

**ANALISIS EKSISTENSI ENTERPRISE SEBAGAI MANIFESTASI
REZIM *COMMON HERITAGE OF MANKIND* DAN PROSPEK
PEMENUHAN *SOUND COMMERCIAL PRINCIPLES* DALAM ARTICLE 1
(3) ANNEX IV UNCLOS 1982**

ABSTRAK

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Kehadiran Enterprise, sebagai organ ISA yang berfungsi untuk melakukan aktivitas di Area secara langsung, yang ditunda menimbulkan skeptisisme dari pihak terkait apakah Enterprise akan berdiri atau tidak. Oleh karenanya, Penulisan Hukum ini bertujuan untuk mengkaji manifestasi rezim CHM dalam pendirian Enterprise sekaligus prospek kesiapan Enterprise berdasarkan *sound commercial principles* yang merupakan dasar operasionalisasi Enterprise menurut Article 1 (3) Annex IV UNCLOS 1982. Penulisan Hukum ini menggunakan metode yuridis-normatif. Data penelitian diperoleh dari bahan hukum primer, sekunder, dan tersier dengan melakukan penelitian kepustakaan. Hasil penelitian selanjutnya dianalisis dengan pendekatan deskriptif-analitis. Hasil penelitian yang ditemukan pada Penulisan Hukum ini adalah bahwa manifestasi rezim CHM tercermin dalam 6 (enam) keistimewaan yang dimiliki oleh Enterprise, yaitu: (1) *reserved area*; (2) transfer teknologi dan pengetahuan; (3) jaminan pembiayaan proyek pertama; (4) karakter otonom; (5) *reserved fee*; dan (6) pemberian insentif partner *joint venture*. Kehadiran Enterprise juga masih krusial mengingat skema *sponsoring states* yang merupakan skema alternatif tidak dapat menggantikan fungsi yang dimiliki Enterprise. Selanjutnya, prospek kesiapan Enterprise atassound commercial principles telah berada di jalan yang benar namun terdapat beberapa aspek yang perlu diperhatikan.

Kata Kunci: Enterprise, Common Heritage of Mankind, Deep Seabed Mining, Sound Commercial Principles.

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**ANALYSIS ON THE EXISTENCE OF ENTERPRISE AS A
MANIFESTATION FOR COMMON HERITAGE OF MANKIND REGIME
AND THE PROSPECT OF FULFILLING SOUND COMMERCIAL
PRINCIPLES IN ARTICLE 1 (3) ANNEX IV UNCLOS 1982**

ABSTRACT

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The existence of Enterprise, as an organ of ISA to do activities in the Area directly, is being postponed which caused scepticism from several parties whether Enterprise will be established or not. Therefore, this legal research aims to study manifestation of CHM principles also the prospect of fulfilment of sound commercial principles according to Article 1 (3) Annex IV UNCLOS 1982. This legal research is a normative-juridical research. The data utilized in this research are obtained from secondary data, which are primary, and secondary, and tertiary legal materials. The result of the research will then be analyzed with descriptive-analytical approach. This legal research finds that the manifestation of CHM principles is mirrored by 6 (six) specialties given to the Enterprise, which are: (1) reserved area; (2) transfer of technology and knowledge; (3) funding warranty to first project of the Enterprise; (4) autonomy character; (5) reserved fees; and (6) incentives for joint venture partner. Existence of Enterprise also still irreplaceable since sponsoring states scheme has different functions with the Enterprise itself. Lastly, the prospect of fulfilling sound commercial principles is still in the right path, although there are several aspect that needs to be noticed.

Keywords: Enterprise, Common Heritage of Mankind, Deep Seabed Mining, Sound Commercial Principles.

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