

## ABSTRAK

Negara sebagai subjek hukum internasional memiliki hak dan kewajiban tertentu dalam hukum internasional. Kewajiban yang dilanggar oleh suatu negara dapat menimbulkan hak bagi negara lain untuk menuntutnya. Kepulauan Marshall merupakan bagian dari wilayah perwalian Amerika Serikat yang termasuk dalam *Trust Territory of Pacific Islands*. Amerika Serikat telah melaksanakan 66 ujicoba senjata nuklir di Kepulauan Marshall sejak 1946 sampai dengan 1958. Ujicoba tersebut menyebabkan kerusakan pada lahan, vegetasi, laguna, ekosistem, serta pada kesehatan masyarakat Kepulauan Marshall. Kepulauan Marshall telah merdeka dari Amerika Serikat, namun dampak dari ujicoba senjata nuklir Amerika Serikat masih bisa dirasakan oleh Republik Kepulauan Marshall. Tujuan penelitian ini adalah untuk mengetahui pengaturan mengenai ujicoba senjata nuklir menurut hukum internasional dan tanggung jawab ujicoba senjata nuklir Amerika Serikat di Kepulauan Marshall. Penelitian ini menggunakan metode pendekatan hukum, pendekatan sejarah, dan pendekatan kasus. Data-data sekunder yang terkumpul diolah dan dianalisis secara kualitatif dengan penyajian data secara deskriptif.

Pengaturan mengenai ujicoba senjata nuklir dalam hukum internasional diatur dalam perjanjian-perjanjian internasional, antara lain *Partial Test Ban Treaty* 1963, *Non-Proliferation of Nuclear Weapons Treaty* 1968, *The Threshold Test Ban Treaty* 1974, *Comprehensive Nuclear Test Ban Treaty* 1996, dan perjanjian-perjanjian internasional lainnya yang termasuk dalam *Nuclear Weapon Free Zone*. Pengaturan ujicoba senjata nuklir tersebut berkaitan dengan ujicoba senjata nuklir Amerika Serikat di Kepulauan Marshall tidak dapat diterapkan karena adanya asas retroaktif, namun bukan berarti Amerika Serikat dapat terlepas dari tanggung jawab. Ujicoba senjata nuklir Amerika Serikat yang dilaksanakan di Kepulauan Marshall telah melanggar kewajiban Amerika Serikat sebagai pengelola otoritas wilayah perwalian yang tercantum dalam *Article 76 (b) Charter of the United Nations*, serta *Article 6 (2) dan (3) United Nations Trusteeship for Former Japanese Mandated Islands*.

Kata kunci: tanggung jawab negara, ujicoba nuklir, perwalian.

## **ABSTRACT**

*States as subjects of international law have certain rights and obligations under international law. The obligations violated by a state may entitle the other state to claim it. The Marshall Islands was a part of the United States trust territory that belongs to the Trust Territory of Pacific Islands. The United States had conducted 66 nuclear weapons testing in the Marshall Islands from 1946 to 1958. The testing caused damage to land, vegetation, lagoons, ecosystems, and to the health of the Marshall Islands community. The Marshall Islands had gained independence from the United States, but the impact of United States nuclear weapons testing can still be felt by the Republic of Marshall Islands. The purposed of this study is to determined the regulation of nuclear weapons testing according to international law and responsibility for United States nuclear weapons testing in the Marshall Islands. This research used statute approach, historical approach, and case approach. The collected secondary data were processed and analyzed qualitatively by presenting the data descriptively.*

*The regulation of nuclear weapons testing in international law is governed in international treaties, including the Partial Test Ban Treaty 1963, Non-Proliferation of Nuclear Weapons Treaty 1968, The Threshold Test Ban Treaty 1974, Comprehensive Nuclear Test Ban Treaty 1996, and other international agreements included in the Nuclear Weapon Free Zone. The regulation of nuclear weapons tests related to United States nuclear weapons testing in the Marshall Islands is inapplicable because of the retroactive principle, but that does not mean the United States can escape responsibility. United States nuclear weapons testing conducted in the Marshall Islands have violated the United States obligations as the administering authority of trust territory listed in Article 76 (b) Charter of the United Nations, and Article 6 (2) and (3) United Nations Trusteeship for Former Japanese Mandated Islands.*

*Keywords: state responsibility, nuclear weapon testing, trusteeship.*