

SKRIPSI

**PENERAPAN PRINSIP *FREEDOM OF EXPLORATION AND USE* DALAM
KEGIATAN PENAMBANGAN RUANG ANGKASA DITINJAU DARI
*OUTER SPACE TREATY 1967***

**(STUDI TERHADAP PRAKTIK HUKUM AMERIKA SERIKAT DALAM
PENAMBANGAN RUANG ANGKASA)**

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ABSTRAK

PENERAPAN PRINSIP *FREEDOM OF EXPLORATION AND USE* DALAM KEGIATAN PENAMBANGAN RUANG ANGKASA DITINJAU DARI *OUTER SPACE TREATY* 1967 (STUDI TERHADAP PRAKTIK HUKUM AMERIKA SERIKAT DALAM PENAMBANGAN RUANG ANGKASA)

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Potensi pemanfaatan sumber daya benda langit melahirkan konsep penambangan ruang angkasa (*space mining*) yang muncul akibat perkembangan teknologi ruang angkasa. Namun, *Outer Space Treaty* 1967 belum memberikan pengaturan yang jelas mengenai pemanfaatan dan kepemilikan sumber daya ruang angkasa hasil ekstraksi, sementara negara-negara *spacefaring*, salah satunya adalah Amerika Serikat melalui instrumen dan kebijakan nasionalnya yaitu, *Space Act* 2015, *Executive Order* 13914, dan *Artemis Accords* 2020 telah mengakui hak atas sumber daya ruang angkasa, sehingga menimbulkan ketidakpastian hukum,. Oleh karena itu, penelitian ini mengkaji permasalahan: (1) bagaimana makna prinsip *freedom of exploration and use* ditinjau dari *Outer Space Treaty* 1967 dalam kegiatan *space mining*; dan (2) bagaimana penerapannya dalam praktik hukum Amerika Serikat. Dengan menggunakan metode penelitian yuridis normatif dan pendekatan perundang-undangan (*statute approach*), serta pendekatan konseptual (*conceptual approach*) untuk menganalisis pengaturan hukum yang relevan. Hasil penelitian menunjukkan bahwa, prinsip *freedom of exploration and use* dalam *Outer Space Treaty* 1967 menjadi dasar normatif legalitas *space mining* melalui kebebasan pemanfaatan sumber daya ruang angkasa, dengan tetap dibatasi oleh prinsip *non-appropriation*, prinsip *province of all mankind*, prinsip tanggung jawab internasional, dan prinsip kerja sama internasional. Lalu, Amerika Serikat menerapkan prinsip *freedom of exploration and use* melalui pengakuan hak atas sumber daya hasil ekstraksi dalam §51301, §51302, and §51303 *Space Act* 2015, *Executive Order* 13914, dan *Section 10 Artemis Accords* tanpa mengklaim kedaulatan atas benda langit. Praktik hukum Amerika Serikat menunjukkan harmonisasi terhadap kewajiban negara dalam *Outer Space Treaty* 1967, namun memperluas interpretasi prinsip *freedom of exploration and use* melalui pengakuan hak kepemilikan atas sumber daya ruang angkasa yang diekstraksi.

Kata Kunci: Kebebasan, Eksplorasi, Penggunaan, Penambangan, Ruang Angkasa

ABSTRACT

***THE APPLICATION OF THE PRINCIPLE OF FREEDOM OF
EXPLORATION AND USE IN SPACE MINING ACTIVITIES UNDER THE
OUTER SPACE TREATY 1967
(A STUDY OF THE LEGAL PRACTICE OF THE UNITED STATES IN SPACE
MINING)***

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The potential utilization of celestial resources has led to the emergence of the concept of space mining, driven by advancements in space technology. However, the Outer Space Treaty 1967 does not provide clear regulations regarding the utilization and ownership of extracted space resources, while spacefaring states, particularly the United States through its national legal instruments and policies, namely the Space Act 2015, Executive Order 13914, and the Artemis Accords 2020, have recognized rights over such resources, resulting in legal uncertainty. Therefore, this study examines two issues: (1) the meaning of the principle of freedom of exploration and use under the Outer Space Treaty 1967 in relation to space mining activities; and (2) its implementation in the legal practice of the United States. This research employs a normative juridical method using a statute approach and a conceptual approach to analyze relevant legal regulations. The results show that the principle of freedom of exploration and use under the Outer Space Treaty 1967 serves as the normative basis for the legality of space mining through the freedom to utilize space resources, while remaining subject to the principles of non-appropriation, province of all mankind, international responsibility, and international cooperation. Furthermore, the United States implements this principle through the recognition of rights over extracted space resources under §§51301, 51302, and 51303 of the Space Act 2015, Executive Order 13914, and Section 10 of the Artemis Accords, without claiming sovereignty over celestial bodies. The legal practice of the United States demonstrates compliance with state obligations under the Outer Space Treaty 1967 while expanding the interpretation of the principle of freedom of exploration and use through the recognition of property rights over extracted space resources.

Keyword: *Freedom, Exploration, Use, Mining, Outer Space.*