

B. 29

ISBN : 978-602-71251-0-0

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



Universitas
Esa Unggul



International Conference "Harmonizing ASEAN Legal System Through Legal Higher Education"
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Jl. Pantai Indah Ancol Jakarta

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

11 JUNE 2014, HOTEL MERCURE CONVENTION CENTER JAKARTA

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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

TABLE OF CONTENT

PREFACE	ii
TABLE OF CONTENT.....	iv
Harmonizing ASEAN Legal System Through Higher Legal Education: The Malaysian Perspectives	1
By Zuhaira Ariff Abd Ghadas	
Harmonizing ASEAN Legal System Through Higher Legal Education	11
By Baldomero Estenzo	
ASEANMLATreaty: Corruption Eridication By Harmonizing Legal System To Support ASEAN Economic Community 2015	14
By Ronald Hasudungan Sianturi, Theresia Simatupang, Satria Braja Hariandja, Rahmayanti	
Harmonizing Legal Higher Education In ASEAN.....	20
By Suherman, Khoirur Rizal Lutfi, Sylvana Hutabarat	
Higher Education Reform Implementation Of Improving The Quality Of Human Resources For Globalization Challenges And Strategic Indonesia Manpower For Economic Asean Community 2015	30
By Lia Amalia	
Harmonization Of Legal System In ASEAN: The Role Of Higher Education.....	50
By Zulkarnain Sitompul	
The Legal Liability Of Air Carriers And Others Business Activies At The Airport In Indonesia	59
By Amad Sudiro, Farhana And Martono K	
Law Enforcement Strategy on Human and Natural Resources Management Using Technology in Indonesia	79
By Mimin Mintarsih and Lukman Mahdami	
Challenges on the Harmonization of Laws in ASEAN: An Indonesia Perspective.....	91
By Hikmahanto Juwana	
Harmonization of Law: Road Map for ASEAN Law Schools	98
By S Shanthakumar	
A Challenge For Indonesian Legal Higher Education	117
By Ade Saptomo	

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-

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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/uuu>>

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]