
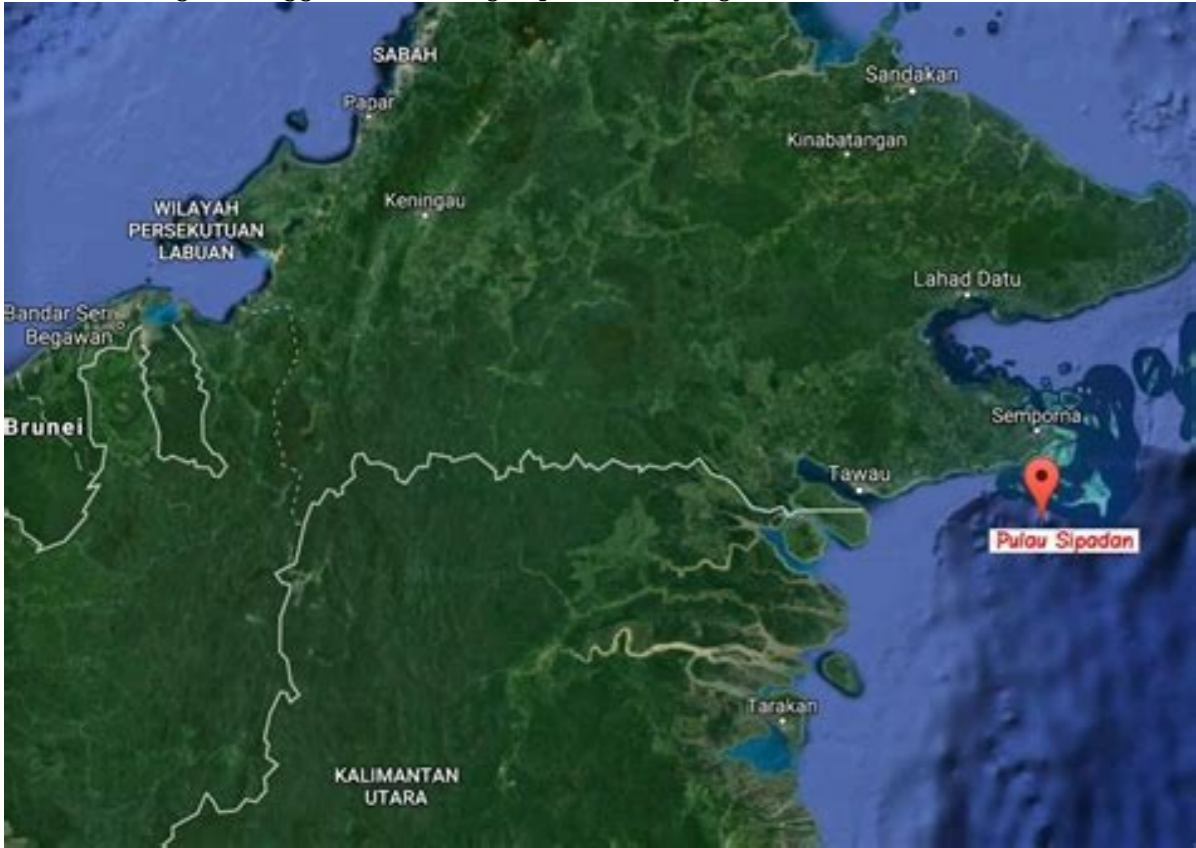


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Perebutan pulau sipadan dan ligitan pdf

Academia.edu uses cookies to personalize content, tailor ads and improve the user experience. By using our site, you agree to our collection of information through the use of cookies. To learn more, view our Privacy Policy. Sengketa pulau Sipadan dan Ligitan merupakan persoalan konflik yang bermula dari persengketaan dua negara terhadap suatu wilayah, yang mana klaim terhadap wilayah tersebut diandasi oleh tujuan memperoleh keuntungan dan penguatan negara melalui penambahan wilayah. Indonesia dan Malaysia menghadapi sengketa wilayah ini selama 33 tahun, yakni sejak tahun 1969 sampai dengan tahun 2002. Pada Desember 2002, Mahkamah Internasional memutuskan untuk memberikan hak kepemilikan Pulau Sipadan dan Pulau Ligitan kepada Malaysia. Penelitian ini adalah penelitian deskriptif kualitatif yang menerapkan pula metode historis dan analisis interpretatif. Metode pengumpulan data yang digunakan dalam penelitian ini adalah studi kepustakaan (library research). Dalam penelitian ini digunakan alat pengumpulan data dokumentasi, yaitu mencari data mengenai hal-hal atau variable-variabel yang terkait dengan pokok permasalahan baik berupa buku, surat kabar, majalah, dan sebagainya yang dikumpulkan dan diolah berdasarkan klasifikasi masalahnya. Data-data yang mendukung penelitian ini akan dikonseptualisasikan, digeneralisasikan, dan dianalisis dengan menggunakan kerangka pemikiran yang ada.



Perundingan bilateral yang ditempuh sebagai upaya penyelesaian melalui jalur politik diplomasi, menjadi tidak efektif ketika Indonesia dan Malaysia memiliki tujuan yang saling bertentangan dan tidak dapat di kompromikan. Ketidakefektifan dan kebuntuan perundingan bilateral ini membuka jalan bagi penyelesaian melalui jalur hukum melalui Mahkamah Internasional. Penyelesaian sengketa ini ke Mahkamah Internasional adalah jalan damai yang ditempuh oleh kedua negara untuk menyelesaikan sengketa mereka yang sudah cukup lama. Keputusan Mahkamah Internasional yang memenangkan Malaysia, menggunakan asas effectivitee atau pengelolaan efektif karena sejauh ini sejak Inggris menyerahkan kedua pulau tersebut kepada Malaysia, Malaysia telah membangun pemukiman, memungut pajak penyus, menerbitkan ordonansi perlindungan burung, dan membangun pariwisata Sipadan- Ligitan. Banyaknya wilayah perbatasan yang dimiliki Indonesia, ke depan harus mampu di kelola tidak hanya melalui pendekatan hankam namun juga menggunakan pendekatan pembangunan ekonomi wilayah perbatasan. The dispute on the Sipadan and Ligitan islands was a conflict derived from adispute between two countries over a territory, in which the claim on the territory was based on the intention of gaining benefits and nation reinforcement through territorial extension. Indonesia and Malaysia faced this territorial dispute for 33 years, since 1969 up to 2002.



In December 2002, the International Court decided to give the ownership right of the Sipadan dan Ligitan islands to Malaysia. This is a descriptive qualitative research which also applied historical and interpretative analysis methods.

Kesimpulan

- Pulau Sipadan dan Ligitan adalah sah milik Malaysia berasaskan perjanjian terdahulu dan konvensyen yang dimeterai oleh British dan Belanda serta AS sejak 1878.
- Keputusan ICJ memihak kepada Malaysia dengan bukti yang kukuh.
- Satu pertikaian yang berlaku di rantau Asia diselesaikan dengan cara yang aman tanpa ada ancaman.

The method of data collection used in this research was the library research method.



In this research, the researcher also used equipment for collecting the documentation data by searching for data about items or variables related to the main problems from books, newspapers, magazines and so forth. The data, then, was collected and processed based on the problem classifications. The data that supported the research was conceptualized, generalized and analyzed using the available frameworks. The bilateral negotiation taken as an effort to settle tahun problem through diplomatic course became un-effective when both Indonesia and Malaysia had an opposing intention that could not be compromised. The un-effectiveness and dead lock of the bilateral negotiation had given way to the settlement of the dispute through the law course by the International Court. The settlement was a peace way taken by both countries to solve their long term problem. The International Court decision to win Malaysia was based on the effectivitee principle or effective management because since England handed both islands to Malaysia, Malaysia had built lighthouses, taken the turtle taxes, issued the bird preservation decree, and developed the tourism in Sipadan-Ligitan islands. Indonesia has many territorial borders that, in the future, should be well managed, not only through defense and security approaches but also through those of economics development of the territories. Kata Kunci : Ketahanan Nasional, Strategi, Sengketa Sipadan dan Ligitan. The dispute on the Sipadan-Ligitan islands, effectivitee prinsip. Academia.edu uses cookies to personalize content, tailor ads and improve the user experience. By using our site, you agree to our collection of information through the use of cookies. To learn more, view our Privacy Policy. Territorial dispute between Indonesia and Malaysia Sovereignty over Ligitan and Sipadan Islands (Indonesia v. Malaysia)CourtInternational Court of JusticeDecided17 December 2002Citation(s)General List No. 102Transcript(s)Written proceedingsCase opinionsICJ awarded both islands to Malaysia based on "effective occupation"Court membershipJudge(s) sittingGilbert Guillaume, Shi Juyong, Shigeru Oda, Raymond Ranjeva, Géza Herczegh, Carl-August Fleischhauer, Abdul Koroma, Vladlen Stepanovich Vreshcheti, Rosalyn Higgins, Gonzalo Parra-Aranguren, Pieter Kooijmans, Francisco Rezek, Awn Shawkat Al-Khasawneh, Thomas Buergenthal, Nabil Elaraby, Thomas Franck (ad hoc judge appointed by Indonesia) and Christopher Weeramantry (ad hoc judge appointed by Malaysia) The Ligitan and Sipadan dispute [2002] ICJ 3 was a territorial dispute between Indonesia and Malaysia over two islands in the Celebes Sea, namely Ligitan and Sipadan. The dispute began in 1969 and was largely resolved by the International Court of Justice (ICJ) in 2002, which opined that both of the islands belonged to Malaysia.[1] Background Ligitan and Sipadan are two small islands located in the Celebes Sea off the southeastern coast of the Malaysian state of Sabah. Sovereignty over the islands has been disputed by Indonesia and Malaysia since 1969 and intensified in 1991 when Indonesia discovered that Malaysia had built some tourist facilities on Sipadan island.[2][3] Indonesia claimed that it had made a verbal agreement with Malaysia in 1969 to discuss the question of sovereignty over the islands. Malaysia however denied the allegation of an agreement between them, maintaining that the islands have always been part of the territory of its state of Sabah.[2] Both countries have not delimited their maritime zones in the area and the court was not asked to rule on this further matter.[3] On 2 November 1998, both countries agreed to bring the matter to the International Court of Justice (ICJ).[4] Government of the Philippines request for intervention The Philippines had applied during the proceedings to intervene over the case on the basis of their claim to northern Borneo.[5] According to the Philippine side, the heirs of the Sultan of Sulu has ceded their rights over North Borneo (present-day Sabah) to the Philippines in 1962.[6] However, a majority of people in the territory chose to become part of Malaysia in 1963 rather than the Philippines under a plebiscite organised by the United Nations.[3][7] The Philippines motive to intervene was questioned by the court, as to whether the Philippines had a "sufficiently strong legal interest" with both Indonesia and Malaysia.

Pulau Sipadan dan Ligitan



The court strongly rejected the Philippines' attempt of intervention and in doing so cited that the request made by the Philippines did not relate to the subject matter of the case.

The Philippines query was totally dismissed in June 2001 when after oral hearings the court voted it down by a count of fourteen votes to one.[3] Court decision Both islands were originally considered to be terra nullius. However, the United Kingdom when it held sovereignty over Malaya, had significantly developed the islands unlike the Dutch East Indies. Indonesia's predecessor - Britain had demonstrated effective occupation. The Court used that fact, know as the effectivities principle as the main reason for awarding the islands to Malaysia.[1][6] In addition, it is also acknowledged both of the islands were much closer to Malaysia than Indonesia as well with an earliest documentation from Malaysia over the British 1878 Agreement with the Sultanate of Sulu during which time they acquired the Sultanate area as part of the British Borneo, while the Indonesian claim is mostly based on an 1891 Boundary Treaty between Great Britain and the Netherlands.[3] See also Foreign relations of Indonesia Foreign relations of Malaysia List of International Court of Justice cases Indonesia-Malaysia border References ^ a b "The Court finds that sovereignty over the islands of Ligitan and Sipadan belongs to Malaysia". International Court of Justice. 17 December 2002. Archived from the original on 9 April 2014. Retrieved 7 February 2016. ^ a b Renate Haller-Trost (1995). "The Territorial Dispute between Indonesia and Malaysia over Pulau Sipadan and Pulau Ligitan in the Celebes Sea: a Study in International Law". Durham University. Retrieved 7 February 2016. ^ a b c d e Shabtai Rosenne (2003). The World Court: What it is and how it Works. United Nations Publications. pp. 223-. ISBN 978-90-04-13816-2. ^ "Indonesia and Malaysia jointly bring dispute over islands to the International Court of Justice". International Court of Justice. 2 November 1998. Archived from the original on 5 March 2016. Retrieved 7 February 2016. ^ "Case Concerning Sovereignty over Pulau Ligitan and Pulau Sipadan [Indonesia/Malaysia] (Application for Permission to Intervene by the Government of the Philippines)" (PDF). International Court of Justice. 13 March 2001. Retrieved 7 February 2016. ^ "Cession and transfer of the territory of North Borneo by His Highness, Sultan Mohammad Esmail Kiram, Sultan of Sulu, acting with the consent and approval of the Ruma Bechara, in council assembled, to the Republic of the Philippines". Government of the Philippines. 24 April 1962. Retrieved 7 February 2016. ^ "United Kingdom of Great Britain and Northern Ireland and Federation of Malaya, North Borneo, Sarawak and Singapore (Agreement relating to Malaysia)" (PDF). United Nations. 1963. Archived from the original (PDF) on 13 September 2015. Retrieved 13 September 2015. ^ Made Andi Arsana (30 January 2013). "Are we losing more islands after Sipadan-Ligitan dispute?". The Jakarta Post. Retrieved 7 February 2016. Retrieved from "