

ABSTRAK

PERLINDUNGAN LINGKUNGAN LAUT DALAM KONFLIK BERSENJATA YANG MENAKIBATKAN KERUSAKAN SAMPINGAN (*COLLATERAL DAMAGE*) MENURUT HUKUM INTERNASIONAL

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Konflik bersenjata internasional tidak hanya menyebabkan korban jiwa akan tetapi juga menimbulkan dampak tidak langsung terhadap lingkungan laut, dikenal sebagai *collateral damage*. Kerusakan ini mencakup pencemaran laut, kehancuran ekosistem, dan dampak jangka panjang lainnya yang sering kali diabaikan dalam regulasi. Penelitian ini bertujuan untuk mengkaji pengaturan hukum internasional mengenai perlindungan lingkungan laut dalam konflik bersenjata, serta menganalisis tanggung jawab negara atas kerusakan tersebut.

Metode yang digunakan adalah deskriptif kualitatif melalui kajian pustaka, dengan pendekatan perundang-undangan. Instrumen hukum internasional yang dikaji meliputi UNCLOS 1982, Konvensi Den Haag 1907, Protokol Tambahan I 1977, dan Konvensi ENMOD 1976. Analisis dilakukan terhadap norma hukum yang mengatur dampak lingkungan dari konflik serta efektivitas implementasinya.

Hasil penelitian menunjukkan bahwa hukum internasional mengatur prinsip-prinsip perlindungan lingkungan seperti kehati-hatian, proporsionalitas, dan pembedaan dalam konflik. Perlindungan lingkungan laut dalam konflik bersenjata yang mengakibatkan *collateral damage* menurut hukum internasional ditegaskan melalui berbagai instrumen hukum seperti UNCLOS 1982, Konvensi Den Haag 1907, Protokol Tambahan I Konvensi Jenewa 1977, dan Konvensi ENMOD 1976. Ketiga instrumen ini melarang penggunaan metode dan sarana perang yang dapat menyebabkan kerusakan lingkungan yang luas, jangka panjang, dan parah. Negara dapat dimintai pertanggungjawaban atas kerusakan melalui mekanisme reparasi, terutama kompensasi. Namun, perlindungan terhadap lingkungan laut sebagai *collateral damage* masih memerlukan penguatan regulasi dan pendekatan yang lebih ekologis.

Kata kunci: Konflik Bersenjata Internasional, Lingkungan Laut, *Collateral Damage*, Hukum Humaniter Internasional, UNCLOS, Tanggung Jawab Negara.

ABSTRACT**THE PROTECTION OF THE MARINE ENVIRONMENT IN ARMED CONFLICTS
RESULTING IN COLLATERAL DAMAGE UNDER INTERNATIONAL LAW****BY****VANESSA SASI KIRANA**

International armed conflict does not merely result in human casualties but also generates indirect adverse effects on the marine environment, commonly referred to as collateral damage. Such damage encompasses marine pollution, ecosystem degradation, and other long-term environmental consequences, which are frequently overlooked within the framework of existing legal instruments. This research seeks to examine the international legal framework governing the protection of the marine environment during armed conflict, and to analyze the legal responsibility of States for environmental harm arising therefrom.

The method employed is descriptive qualitative through literature review, using a statutory approach. The international legal instruments examined include the 1982 UNCLOS, the 1907 Hague Convention, the 1977 Additional Protocol I, and the 1976 ENMOD Convention. The analysis focuses on legal norms regulating the environmental impacts of armed conflict and the effectiveness of their implementation.

Findings indicate that international law establishes key principles such as precaution, proportionality, and distinction to minimize environmental harm during armed conflict. The protection of the marine environment in the context of collateral damage is affirmed under various legal instruments, namely UNCLOS 1982, the Hague Convention of 1907, Additional Protocol I of 1977, and the ENMOD Convention of 1976, all of which prohibit methods and means of warfare likely to cause widespread, long-term, and severe environmental damage. Pursuant to the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), States may incur liability through the obligation to make reparations, particularly in the form of compensation. Nonetheless, existing legal protections remain insufficient, and a more robust regulatory framework grounded in ecological perspectives is required to ensure the effective safeguarding of the marine environment in armed conflict scenarios.

Keywords: *International Armed Conflict, Marine Environmental Protection, Collateral Damage, International Humanitarian Law, UNCLOS, State Responsibility*