

SENKETA PULAU KURIL ANTARA RUSIA DAN JEPANG DITINJAU DARI HUKUM INTERNASIONAL

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ABSTRAK

Salah satu sengketa Internasional yang akan dibahas disini adalah sengketa pulau kuril antara Jepang dan Rusia. Awalnya pulau Kuril berada dibawah kekuasaan pemerintah Jepang di abad ke lima belas, pada periode awal Edo dijepang. Dapat dikatakan bahwa Pulau Kuril Selatan sudah diketahui oleh masyarakat sejak 370 Tahun yang lalu. Rumusan masalah : Bagaimanakah pengaturan penyelesaian sengketa wilayah secara internasional ? Bagaimanakah usaha kedua negara (Jepang-Rusia) dalam penyelesaian sengketa Pulau Kuril ? Dalam penelitian ini, penulis menggunakan jenis penelitian hukum yuridis normatif, sumber data yang digunakan adalah bahan hukum sekunder. Simpulan hasil penelitian : (1). Terdapat dua metode penyelesaian sengketa internasional, hukum internasional mewajibkan metode penyelesaian sengketa secara damai sebagai metode penyelesaian sengketa yang wajib dilakukan atau dikenal dengan *compulsory method*. Di bawah ini akan dibahas masing-masing metode penyelesaian sengketa secara damai, yang meliputi : (i) penyelesaian dengan jalur politik/diplomatik/non-litigasi, (ii) penyelesaian melalui jalur hukum/judisial/litigasi serta (iii) penyelesaian sengketa melalui PBB. Adapun penyelesaian dengan jalur non-litigasi meliputi : (a) negoisasi, (b) mediasi, (c) konsiliasi, (d) pencarian fakta (*fact finding*), serta (e) jasa baik (*inquiry*). Sedangkan penyelesaian melalui jalur litigasi meliputi: (a) arbitrase internasional publik, (b) mahkamah internasional yang meliputi *International Court of Justice* serta *Internasional Criminal Court*. Sedangkan penyelesaian sengketa melalui PBB biasanya dilakukan oleh Majelis Umum dan Dewan Keamanan PBB dalam bentuk resolusi. (2) Berikut merupakan dinamika , perjanjian-perjanjian dan usaha yang ditempuh Jepang dan Rusia dalam penyelesaian sengketa Pulau Kuril: Perjanjian Saint Petersburg (1875), Perjanjian Porstmouth (1905), Perjanjian Kairo, Perjanjian San Fransisco (1951), Perjanjian Yalta (1945), dan Deklarasi Bersama Jepang Rusia

Kata Kunci : *Sengketa, International, Hukum Internasional, Pulau Kuril*

KURIL ISLAND DISPUTES BETWEEN RUSSIA AND JAPAN REVIEWED FROM INTERNATIONAL LAW

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ABSTRACT

One of the international disputes that will be discussed here is the dispute of the Kuril Island between Japan and Russia. Originally the island of Kuril was under the rule of the Japanese Government in the fifteenth century, in the early period of Edo in Japan. It can be said that South Kuril Island has been known to the community since 370 years ago. Problem formulation: How is the international territorial dispute resolution arrangement? How is the efforts of both countries (Japan-Russia) in the dispute resolution of Kuril Island? In this research, authors use normative juridical legal research type, the data source used is primary and secondary legal material. Summary of research results: (1). There are two international dispute resolution methods, international law requires a peaceful method of dispute resolution as a mandatory dispute resolution method known as compulsory method. The following will be discussed each of the amicable dispute resolution technical, which includes: (i) settlement with the political/diplomatic/non-litigation line, (ii) settlement through the legal/judicial/Litigation lines and (iii) Dispute resolution through the United Nations. The settlement with the non-litigation pathway includes: (a) negotiation, (b) mediation, (c) conciliation, (d) Fact finding, as well as (e) Good Services (inquiry). While the settlement through the litigation path includes: (a) Public international arbitration, (b) An international court which includes the International Court of Justice as well as the international Criminal Court. The settlement of disputes through the UN is usually conducted by the General Assembly and the UN Security Council in the form of resolutions. (2) The following are the dynamics, agreements and efforts traveled by Japan and Russia in the case of Kuryl dispute: Saint Petersburg Treaty (1875), Treaty of Porstmouth (1905), Treaty of Cairo, Treaty of San Francisco (1951), Yalta Treaty (1945), and Joint declaration of Japan Russia

Keywords :*Dispute, International, International Law, Kuril Island*