

DAFTAR PUSTAKA

BUKU

Anand, R. P. *Legal Regime of the Sea-Bed and the Developing Countries*. (Leiden: Sijthoff, 1976).

Anand, R. P. *Origin and Development of the Law of the Sea: History of International Law Revisited*. (The Hague: Martinus Nijhoff, 198).

Arikunto, Suharsimi. *Prosedur Penelitian Suatu Pendekatan Praktek*. (Jakarta: Rineka Cipta, 2002).

Butcher, John G., and Robert Edward Elson. *Sovereignty and the Sea: How Indonesia Became an Archipelagic State*. (Singapore: NUS Press, 2017).

Cassese, Antonio. *International Law*. (Oxford: Oxford University Press, 2005).

Childs, John. "Geographies of Deep DSM: A Critical Review." *The Extractive Industries and Society* 9 (2022): 101044.

Churchill, R. R., and A. V. Lowe. *The Law of the Sea*. 3rd ed. (Manchester: Manchester University Press, 1999).

Cuyvers, Luc, Whitney Berry, Kristina Gjerde, Torsten Thiele, and Caroline Wilhem. *Deep DSM: A Rising Environmental Challenge*. (Gland: IUCN, 2018).

Dyzenhaus, David. *Hard Cases in Wicked Legal Systems: Pathologies of Legality*. (Oxford: Oxford University Press, 2010).

Feria-Tinta, Monica, and Maurice Kamga. "Mining the Bottom of the Sea: Potential Future Disputes and the Role of the International Tribunal for the Law of

the Sea.” In *Routledge Handbook of DSM and the Law of the Sea*, 1st ed., 18. (London: Routledge, 2023).

Freestone, David. “Principles Applicable to the Distribution of Benefits from Deep DSM.” In *Law of the Sea, Environmental Law and Settlement of Disputes*, edited by Tafsir Malick Ndiaye and Rüdiger Wolfrum, 335. (Leiden: Brill, 2007).

Kelsen, Hans. *Pure Theory of Law*. Translated by Max Knight. (Berkeley: University of California Press, 1967).

Tamanaha, Brian Z. *On the Rule of Law: History, Politics, Theory*. (Cambridge: Cambridge University Press, 2004).

Wallace, Rebecca M. M., and Olga Martin-Ortega. *International Law*. 7th ed. (London: Sweet & Maxwell, 2013).

JURNAL ILMIAH

Aline Jaeckel and Jeff A. Ardron. “A Pause or Moratorium for Deep DSM in Kawasan? The Legal Basis, Potential Pathways, and Possible Policy Implications.” *Ocean Development & International Law* 56, no. 1 (2025): 18–44. <https://doi.org/10.1080/00908320.2024.2439877>.

———. “Gesetzliches Unrecht und übergesetzliches Recht.” *Süddeutsche Juristen-Zeitung* 1, no. 5 (1946): 105–108.

Alexy, Robert. “Legal Certainty and Correctness.” *Ratio Juris* 28, no. 4 (2015): 441–451. <https://doi.org/10.1111/raju.12107>.

Ardito, Giovanni, and Marzia Rovere. "Racing the Clock: Recent Developments and Open Environmental Regulatory Issues at the International Seabed Authority on the Eve of Deep DSM." *Marine Policy* 140 (2022): 3. <https://doi.org/10.1016/j.marpol.2022.105048>.

Cassotta, Sandra, and Michael Goodsite. "Deep DSM: An Environmental Concern and a Holistic Social Environmental Justice Issue." *Frontiers in Ocean Sustainability* 2 (2024): 3. <https://doi.org/10.3389/focsu.2024.1355965>.

Chimni, Bhupinder S. "Third World Approaches to International Law: A Manifesto." In *The Third World and International Order*, 47–73. Leiden: Brill Nijhoff, 2003.

Druel, Elisabeth, and Kristina Gjerde. "Sustaining Marine Life Beyond Boundaries: Options for an Implementing Agreement for Marine Biodiversity Beyond National Jurisdiction." *Marine Policy* 49 (2014): 90–97.

Geddis, Elana. "The Due Diligence Obligation of a Sponsoring State: A Framework for Implementation." In *International Marine Economy: Law and Policy*, edited by Myron H. Nordquist, John Norton Moore, and Ronán Long, 246–268. Leiden: Brill Nijhoff, 2017. https://doi.org/10.1163/9789004323445_011

Gilron, Guy, and Samantha Smith. "Implications of Deep-DSM on Marine Ecosystems—Introduction to a Special Series of Papers." *Integrated Environmental Assessment and Management* 18, no. 3 (2022): 631–633. <https://doi.org/10.1002/ieam.4526>.

- Helmys, Naldo, and Yurisa Irawan. "Identitas Indonesia sebagai Negara Donor pada Kerja Sama Selatan-Selatan selama Presidensi G20." *Jurnal Hubungan Luar Negeri* 8, no. 2 (2023): 31–54.
- Hoagland, P., J. Jacoby, and M. E. Schumacher. "Law of the Sea." In *Encyclopedia of Ocean Sciences*. Woods Hole, MA: Woods Hole Oceanographic Institution, 2001. <https://doi.org/10.1006/rwos.2001.0415>.
- Jaeckel, Aline. "The International Seabed Authority and Marine Environmental Protection: A Case Study in Implementing the Precautionary Principle." PhD diss., University of New South Wales, 2015.
- Keith, Kenneth J. "The International Rule of Law." *Leiden Journal of International Law* 28, no. 2 (2015): 403–417. <https://doi.org/10.1017/S0922156515000199>.
- Kinanti, Fatma Muthia. "Responsibilities of States Sponsoring Persons and Entities Who Conduct Activities in the International Seabed Kawasan." *Indonesian Journal of International Law* 18 (2020): 183-208. <https://doi.org/10.17304/ijil.vol18.2.808>
- Kolovou, Alik. "Harvesting the Abyss: A Comprehensive Analysis of Deep DSM, Ecological Impacts, and the Evolving Legal Landscape under the ISA and BBNJ Framework." *SSRN Electronic Journal* (2023): 23. <https://doi.org/10.2139/ssrn.4379093>.
- Kung, Anthony, et al. "Governing Deep DSM in the Face of Uncertainty." *Journal of Environmental Management* 279 (2021): 111593.

- Leary, David Kenneth. "Agreeing to Share the Benefits from Exploiting Genetic Resources in the Deep Seabed." *Review of European, Comparative & International Environmental Law* 16, no. 4 (2007): 385–398.
- Lodge, Michael W. "The Common Heritage of Mankind." *International Journal of Marine and Coastal Law* 27, no. 4 (2012): 733–742.
- Mousavi, Seyed Fazlollah, and Seyyed Hossein Mousavifar.** "Legal Certainty in International Law: Concept and Position." *Public Law Studies Quarterly* 51, no. 2 (2021): 661–673.
- Maxeiner, James R. "Some Realism about Legal Certainty in the Globalization of the Rule of Law." In *The Rule of Law in Comparative Perspective*, 41–55. Dordrecht: Springer Netherlands, 2010. <https://doi.org/10.22059/jplsq.2019.272964.1898>
- Mickelson, Karin. "Rhetoric and Rage: Third World Voices in International Legal Discourse." *Wisconsin International Law Journal* 16, no. 2 (1998): 362–363.
- Nguyen, Lan Anh T., and Hai Dang Vu. *Viability of LOSC amid Emerging Global Maritime Challenges*. Cham: Springer Nature, 2025.
- Paulson, Stanley L. "Lon L. Fuller, Gustav Radbruch, and the 'Positivist' Thesis." *Law and Philosophy* 13, no. 3–4 (1994): 311–332.
- Pellet, Alain. "The Role of the International Court of Justice in the Development of International Law." In *Peace Through International Law: The Role of the International Law Commission*, edited by Georg Nolte, 65–79. Dordrecht: Springer, 2009.

- Pickens, Chris, et al. "From What-if to What-now: Status of the Deep DSM Regulations and Underlying Drivers for Outstanding Issues." *Marine Policy* 169 (2024): Article 105967. <https://doi.org/10.1016/j.marpol.2023.105967>.
- Radbruch, Gustav. *Rechtsphilosophie*. Edited by Erik Wolf and Hans-Peter Schneider. Stuttgart: Koehler, 1973.
- Ranganathan, Surabhi. "Global Commons and the Law of the Sea." *European Journal of International Law* 30, no. 2 (2019): 555–579.
- RIFS. *Towards a Standardised Approach to Regional Environmental Management Plans in Kawasan*. Potsdam: Institute for Advanced Sustainability Studies, 2021. <https://www.rifs-potsdam.de/en/output/publications/2021/towards-standardised-approach-regional-environmental-management-plans-Kawasan>.
- Siagian, Ade Onny, and Andrew Shandy Utama. "Penerapan Asas Hukum dalam Pembuatan Peraturan Perundang-Undangan yang Berkeadilan dan Partisipatif." *TIN: Terapan Informatika Nusantara* 2, no. 2 (2021): 61. <https://ejurnal.seminar-id.com/index.php/tin>.
- Singh, Pradeep A. "The Invocation of the 'Aturan Dua Tahun' at the International Seabed Authority: Legal Consequences and Implications." *The International Journal of Marine and Coastal Law* 37, no. 3 (2022): 375–412.
- Singh, Pradeep A., Aline Jaeckel, and Jeff A. Ardron. "A Pause or Moratorium for Deep DSM in Kawasan? The Legal Basis, Potential Pathways, and Possible

- Policy Implications.” *Ocean Development & International Law* 56, no. 1 (2025): 18–44. <https://doi.org/10.1080/00908320.2024.2439877>.
- Siregar, Annisa Bella Puspita, Alvira Alvira, Rahmi Aidia Syahputri, Silvana Bela Aqila, Ratu Emanda Rangkuti, and Hanafiz Lubis. “Hubungan Hukum Internasional Dengan Hubungan Hukum Nasional Dalam Teori Dualisme Yang Dianut Oleh Negara Indonesia.” *Innovative: Journal of Social Science Research* 4, no. 3 (2024): 6396–6404.
- Mertens, Thomas. “Radbruch and Hart on the Grudge Informer Case: A Re-evaluation.” *Ratio Juris* 15, no. 2 (2002): 188–204.
- Wang, Chuanliang, and Yen-Chiang Chang. “A New Interpretation of the Common Heritage of Mankind in the Context of the International Law of the Sea.” *Ocean and Coastal Management* 189 (2020): 3. <https://doi.org/10.1016/j.ocecoaman.2020.105191>.
- Wang, Jinpeng, et al. “Taking Precautionary Approaches to the Governance of Commercial Deep DSM: Law-Making of International Seabed Authority and Multi-Subject Participation.” *Sustainability* 15, no. 8 (2023): 1. <https://doi.org/10.3390/su15086701>.
- Willaert, Klaas. “Deep Sea Mining and the United States: Unbound Powerhouse or Odd Man Out?” *Marine Policy* 124 (2021): 104339. <https://doi.org/10.1016/j.marpol.2020.104339>
- Yuwono, T. Riady. “Teori Monisme dan Dualisme dalam Hukum Internasional.” *Jurnal IUS Kajian Hukum dan Keadilan* 5, no. 3 (2017): 416. <https://doi.org/10.29303/ius.v5i3.367>.

PENELITIAN

Buana, Mirza Satria. Hubungan Tarik-Menarik antara Asas Kepastian Hukum (Legal Certainty) dengan Asas Keadilan (Substantial Justice) dalam Putusan-Putusan Mahkamah Konstitusi. PhD diss., Universitas Islam Indonesia, 2010.

Hazna, Chita Arifa. *The Relation between International Law and State Law*, Universitas Indonesia 2014.

Willaert, Klaas. "Assessment of the ISA Draft Exploitation Regulations." (2019): 1–14.

PERATURAN PERUNDANG-UNDANGAN

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

Undang-Undang Republik Indonesia Nomor 5 Tahun 1983 tentang Zona Ekonomi Eksklusif Indonesia. Lembaran Negara Republik Indonesia Tahun 1983 Nomor 44.

Undang-Undang Republik Indonesia Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara. Lembaran Negara Republik Indonesia Tahun 2009 Nomor 4.

Undang-Undang Republik Indonesia Nomor 32 Tahun 2014 tentang Kelautan. Lembaran Negara Republik Indonesia Tahun 2014 Nomor 294.

Undang-Undang Republik Indonesia Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup. (Lembaran Negara Republik Indonesia Tahun 2009 Nomor 140.)

Undang-Undang Republik Indonesia Nomor 3 Tahun 2020 tentang Perubahan atas Undang-Undang Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara. Lembaran Negara Republik Indonesia Tahun 2020 Nomor 147.

Undang-Undang Republik Indonesia Nomor 17 Tahun 2008 tentang Pelayaran. Lembaran Negara Republik Indonesia Tahun 2008 Nomor 64.

Peraturan Presiden Republik Indonesia Nomor 80 Tahun 2023 tentang Peran Aktif Indonesia di Kawasan Dasar Laut Internasional. Lembaran Negara Republik Indonesia Tahun 2023 Nomor 156.

Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, July 28, 1994, 1836 U.N.T.S. 3.

United Nations. *United Nations Convention on the Law of the Sea, 10 December 1982*. Montego Bay, Jamaica: United Nations, 1982.

United Nations General Assembly. *Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels*. UN Doc. A/RES/67/1 (30 November 2012). <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/487/30/PDF/N1248730.pdf>.

Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331, art. 26.

Deep DSM Act 2015. (Act No. 6 of 2015). Enacted 6 March 2015; came into force 1 April 2015. Singapore: Government of Singapore, 2015.

PUTUSAN

Putusan Mahkamah Konstitusi Nomor Putusan Nomor: 012/016/019-PUU-IV/2006.

Putusan Mahkamah Konstitusi Nomor Putusan Nomor: 005/PUU-IV/2006.

Putusan Mahkamah Konstitusi Nomor Putusan Nomor: 64/PUU-XVIII/2020.

WEBSITE/ INTERNET

International Seabed Authority. “The *Mining Code*.” <https://www.isa.org.jm/the-mining-code/>. Diakses 12 Maret 2025.

———. *Regulations on Prospecting and Exploration for Cobalt-rich Ferromanganese Crusts in Kawasan*. ISBA/18/A/11 (27 Juli 2012), sebagaimana diubah oleh ISBA/19/A/12. <https://www.isa.org.jm/>. Diakses 12 Maret 2025.

———. *Regulations on Prospecting and Exploration for Polymetallic Nodules in Kawasan*. ISBA/6/A/18 (13 Juli 2000), sebagaimana diubah oleh ISBA/19/C/17, ISBA/19/A/12, dan ISBA/20/A/9. <https://www.isa.org.jm/>. Diakses 12 Maret 2025.

———. *Regulations on Prospecting and Exploration for Polymetallic Sulphides in Kawasan*. ISBA/16/A/12/Rev.1 (15 November 2010), sebagaimana diubah oleh ISBA/19/A/12 dan ISBA/20/A/10. <https://www.isa.org.jm/>. Diakses 12 Maret 2025.

Baskaran, Gracelin, and Meredith Schwartz. *Trump's Deep-Sea Mining Executive Order: The Race for Critical Minerals Enters Uncharted Waters*. Center for Strategic and International Studies, April 25, 2025. <https://www.csis.org/analysis/trumps-deep-sea-mining-executive-order-race-critical-minerals-enters-uncharted-waters>.

Blanchard, Catherine. "Nauru and Deep-Sea Minerals Exploitation: A Legal Exploration of the 2-Year Rule." *NCLOS Blog*. September 17, 2021. <https://site-url-if-available>.

Davey, Reginald. "Underwater Robots in Deep DSM." *AZoRobotics*, 24 Agustus 2023. <https://www.azorobotics.com/Article.aspx?ArticleID=632>. Diakses 14 Maret 2025.

Filho, Eduardo Cavalcanti de Mello. "May the United States Unilaterally Conduct or Regulate Activities in Kawasan According to International Law?" *Centre for International Law (CIL)*, National University of Singapore, April 4, 2025. <https://cil.nus.edu.sg/blogs/may-the-united-states-unilaterally-conduct-or-regulate-activities-in-the-Kawasan-according-to-international-law/>.

French, Duncan. "The Latest Trump Threat to International Law? Unilaterally Mining Kawasan." *EJIL: Talk!*, 19 November 2020. <https://www.ejiltalk.org/the-latest-trump-threat-to-international-law-unilaterally-mining-the-Kawasan/>. Diakses 14 Maret 2025.

Halper, Evan, dan Jake Spring. "Trump Moves to Open Seabed to Mining, Unnerving Other Nations." *The Washington Post*, 24 April 2025.

<https://www.washingtonpost.com/business/2025/04/24/trump-seabed-mining-united-nations>. Diakses 25 Maret 2025.

Haugan, Peter M., dkk. *What Role for Ocean-Based Renewable Energy and Deep seabed Minerals in a Sustainable Future?* Washington, DC: World Resources Institute, 2020. <https://www.oceanpanel.org/blue-papers/ocean-energy-and-mineral-sources>. Diakses 10 Maret 2025.

Inland Ocean Coalition. *The Mining Code & The ISA: How a Single Decision Could Shape the Fate of Our Planet's Last Great Wilderness*, 18 Juli 2023. <https://inlandoceancoalition.org/2023/07/18/deep-sea-mining-part2/>. Diakses 11 Maret 2025.

International Seabed Authority. *Contribution of the International Seabed Authority to the Sustainable Development Goals*. Kingston, Jamaica: ISA, 2023. https://isa.org.jm/files/files/documents/ISA_SDG_Report_2023.pdf. Diakses 10 Maret 2025.

International Seabed Authority. *FAQs for Media on the Role of the International Seabed Authority in Regulating the Exploration and Exploitation of Deep seabed Resources Outside of National Jurisdiction*, 29 April 2025. <https://www.isa.org.jm/>. Diakses 30 Maret 2025.

Salamanca-Aguado, M. E. "The 'Two Years Rule' and the Common Heritage of Mankind." *EJIL: Talk!*, 12 Maret 2024. <https://www.ejiltalk.org/the-two-years-rule-and-the-common-heritage-of-mankind/>. Diakses 28 Maret 2025.

Republic of Chile. Intervención de la República de Chile sobre la independencia de la Comisión Jurídico y Técnica. <https://www.isa.org.jm/wp-content/uploads/2023/03/Chilean-Statement.pdf>.

Permanent Mission of Mexico, Note Verbale from the Permanent Mission of Mexico to the Secretariat of the International Seabed Authority, No. 00977/2018 (Kingston, June 5, 2018), <https://www.isa.org.jm/wp-content/uploads/2022/05/NV00977.pdf>.

Permanent Mission of Brazil. Note Verbale No. 05/17. Kingston, August 11, 2017. <https://www.isa.org.jm/wp-content/uploads/2022/05/Brazilnv.pdf>

LAIN-LAIN

Pardo, Arvid. “Speech Before the General Assembly of the United Nations.” UNGA 22nd Session, November 1, 1967. UN Doc. A/PV.1515.