

PENYELESAIAN PERBATASAN SEBATIK-TAWAU DITINJAU DARI *UNITED CONVENTION ON THE LAW OF THE SEA 1982*

Oleh
Wiwin Marisa
NIM. 2105040095

Abstrak

Sengketa perbatasan maritim Sebatik-Tawau merupakan konflik berlarut antara Indonesia dan Malaysia yang melibatkan aspek hukum, teknis, dan sosial-ekonomi. Penelitian ini bertujuan menganalisis faktor-faktor kendala dalam penyelesaian batas maritim serta mengevaluasi upaya pemerintah kedua negara berdasarkan kerangka hukum *United Nations Convention on the Law of the Sea* (UNCLOS) 1982. Penelitian ini menggunakan metode hukum normatif dengan pendekatan konseptual, serta didukung oleh teori *Common Consent* dan *Boundary Making* untuk membedah data hukum primer dan sekunder. Hasil penelitian menunjukkan bahwa kendala penyelesaian bersifat multidimensional. Secara hukum, terdapat perbedaan interpretasi perjanjian kolonial 1891, di mana Indonesia bertahan pada prinsip *uti possidetis juris* sedangkan Malaysia menuntut peninjauan ulang. Secara teknis, pergeseran garis pantai menyebabkan ketidakakuratan koordinat yang berpotensi menghilangkan wilayah Indonesia lebih dari satu juta meter persegi. Tumpang tindih klaim maritim seluas 7.300 km² di ZEE dan landas kontinen telah memicu puluhan insiden penangkapan nelayan dan kerugian materiil. Masalah ini diperparah oleh aktivitas ilegal seperti penyelundupan narkoba dan ketergantungan ekonomi masyarakat perbatasan. Hambatan regulasi muncul dari fleksibilitas Pasal 74 dan 83 UNCLOS yang tidak menetapkan metode delimitasi spesifik, serta deklarasi Pasal 298 yang menghalangi penyelesaian wajib melalui pengadilan internasional. Upaya pemerintah melalui forum *Joint Indonesia-Malaysia Boundary Committee* (JIM), survei hidrografi, serta penguatan patroli maritim belum menghasilkan kesepakatan mengikat karena kurangnya *political will*. Penelitian ini merekomendasikan percepatan negosiasi dengan target waktu yang jelas, penerapan metode *equidistance line* secara konsisten, pembentukan *Joint Development Zone* (JDZ) sebagai solusi interim, serta pengoperasionalan PLBN Sebatik guna menekan aktivitas ilegal dan meningkatkan kesejahteraan masyarakat perbatasan sebagai benteng kedaulatan negara.

Kata Kunci: Sengketa Perbatasan Maritim, Sebatik-Tawau, UNCLOS 1982

**SEBATIK-TAWAU BORDER SETTLEMENT REVIEWED FROM THE
UNITED CONVENTION ON THE LAW OF THE SEA 1982**

**By
Wiwin Marisa
NIM. 2105040095**

Abstract

*The Sebatik-Tawau maritime boundary dispute is a protracted conflict between Indonesia and Malaysia encompassing legal, technical, and socio-economic dimensions. This research aims to analyze the constraining factors in the maritime boundary settlement and evaluate the efforts of both governments based on the United Nations Convention on the Law of the Sea (UNCLOS) 1982 framework. Employing a normative legal method with a conceptual approach, this study is supported by Common Consent and Boundary Making theories to analyze primary and secondary legal materials. The findings indicate that settlement constraints are multidimensional. Legally, there are differing interpretations of the 1891 colonial treaty, where Indonesia adheres to the *uti possidetis juris* principle while Malaysia demands a review. Technically, coastline shifts cause coordinate inaccuracies potentially resulting in the loss of over one million square meters of Indonesian territory. Overlapping maritime claims covering 7,300 km² in the EEZ and continental shelf have triggered dozens of fisherman arrest incidents and material losses. This issue is exacerbated by illegal activities such as narcotics smuggling and the economic dependence of border communities. Regulatory barriers arise from the flexibility of UNCLOS Articles 74 and 83 which do not specify delimitation methods, and the Article 298 declaration hindering mandatory settlement through international courts. Government efforts through the Joint Indonesia-Malaysia Boundary Committee (JIM), hydrographic surveys, and maritime patrols have not yielded a binding agreement due to a lack of political will. This research recommends accelerating negotiations with clear targets, consistent application of the equidistance line method, establishment of a Joint Development Zone (JDZ) as an interim solution, and the operationalization of the Sebatik Cross-Border Post (PLBN) to suppress illegal activities and improve community welfare as a bastion of state sovereignty.*

Keywords: *Maritime Boundary Dispute, Sebatik-Tawau, UNCLOS 1982*