

PROCEEDINGS International Conference

Harmonizing ASEAN Legal System Through Legal Higher Education

11 June 2014, Hotel Mercure Convention Center - Jakarta



Publish by :

Faculty of Law :
Universitas Islam Jakarta
Universitas Esa Unggul
UPN Jakarta

Organized by :



UNIVERSITAS ISLAM JAKARTA



International Conference "Harmonizing ASEAN Legal System Through Legal Higher Education"
11 June 2014, Hotel Mercure Convention Center
Jl. Pantai Indah Ancol Jakarta

ISBN : 978-602-71251-0-0



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**PROCEEDINGS INTERNATIONAL CONFERENCE :
HARMONIZING ASEAN LEGAL SYSTEM THROUGH
LEGAL HIGHER EDUCATION,**

11 JUNE 2014, HOTEL MERCURE CONVENTION CENTER JAKARTA

Penulis : Tim Proseding Internasional Conference

Penyunting : Dra. Farhana, SH. M.Pd.I, MH.
Wasis Susetio, SH. MA. MH.
Drs. Djamhari, SH. MH. MM.

Seting Cover : Fakultas Hukum Universitas Esa Unggul

Editor/Lay Out : Fakultas Hukum Universitas Islam Jakarta

Penerbit : Fakultas Hukum :
Universitas Islam Jakarta
Universitas Esa Unggul
UPN Jakarta

ISBN 978-602-71251-0-0

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**THE LEGAL LIABILITY OF AIR CARRIERS
AND
OTHERS BUSINESS ACTIVIES AT THE AIRPORT
IN INDONESIA**

Amad Sudiro,¹ Farhana², and Martono K.³

1. INTRODUCTION

On 28 May 1999, at the end of the diplomatic Conference held in Montreal, Canada, the Convention for the Unification of Certain Rules of International Carriage by Air was adopted and signed by representatives of 52 nations.⁴ The Montreal Convention of 1999 came into force on 4 November 2003.⁵ Indonesia has not ratified the Montreal Convention of 1999, but; on 12 January 2009 Indonesia promulgated Law Number 1 Year 2009⁶ to promote the development of Indonesian air transportation.⁷ It regulates a host of matters related to aviation including air carriers' liability with respect to passengers, check-in baggage, cargo shippers, third party liability, airport operator liability with respect to air carrier, air carriers' liability with respect to airport operator business entities, and airport business entities liability with respect to airport operators. Taking into account national economic development, Indonesia has many tasks to do in the field of air transportation, the modernization of its air carrier liability system being one of them. The purpose of this article is to survey air carriers' liability with respect to passengers, airport operator's liability with respect to air carriers, air carriers' liability with respect to airport operator business entities, and airport business entities liability with respect to airport operators. It is worthwhile to note here that the average passenger increase of 15-

¹ Dr.(University of Indonesia) Amad Sudiro, S.H.(Trisakti University), M.H.(Tarumanagara University), M.M.(College of Economics) is currently the Law Faculty Dean at Tarumanagara University, Jakarta, Indonesia. He actively researches and writes books and articles in various scientific journals on various matters relating to airspace law.

² Dra (IKIP Jakarta) Farhana, SH. MH (Islamic University of Jakarta), lecturer at the Islamic University of Jakarta

³ Prof.Dr.H.K.Martono, S.H.(Indonesian University).LL.M (Mc Gill), PhD (Diponegoro University) Previously served as the chief of the legal division of the Directorate General of Civil Aviation, at Indonesia's Ministry of Communications. He has written extensively about aviation law and regulations in Indonesia and was the parliamentary resource person for when Indonesia was drafting the Civil Aviation Act of 2009. Prof.Dr.H.K.Martono serves as lecturer at the University of Tarumanagara and the Islamic University of Jakarta (UID).

⁴ In June 2005 it had been ratified by 64 States, See Paul Stephen Dempsey Ed., *Annals of Air Space Law*, Vol. XXX-I. Tornton : The Carswell Company Ltd,p.473,[Dempsey-2005].

⁵ Wu Jianduan, *Air Carrier Liability Regimes in China*, in Paul Stephen Dempsey Ed., *Annals of Air and Space Law*, Vol. XXXIII-2008. Toronto : The Carswell Company Ltd, p2; See Also Paul Stephen Dempsey Ed., *Annals of Air and Space Law*, Vol. XXX-I, 2005. Toronto : The Carswell Company Ltd, pp.473-474.

⁶ *Act Concerning Civil Aviation*, Act No 1 of 2009 [*Civil Aviation Act*], Ministry of Transportation Republic of Indonesia, online: Directorate General of Civil Aviation<<http://hubud.dephub.go.id/?en/uu>>

⁷ Martono K.,& Amad Sudiro.,*Current Air Transport Regulations in Indonesia*, XXXVIII Annals of Air and Space 2013, pp.55-89 [Martono and Amad Sudiro-2013]