

## INTISARI

Sengketa kedaulatan Scarborough Shoal yang melibatkan Negara Republik Rakyat Cina (RRC) dan Filipina telah berlangsung sejak abad ke-19. Scarborough Shoal merupakan fitur maritim yang terletak di Laut Cina Selatan, tepatnya di zona ekonomi eksklusif (ZEE) Negara Filipina dan termasuk ke dalam klaim Sembilan Garis Putus-putus RRC. RRC mengklaim fitur maritim tersebut berdasarkan sejarah nenek moyang mereka, sedangkan Filipina berdasarkan yurisdiksi dan penguasaan yang efektif. Permanent Court of Arbitration (PCA) telah mengumumkan penyelesaian sengketa bahwa klaim RRC atas hak historis dinyatakan tidak sah karena bertentangan dengan UNCLOS 1982. Namun, RRC menolak hasil keputusan PCA dan memilih negosiasi bilateral dengan Filipina. Maka dari itu, perlu adanya kajian teknis atas fitur maritim untuk mengetahui dampaknya terhadap delimitasi batas maritim antara RRC dan Filipina, mengacu pada ketentuan hukum laut internasional yang berlaku (UNCLOS 1982), sebagai solusi permasalahan di wilayah maritim kedua negara dan menyelesaikan kasus fitur-fitur maritim di wilayah Laut Cina Selatan.

Penelitian ini membahas kedaulatan Scarborough Shoal melalui delimitasi batas maritim menggunakan metode *Three-Stage Approach*. Metode ini merupakan metode yang dianggap paling baik karena menyajikan prosedur delimitasi batas maritim secara jelas dan sistematis. Dalam penentuan kedaulatan mempertimbangkan klaim yang diajukan kedua negara, baik klaim historis maupun penguasaan yang efektif (*effective occupation*). Maka dari itu, penelitian ini memberikan dua opsi delimitasi batas maritim. Opsi pertama, jika Scarborough Shoal dianggap sebagai karang, sesuai keputusan PCA pada 2016 atas pengajuan Filipina. Kedua, jika Scarborough Shoal dianggap sebagai pulau sesuai klaim historis RRC.

Hasil opsi delimitasi batas maritim menghasilkan empat peta solusi alternatif yang dapat diberikan atas kedaulatan Scarborough Shoal kepada RRC dan Filipina. Solusi alternatif yang akan dipilih oleh Filipina merupakan solusi alternatif pertama karena status Scarborough Shoal sebagai karang yang sudah sesuai dengan putusan Mahkamah Arbitrase dan Filipina akan mendapatkan tambahan luas zona maritim. Sementara itu, solusi alternatif yang akan dipilih oleh RRC merupakan solusi alternatif keempat, karena akan memberikan luas zona maritim yang lebih besar dan sesuai dengan klaim mereka yang menganggap Scarborough Shoal sebagai pulau. Namun, jika menganut ketentuan UNCLOS 1982, solusi alternatif yang paling memungkinkan untuk diberlakukan kepada kedua negara yaitu solusi alternatif kedua. Siapapun nantinya yang berhak atas kedaulatan Scarborough Shoal, maka Scarborough Shoal sebagai karang akan mendapatkan zona maritim berupa laut teritorial selebar 12 mil laut. Hasil evaluasi menentukan bahwa solusi alternatif pertama, kedua, dan ketiga telah mencapai solusi adil, sedangkan solusi alternatif keempat menunjukkan ketidakadilan berdasarkan perhitungan matematis dari perbandingan garis pantai relevan dan area relevan menggunakan uji proporsionalitas dan pertimbangan beberapa kasus yang telah diselesaikan International Court of Justice (ICJ). Hal tersebut ditunjukkan dengan rasio antara panjang pantai relevan dan area relevan berupa luas zona ekonomi eksklusif kedua negara tidak terlalu berbeda secara signifikan.

Kata kunci: Scarborough Shoal, delimitasi batas maritim, UNCLOS 1982, ZEE, solusi adil

## ABSTRACT

*The Scarborough Shoal sovereignty dispute involving the People's Republic of China (PRC) and the Philippines has been ongoing since the 19th century. Scarborough Shoal is a maritime feature located in the South China Sea, in the exclusive economic zone (EEZ) of the Philippines and is included in the PRC's Nine-Dash Line claim. The PRC claims this maritime feature based on their ancestral history, while the Philippines claims it based on jurisdiction and effective occupation. The Permanent Court of Arbitration (PCA) has announced the settlement of the dispute that the PRC's claim to historical rights is invalid as it is contrary to the 1982 UNCLOS. However, the PRC rejected the PCA decision and opted for bilateral negotiations with the Philippines. Therefore, it is necessary to conduct a technical study of maritime features to determine their impact on the delimitation of maritime boundaries between the PRC and the Philippines, referring to the provisions of the applicable international law of the sea (UNCLOS 1982), as a solution to problems in the maritime territory of the two countries and resolving cases of maritime features in the South China Sea region.*

*This research discusses the sovereignty of Scarborough Shoal through maritime boundary delimitation using the Three-Stage Approach method. This method is considered the best method because it presents the maritime boundary delimitation procedure clearly and systematically. In determining sovereignty, it considers the claims submitted by both countries, both historical claims and effective occupation. Therefore, this research provides two options for maritime boundary delimitation. The first option, if Scarborough Shoal is considered a reef, is in accordance with the PCA's decision in 2016 on the Philippines' submission. Second, if Scarborough Shoal is considered as an island as per the historical claim of the PRC.*

*The results of the maritime boundary delimitation options produced four maps of alternative solutions that could be given for the sovereignty of Scarborough Shoal to the PRC and the Philippines. The alternative solution that will be chosen by the Philippines is the first alternative solution because Scarborough Shoal's status as a reef is under the Arbitration Court's decision and the Philippines will get an additional maritime zone area. Meanwhile, the alternative solution that will be chosen by the PRC is the fourth alternative solution, because it will provide a larger maritime zone area and follow their claim that considers Scarborough Shoal as an island. However, if we follow the provisions of UNCLOS 1982, the most likely alternative solution to be applied to both countries is the second alternative solution. Whoever will be entitled to the sovereignty of Scarborough Shoal, Scarborough Shoal as a reef will get a maritime zone in the form of a territorial sea of 12 nautical miles. The evaluation results determine that the first, second, and third alternative solutions have reached a fair solution, while the fourth alternative solution shows injustice based on mathematical calculations from the comparison of relevant coastlines and relevant areas using the proportionality test and consideration of several cases that have been resolved by the International Court of Justice (ICJ). This is indicated by the ratio between the length of the relevant coastline and the relevant area in the form of the area of the exclusive economic zone of the two countries is not significantly different.*

**Keywords:** Scarborough Shoal, maritime boundary delimitation, UNCLOS 1982, EEZ, equitable solution.