

PERLUASAN MAKNA PASAL 5 NORTH ATLANTIC TREATY 1949
OLEH NORTH ATLANTIC TREATY ORGANIZATION DITINJAU
DARI OUTER SPACE TREATY 1967

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Abstrak

Collective defence atau pertahanan kolektif adalah inti dari perjanjian NATO dan diatur dalam Pasal 5 NATO Treaty 1949. Pada tahun 2021, NATO memperluas makna domain operasional implementasi *collective defence* tersebut ke luar angkasa. Perluasan makna ini membawa konsekuensi baru bagi NATO untuk dapat menyesuaikan tindakan *collective defence* mereka dengan prinsip maksud damai (*peaceful purposes*) yang merupakan tujuan utama dari inisiasi ketentuan peraturan di ruang angkasa, yaitu *Outer Space Treaty* 1967. Tujuan dari penelitian ini adalah untuk membahas relevansi *collective defence* dengan konotasi prinsip maksud damai yang disebutkan dalam paragraf 2 pembukaan *Outer Space Treaty* 1967 dan keabsahan pelaksanaannya ketika ditinjau terhadap peraturan pertahanan diri (*self-defence*) yang umumnya diatur dalam Pasal 51 UN Charter 1945. Metode penulisan penelitian hukum ini bersifat Yuridis-Normatif, yaitu melalui penelitian bahan pustaka atau bahan sekunder terkait. Hasil penelitian disimpulkan bahwa tindakan *collective defence* pada dasarnya tidak relevan dengan makna non-militer dari prinsip maksud damai, tetapi dibenarkan jika memenuhi persyaratan langkah-langkah pertahanan diri sebagaimana diatur dalam Pasal 51 UN Charter 1945.

Kata Kunci: Pertahanan kolektif, NATO, Pertahanan diri, Perjanjian Luar Angkasa 1967, prinsip maksud damai

EXPANSION OF THE MEANING OF ARTICLE 5 OF THE NORTH ATLANTIC TREATY 1949 BY THE NORTH ATLANTIC TREATY ORGANIZATION REVIEWED FROM OUTER SPACE TREATY 1967

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Abstract

Collective defence was the heart of the NATO treaty 1949 and regulated in its Article 5. In 2021, NATO extended the meaning of the operational domain of the collective defence implementation into space. This expansion of meaning brings new consequences for NATO to be able to adapt their collective defence actions to the principle of peaceful purposes which is the main purpose of initiating regulatory provisions in space, namely the Outer Space Treaty 1967. The purpose of this study is to discuss the relevance of collective defence with the connotations of the principle of peaceful intent mentioned in paragraph 2 of the preamble to the 1967 Space Treaty and the validity of its implementation when reviewed against self-defence regulations generally regulated in Article 51 of the UN Charter 1945. This method of writing legal research is Juridical-Normative, that is, through research on library materials or related secondary materials. The results of the study concluded that the act of collective defence is fundamentally irrelevant to the non-military meaning of the principle of peaceful intent, but is justified if it meets the requirements of self-defence measures as stipulated in Article 51 of the UN Charter 1945.

Keywords : *Collective defence, NATO, Self-defence, Outer Space Treaty 1967, Peaceful purposes principle*