

ABSTRACT

Tulisan ini berisi tentang tarik-menarik kekuasaan antar pemerintah federal dengan pemerintah negara bagian, khususnya pemerintah negara bagian Tasmania yang berujung semakin besarnya kekuasaan pemerintah federal atas pemerintah negara bagian. Kasus Franklin Dam merupakan kasus Konstitusional yang dipicu oleh proyek pembangunan bendungan di areal Sungai Franklin di wilayah negara bagian Tasmania. Proyek tersebut mendapat protes dan perlawanan dari masyarakat yang peduli terhadap kelestarian lingkungan karena proyek tersebut dianggap dapat merusak kelestarian lingkungan di Sungai Franklin. Pada gilirannya, *Franklin Dam Case* tersebut menjadi ajang tarik-menarik kekuasaan antara pemerintah federal dan pemerintah negara bagian Tasmania. Pemerintah federal melakukan penafsiran terhadap *external affairs power*-nya dalam bentuk *World Heritage Properties Conservation Act 1983* yang dianggap oleh pemerintah negara bagian Tasmania telah melampaui kekuasaannya. Walaupun akhirnya dimenangkan oleh pemerintah federal dari hasil *judicial review* di High Court Australia. Penelitian ini menggunakan teori Federalisme dan Sentralisme yang akan menjelaskan pergeseran kekuasaan *Commonwealth* dan *state* serta dampaknya bagi federalisme Australia. Tarik-menarik kasus tersebut tidak hanya menghentikan proyek bendungan pemerintah Tasmania akan tetapi juga memperluas domain kekuasaan pemerintah federal yang berdampak pada federalisme Australia.

Keywords: *Australia, Balance of Power, Centralism, Commonwealth versus state's right, Federalism.*

ABSTRACT

This research is about the tug-of-war of power between Commonwealth and state, especially Tasmania state government that ends the bigger power of federal government on the state. Franklin Dam Case is a Constitutional case triggered by the project of dam building in the area of Franklin River in the region of Tasmanian state. The project got protests and fights from the community who care to the environment conservation since the project was considered to be able to damage the environment in Franklin River. On the turn, the Franklin Dam Case become a medium of tug-of-war of power between federal government and Tasmanian state. The federal government undertakes the interpretation to its external affairs power in the form of World Heritage Property Conservation Act 1983 which is regarded by Tasmanian state to have exceeded its power. Although finally it is conquered by federal government of the result of judicial review in the High Court of Australia. This research uses Federalism and Centralism theories that will explain the shifting of power of Commonwealth and state as well as its impact to Australian federalism. The tug-of-war of that case is not only stopping the dam project of Tasmania state but also extending the domain of Commonwealth power that brings impact to Australian federalism.

Keywords: Australia, Balance of Power, Centralism, Commonwealth versus state's right, Federalism.