

INTISARI

Indonesia merupakan negara pantai sekaligus negara kepulauan dengan kawasan maritim yang berbatasan 10 negara tetangga. Hal ini menyebabkan kawasan maritim yang tumpang tindih baik hak maritim maupun klaim sepihak. Salah satunya terdapat di kawasan Laut Andaman, yaitu antara Indonesia, India, dan Thailand. Di Laut Andaman terjadi klaim sepihak dan hak atas Zona Ekonomi Eksklusif (ZEE) yang tumpang tindih (*overlap*) karena jarak antar garis pangkal ketiga negara tidak lebih dari 400 mil laut sehingga diperlukan delimitasi batas ZEE dan menentukan *trijunction point* sebagai titik batas ZEE ketiga negara tersebut.

Pada penelitian ini, kasus sengketa ZEE antara Indonesia, India, dan Thailand di Laut Andaman dapat diselesaikan melalui delimitasi batas maritim dengan menggunakan metode Pendekatan Tiga Tahap (*Three-Stage Approach*). Metode ini sudah digunakan sejak tahun 2009 oleh *International Court of Justice* (ICJ) dan *International Tribunal for the Law of the Sea* (ITLOS). Metode ini dianggap paling terkini, komprehensif, dan adil dalam menyelesaikan sengketa batas maritim. Metode Pendekatan Tiga Tahap dilakukan mulai dari membuat garis batas sementara, melakukan modifikasi garis batas sementara akibat faktor relevan, yaitu garis pantai, pulau-pulau kecil terluar, dan area relevan, hingga uji disposisionalitas untuk memastikan bahwa luas ZEE yang diperoleh adalah hasil yang adil. Setelah melakukan delimitasi garis batas ZEE dengan menggunakan metode Pendekatan Tiga Tahap, dilakukan penentuan *trijunction point* dengan menggunakan *circumscribe circle* yang menyentuh tiga titik untuk menentukan area letak potensi *trijunction point* yang mana titik tengah lingkaran akan menjadi titik paling potensi sebagai *trijunction point*.

Hasil dari penelitian ini adalah opsi garis batas ZEE antara Indonesia, India, dan Thailand dan potensial *trijunction point*. *Trijunction point* menjadi pembatas antar garis batas ZEE ketiga negara dan perhitungan luas ZEE. *Trijunction point* yang ditentukan terletak pada koordinat 95° 56' 19.263" E, 8° 12' 37.04" N. Luas ZEE yang dapat diperoleh ketiga negara dari hasil delimitasi menggunakan metode Pendekatan Tiga Tahap (*Three-Stage Approach*), yaitu Indonesia 148.827,735 km², India 79.641,408 km², dan Thailand 103.026,683 km² dengan perbandingan luas sebesar 1,869 : 1 : 1,294. Selain itu, diperoleh selisih luas ZEE tersebut dengan luas klaim sepihak Indonesia, India, dan Thailand yang secara berturut-turut sebesar 2.015,565 km², 11.618,056 km², dan 8.252,869 km².

Kata kunci : hukum laut, sengketa maritim, klaim sepihak, batas wilayah, *circumscribe circle*, *trijunction point*

ABSTRACT

Indonesia is a coastal state, which also an archipelagic state with 10 neighbouring countries in maritime zone. This caused the overlapping maritime zone both maritime rights and unilateral claims. One of them is in Andaman Sea, i.e. between Indonesia, India, and Thailand. In Andaman Sea, there are overlapping rights and unilateral claims over the Exclusive Economic Zone (EEZ) because the distance between the three countries is no more than 400 nautical miles. As the result, the delimitation of EEZ and determination of trijunction point as a boundary point between those three countries are needed.

In this study, EEZ dispute case between Indonesia, India and Thailand in Andaman Sea can be resolved through maritime boundary delimitation using the Three-Stage Approach method. The method has been used since 2009 by the International Court of Justice (ICJ) and the International Tribunal for the Law of the Sea (ITLOS). The method is considered as the most up-to-date, comprehensive, and equitable in resolving maritime boundary disputes. The approach starts from constructing a provisional line, modifying a provisional line due to the relevant factors such as relevant coastline, islands, and relevant area, and lastly by conducting disproportionality tests to ensure that the delimitation is equitable. After doing the EEZ boundary delimitation using the Three-Stage Approach method, trijunction point is determined by using the circumscribe circle that passes all three points to determine the location of the potential trijunction point where the midpoint of the circle will become the most potential point to be a trijunction point.

The result from this study is an option of EEZ boundary between Indonesia, India, and Thailand and a potential trijunction point which becomes a border point between the boundary lines. The determined coordinate of trijunction point is at $95^{\circ} 56' 19.263''$ E, $8^{\circ} 12' 37.04''$ N. The area of EEZ as the result of boundary delimitation using Three-Stages Approach methods obtained by Indonesia is $148.827,735 \text{ km}^2$, by India is $79.641,408 \text{ km}^2$, and by Thailand is $103.026,683 \text{ km}^2$ with ratio of 1,869 : 1 : 1,294. Based on the abovementioned result, the difference between the area of EEZ from Three-Stages Approach methods and the area of unilateral claims of EEZ from Indonesia, India, and Thailand was obtained with the amount of $2.015,565 \text{ km}^2$, $11.618,056 \text{ km}^2$; dan $8.252,869 \text{ km}^2$.

Keywords : law of the sea, maritime dispute, unilateral claims, boundary, circumscribe circle, trijunction point