

INTERPRETASI TERMINOLOGI *OVERWHELMINGLY DEPENDENT* SEBAGAI SYARAT PENGECEUALIAN BAGI NEGARA PANTAI UNTUK MEMBERIKAN AKSES EKSPLOITASI SUMBER DAYA IKAN ZEE

ABSTRAK

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Bagi negara pantai yang dari segi ekonomi *overwhelmingly dependent* alias sangat bergantung pada sumber daya hayati di zona ekonomi eksklusifnya, kewajiban pemberian hak akses kepada negara lain tidak berlaku berdasarkan Pasal 71 UNCLOS 1982. Meski demikian, hingga kini belum ada definisi konkrit frasa “*overwhelmingly dependent*”. Oleh karenanya, Penulisan Hukum ini bertujuan untuk mengkaji metode interpretasi peraturan yang tercantum dalam UNCLOS 1982 serta menganalisis interpretasi frasa “*overwhelmingly dependent*” sebagai salah satu unsur utama dalam Pasal 71 UNCLOS 1982.

Penelitian pada Penulisan Hukum ini menggunakan metode yuridis-normatif. Sedangkan data penelitian didapat dari bahan hukum primer, sekunder, dan tersier; serta wawancara yang dilakukan dalam rangka mengonfirmasi data penelitian kepustakaan. Hasil penelitian selanjutnya dianalisis dengan pendekatan komparatif dan historis.

Hasil elaborasi data pada penulisan ini menunjukkan bahwa metode interpretasi UNCLOS 1982 pada dasarnya merujuk pada aturan dalam VCLT 1969, yang selanjutnya mengutamakan penerapan 3 (tiga) prinsip yaitu: (1) *good faith*; (2) *ordinary meaning in context*; dan (3) *object and purpose*. Sedangkan, berdasarkan analisis data menggunakan metode *a quo*, sifat *overwhelmingly dependent* dalam Pasal 71 UNCLOS 1982 dapat diinterpretasikan sebagai suatu kondisi di mana negara pantai sangat mengandalkan sumber daya ikan di zona ekonomi eksklusifnya hingga oleh karenanya pula, jumlah tangkapan ikan harus dibatasi agar kebutuhan terpenuhi dan kesejahteraan masyarakat tercapai.

Kata Kunci: Negara Pantai, Sumber Daya Ikan, ZEE, *Overwhelmingly Dependent*.

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***THE INTERPRETATION OF OVERWHELMINGLY DEPENDENT
AS THE EXCLUSION CLAUSE OF COASTAL STATE'S OBLIGATION TO
GRANT FISHERIES EXPLOITATION ACCESS IN ITS EEZ***

ABSTRACT

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For coastal states whose economy is overwhelmingly dependent on the living resources of its exclusive economic zone, the obligation to grant access to other states no longer applies based on Article 71 UNCLOS 1982. However, there has been little to no rigid definition of how “overwhelmingly dependent” shall be interpreted. Therefore, this Legal Research shall identify the methods used to interpret components of UNCLOS 1982 and furthermore analyse the meaning behind the said phrase as one of the most fundamental aspects of Article 71 UNCLOS 1982.

This Legal Research is a normative-juridical research. The data used in this research are mostly obtained from secondary data, including primary legal materials, secondary legal materials and tertiary legal materials; whereas interviews were conducted as well.

The result of this research shows that in order to interpret components of UNCLOS 1982, we shall refer to VCLT 1969, which further elaborates the three main principles of treaty interpretation: (1) good faith; (2) ordinary meaning in context; dan (3) object and purpose. Along with it, overwhelmingly dependent on Article 71 UNCLOS 1982 can as well be interpreted as a situation in which a coastal state relies heavily on fisheries in its exclusive economic zone, therefore there is a certain urgency to limit the total catch of its fish in order to meet the needs of its people and provide welfare to them.

Keywords: Coastal State, Fisheries, EEZ, Overwhelmingly Dependent

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