionary principle as stipulated in Articles 136, 145, and 194 of UNCLOS 1982 Chapter XI and Articles 2, 12, 28, 35, and 36 of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts 2001.

Keywords: International Law, State Responsibility, Marine Environmental Damage, Mining, The Area, Internasional Law

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