

KAJIAN NORMATIF PENYELESAIAN *EXCESSIVE CLAIM* DI LAUT NATUNA UTARA MELALUI SKEMA *JOINT DEVELOPMENT*

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ABSTRAK

Penelitian ini menganalisis penyelesaian *excessive claim* Republik Rakyat Tiongkok di Laut Natuna Utara melalui opsi *joint development* dengan menggunakan pendekatan hukum internasional dan *conflict theory* menurut Hans J. Morgenthau. Klaim Tiongkok yang bersumber dari *nine-dash line* dan konsep *historic rights* dinilai sebagai klaim sepihak yang tidak memiliki dasar hukum dalam rezim UNCLOS 1982, khususnya dalam pengaturan Zona Ekonomi Eksklusif yang berbasis prinsip jarak dari garis pangkal. Penelitian ini menemukan bahwa meskipun Republik Rakyat Tiongkok tidak secara eksplisit mengklaim kedaulatan atas Laut Natuna Utara, praktik kehadiran kapal ikan dan penjaga pantai menunjukkan pola *assertive non-recognition* terhadap hak berdaulat Indonesia. Penelitian ini menegaskan bahwa penerapan *joint development* di Laut Natuna Utara mengandung risiko normatif dan strategis bagi Indonesia apabila tidak disertai klausul *without prejudice* yang tegas dan pengakuan eksplisit atas hak berdaulat Indonesia. Oleh karena itu, *joint development* hanya dapat ditempatkan sebagai langkah taktis dan sementara dalam pengelolaan konflik, sementara penyelesaian berkelanjutan tetap harus bertumpu pada penegakan kepatuhan terhadap UNCLOS 1982 dan penguatan posisi hukum Indonesia dalam rezim hukum laut internasional.

Kata kunci: *excessive claim*, Laut Natuna Utara, *joint development*, *conflict theory*, UNCLOS 1982.

***NORMATIVE STUDY OF THE RESOLUTION OF EXCESSIVE CLAIMS IN
NORTH NATUNA SEA THROUGH JOINT DEVELOPMENT SCHEME***

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ABSTRACT

This study analyzes the settlement of the People's Republic of China's excessive claims in the North Natuna Sea through the joint development option by employing an international law approach and conflict theory as articulated by Hans J. Morgenthau. China's claims, which are based on the nine-dash line and the concept of historic rights, are assessed as unilateral claims lacking legal foundation under the UNCLOS 1982 regime, particularly within the framework governing the Exclusive Economic Zone based on distance-based entitlement from coastal baselines. The study finds that although the People's Republic of China does not explicitly assert sovereignty over the North Natuna Sea, the presence of Chinese fishing vessels and coast guard ships demonstrates a pattern of assertive non-recognition of Indonesia's sovereign rights. The study further emphasizes that the implementation of joint development in the North Natuna Sea entails significant normative and strategic risks for Indonesia if it is not accompanied by a strict without prejudice clause and an explicit acknowledgment of Indonesia's sovereign rights. Therefore, joint development can only be positioned as a tactical and temporary conflict-management measure, while a sustainable settlement must remain anchored in the enforcement of compliance with UNCLOS 1982 and the strengthening of Indonesia's legal position within the international law of the sea regime.

Keywords: *excessive claim, North Natuna Sea, joint development, conflict theory, UNCLOS 1982.*