

## The Indonesian Government's Policies to Improve Air Travel Consumer Protection

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### KEYWORDS

aviation; consumer  
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### ABSTRACT

This research focuses on the conformity of Indonesian policies with international standards and the effectiveness of these policies in improving consumer protection. A comparative analysis involving Indonesia, Malaysia, and Thailand revealed similarities in the issuance of consumer protection laws in 1999, highlighting differences in mechanisms and approaches. The study discusses differences in consumer treatment during flight delays or cancellations, referring to international standards set by IATA and ICAO. Recommendations involve harmonization of policies in ASEAN, implementation of international recommendations, analysis of the role of authorities such as National Dispute Resolution Bodies, strengthening stakeholder engagement for a robust safety culture, increased consumer awareness, and regional cooperation for effective consumer protection policies. The conclusion of this study shows that there is still potential to improve coordination and harmonization between countries in Southeast Asia so that aviation consumer protection can be more effective and equitable throughout the region. These measures will support the understanding and protection of aviation consumer rights consistently, in accordance with the demands of international standards and best practices in the global aviation industry.

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### Introduction

The aviation industry in Indonesia has experienced rapid growth in recent years, as seen from the surge in the number of passengers, airlines, and airports. According to data from the Central Statistics Agency (BPS), there are 55.85 million airplane passengers in Indonesia in 2022, an increase of 84.96% compared to the previous year which reached 30.2 million passengers (Widi, 2023).

This growth is driven by several factors, such as stable economic growth which encourages an increase in people's purchasing power and demand for air transportation services (Utama & Rezki, 2021). The increasing number of tourists is also a factor, considering Indonesia as one of the popular tourist destinations in the world (Immawati

et al., 2023). The liberalization of the aviation industry by the Indonesian government has also opened opportunities for foreign airlines to operate in Indonesia, increased competition, and encouraged innovation (Sembiring, 2020).

The positive impact of Indonesia's aviation industry growth is seen in several aspects of the national economy, such as extensive job creation, increased state revenue through taxes and levies, as well as increased connectivity between regions in Indonesia that encourage economic growth (Limanseto, 2021).

The Government of Indonesia is committed to continue to encourage the growth of the aviation industry through certain policies. This includes improving aviation infrastructure, developing human resources (HR) through training and education programs, and supporting innovation in the aviation sector. The aviation industry in Indonesia has experienced rapid growth in recent years, as seen from the increase in the number of passengers, airlines, and airports. However, this growth has not always been followed by improvements in service quality and consumer protection.

Cases of consumer rights violations in Indonesia's aviation sector have attracted attention. Examples of cases include flight delays, which accounted for 33.1% of total flights from Jakarta in 2022. Flight delays can be caused by various factors, such as weather conditions, technical issues, and operational factors. However, a number of cases show that the delay occurred due to the negligence or fault of the airline. Based on Article 4 letter h of Law Number 8 of 1999 concerning Consumer Protection, airlines have the obligation to compensate passengers who experience delays, such as feeding, accommodation, or ticket refunds (Mailawati & Wahyuni, 2021).

Other consumer rights violations involve the sale of tickets at unreasonable prices, which is a form of violation of consumer rights. Basically, business actors are prohibited from controlling the production and / or marketing of goods and / or services that can result in monopolistic practices and / or unfair business competition. In 2019, the Business Competition Supervisory Commission (KPPU) found that seven Indonesian airlines, including Garuda Indonesia, Lion Air, Sriwijaya Air, Citilink, Batik Air, NAM Air, and Wings Air, were proven to be carrying out a flight ticket price cartel.

Flight cancellation without prior notice is also considered a violation of consumer rights. Airlines are required to provide flight cancellation information to passengers at least 7 days before the flight through various communication channels. Cancellation without notice may cause harm to passengers, such as lost time, transportation costs, and accommodation costs.

Damage or loss of luggage is another violation of consumer rights that often occurs in the Indonesian aviation industry. Although Law Number 8 of 1999 concerning Consumer Protection requires airlines to be responsible for damage to passenger luggage, some cases show obstacles in enforcing consumer rights .

These cases of consumer rights violations highlight the need for significant improvements in consumer protection in Indonesia's aviation sector. Cooperation between the government and airlines is key to improving service quality and consumer protection effectively. To achieve this, important steps are needed such as strengthening consumer protection regulations, increasing consumer awareness, and increasing information transparency by airlines. Along with the government's efforts to advance the aviation industry, it is also necessary to analyze the regulatory framework applied for consumer protection in the context of air travel. This article aims to dive into Indonesian government initiatives and policies designed to improve consumer protection in the air

travel sector, evaluate their effectiveness, and impact on the rapidly growing aviation industry.

### **Aviation Consumer Rights**

Aviation consumer rights refer to the rights possessed by airplane passengers as consumers of air transportation services, which are regulated in various laws and regulations, including the Consumer Protection Law, the Minister of Transportation Regulation on Domestic Scheduled Commercial Air Transport Passenger Services, and the Minister of Transportation Regulation on Aircraft Obligations. Aviation consumer rights emphasize the need to protect the interests of passengers in using aviation services, which must be based on the principles of accuracy, fairness, balance, security, and consumer safety, as well as the principle of legal certainty.

The rights of aviation consumers, as stipulated in Article 4 of the Consumer Protection Law, cover several key aspects. First, passengers have the right to clear and truthful information about flight services and conditions, including flight schedules, delays, cancellations, and schedule changes. Second, passengers are entitled to compensation in case of damage or loss of luggage while in the aircraft baggage. Third, flight consumer rights include flight delays and cancellations, where passengers are entitled to true and clear information and compensation in accordance with applicable regulations. Finally, the right to safety and well-being during flight travel is also an important part of aviation consumer rights.

Theoretically, aviation consumer rights can be linked to two main legal theories, namely contract theory and tort theory. Contract theory emphasizes the importance of agreements as the basis of rights and obligations (Salim, 2021; Saptono, 2014) between airlines and passengers. In this context, the rights of aviation consumers arise from an agreement between the two parties, under which the airline provides flight services and the passenger pays the ticket price according to the agreement. On the other hand, tort theory emphasizes legal liability for loss or injury caused by unlawful acts or omissions. In practice, tort theory can be applied to cases of aviation accidents or losses suffered by aviation consumers. As such, airlines may be held legally liable for any loss or injury suffered by passengers as a result of their unlawful acts or negligence (Thoriq & Ilham, 2023; Weinrib, 2018).

### **Indonesian Aviation Consumer Protection Policy**

In the practical context, airlines in Indonesia have an obligation to protect the rights of their consumers in accordance with the laws and regulations governing this aspect. The responsibility of airlines not only includes controlling and anticipating flight schedule delays, but also providing compensation to passengers who need treatment and treatment. This compensation includes reimbursement of treatment costs, ambulance costs, and first aid costs in accidents. Therefore, consumer protection in the Indonesian aviation industry includes consumer rights, airline company responsibilities, and compensation to passengers who suffer losses due to flight delays.

Indonesia's aviation consumer protection policy is regulated in a number of laws and regulations, including:

- a) Law Number 8 of 1999 concerning Consumer Protection. This law, as a legal basis, provides for general consumer protection, including aviation consumer protection. In this Law, aviation consumers are defined as everyone who uses goods and/or services available in the community. Article 4 of the Consumer Protection Law mentions consumer rights, including the right to comfort, security, safety, and correct information about the condition of goods or services.

- b) Regulation of the Minister of Transportation Number PM 89 of 2015 concerning Handling Flight Delays in Scheduled Commercial Air Transport Business Entities in Indonesia. This regulation specifically regulates the passenger service of domestic scheduled commercial air transport. Determine the steps that must be taken by scheduled commercial air transport business entities in handling flight delays, including providing clear and correct information, providing adequate facilities, providing compensation, and adding facilities and infrastructure to handle delays.
- c) Regulation of the Minister of Transportation Number 77 of 2011 concerning Aircraft Obligations. These regulations govern aircraft obligations, including the responsibility of airlines to provide safe and comfortable services to passengers. Airlines are required to provide clear and complete information to passengers, including flight schedules, ticket prices, compensation policies, safety and security procedures. In addition, this regulation requires airlines to compensate passengers in case of flight delays, flight cancellations, and damage to luggage.
- d) Law Number 1 of 2009 concerning Aviation. It is the overarching law on aviation in Indonesia. This regulation covers various aspects such as airspace sovereignty, aircraft registration, air transport, aviation safety and security, and community participation. At the operational level, this Law is supported by a Ministerial Regulation that regulates technical matters such as flight delays, aircraft obligations, and information to passengers.

With these regulations, the Government of Indonesia seeks to improve aviation consumer protection, support safe and comfortable flight operations, and provide direction for responsible business practices in the sector.

#### **Aviation Consumer Protection Policy In Malaysia And Thailand**

In an era of globalization and increasing air travel, consumer protection in the aviation industry is becoming a major focus, particularly with the International Air Transport Association's (IATA) call to implement consumer protection regulations. IATA highlights the importance of spreading responsibilities fairly among stakeholders when passengers experience disruptions, and emphasizes passengers' confidence that airlines will treat them fairly in situations of delays and cancellations.

The importance of consumer protection regulations in aviation is increasingly visible along with the increasing implementation of passenger rights regulations by the government. However, IATA notes that imposing compensation on airlines, especially for events beyond their control, such as air traffic control failures, strikes by non-airline workers, and inefficient infrastructure, is becoming less sustainable. The government, as the main regulator, is expected to play an important role in distributing responsibility more fairly throughout the air transport system.

##### **1. Malaysia**

In Malaysia, the Consumer Protection Act 1999 (CPA) provides a protection framework for consumers, including in the aviation sector. With a focus on fair trade practices, safety standards for goods and services, and consumer redress, CPA reflects the Malaysian government's efforts to ensure consumer rights in a variety of sectors.

The 1999 CPA laid the foundation for consumer protection in a variety of sectors, with a particular focus on aviation. Addressing issues related to unfair trade practices, safety standards for goods and services, and compensation for consumers, the law demonstrates Malaysia's commitment to ensuring consumer welfare. The Malaysian Aviation Commission plays a central role in enforcing consumer

protection by setting minimum service levels, handling complaints, and providing compensation. (Halim, 2023)

Consumer safety in Malaysia is regulated in the Consumer Protection Act of 1999, particularly in Part III on the safety of goods and services. Article 19 empowers the Minister to establish safety standards in relation to service or service levels, allowing different safety standards based on the nature or class of different goods and services. Regulations on safety services can also be found in Article 20 which prohibits anyone from offering or advertising services that do not meet the safety standards set out in Article 19.

Advocacy for consumer rights has driven the development of legislation, especially during the Seventh Malaysia Draft (RMK-7). [28] The proposed amendments to the Consumer Protection Act of 1999 aimed to improve the mechanism by which consumers could file claims in cases of fraud, unfairness, and wrongdoing in transactions. (Ismail et al., 2015) Handling consumer issues related to aviation safety concepts and aviation instruments at national and international levels has been in focus, emphasizing the importance of safety as a consumer right.

Like Indonesia, Malaysia has ratified important international conventions such as the Warsaw Convention of 1929, the Chicago Convention of 1944, and the Montreal Convention of 1999. These conventions serve as a reference for formulating related legislation in Malaysia. The Air Transport Act of 1974 (amended) in 2007 became the regulatory framework for enforcing those conventions, particularly in aviation incidental matters. This law oversees the regulations and policies stipulated in the flight contracts provided by airlines to passengers.

The Civil Aviation Department, governed by the Civil Aviation Act 1969, has a crucial role in ensuring the development of civil aviation safety and order throughout Malaysia. Article 2 [c] expressly states its responsibility to ensure the development of civil aviation safety and order throughout Malaysian territory. The Ministry of Transport, pursuant to Article 3 [i], may establish rules to ensure flight safety and passenger safety from defined hazards. The implementation of biometric checks during the check-in process at national airports is a concrete example of the government's commitment to ensuring flight safety and passenger security.

Several laws regulate aviation in Malaysia, reflecting a comprehensive legal framework for the aviation sector. The Civil Aviation Act of 1969 [Act 3], the Air Transport Act of 1974 [Act 148], and the Airport and Aviation Services Act of 1991 [Act 467] regulate roles such as Director General of Civil Aviation, airline licensing, and protection of government assets related to civil aviation. (Mohd et al., 2015)

The Malaysian Aviation Consumer Protection Code 2016 is a special piece of legislation that specifically regulates the rights of air passengers in Malaysia. The law outlines a comprehensive set of consumer rights, including the right to information, the right to fair prices, the right to timely and efficient services, the right to compensation for flight disruptions, and the right to accessibility.

## 2. Thailand

Consumer protection in the aviation industry is the main focus of various countries, including Thailand. Thailand's Consumer Protection Act enacted in 1979 aims to protect the rights of consumers in general, including airline passengers. Through this literature review, we will review the law and the most recent amendments in 2019 that emphasize consumer safety. The Consumer Protection Act of Thailand, B.E. 2522 (1979), became an important legal foundation that protected

the rights and interests of consumers in various sectors, including airline passengers. Overall, the law covers a wide range of aspects including the right to information, the right to security, the right to fair contractual terms, and the right to compensation for injuries. The Consumer Protection Council, established by this law, serves as an advisor to the government in formulating consumer protection policies and measures.

In 2019, amendments were made to Thailand's Consumer Protection Act to strengthen regulations related to product and service safety. This amendment regarding the aviation sector brings significant changes, including increased penalties for business people who do not comply with the requirements. The addition of a new chapter specifically regulating consumer safety empowers the Safety Committee to prohibit the sale, production, or import of hazardous products or services. It also authorizes businesses to improve or adjust products or services that are considered risky to consumers. **Airline Consumer Rights**

- a) **Right to Accurate and Adequate Information:** Airline passengers have the right to receive accurate and complete information regarding flights, schedules, fares, baggage allowances, cancellation policies, safety measures, and other relevant details. This information should be easily accessible in a clear and understandable format.
- b) **Right to a Fair and Transparent Price:** Airlines are expected to adhere to fair and transparent pricing practices. This includes providing clear information on rates, taxes, and fees, avoiding hidden fees, and ensuring advertised prices reflect actual service fees.
- c) **Right to Non-Discriminatory Treatment:** Airline passengers have the right to non-discriminatory treatment based on factors such as race, sex, religion, nationality, or disability. Airlines cannot discriminate based on these factors.
- d) **Right to Safe and Reliable Service:** Airlines are responsible for providing safe and reliable passenger transportation services. This includes maintenance of aircraft in good condition, compliance with safety regulations, and adequate staff training.
- e) **Right to Indemnification for Damages:** Airline passengers have the right to seek damages if they suffer damage or loss due to negligence or breach of contract. This includes compensation for delayed or cancelled flights, lost or damaged baggage, personal injury, or other losses arising from the actions of the airline.

If passengers feel their rights have been violated, they can lodge a complaint with the Consumer Protection Agency (CPB), which has the authority to investigate and mediate disputes. Consumers also have the option to seek legal action through the courts to enforce their rights. (Yahanan et al., 2017)

## **Research Methods**

This research uses normative juridical methods, which is a type of research that focuses on analyzing the application of rules or norms in positive law (Ibrahim, 2006). In research, there are two types of data, namely primary data obtained directly from the community and secondary data obtained from library materials. Primary data is often referred to as basic data, while secondary data consists of primary legal material, secondary legal material, and tertiary legal material which is used as research material (Soekanto, 2015). To interpret and discuss the results of the study, researchers will refer to legal understanding, legal norms, legal theories, and principles related to the problem under study. Legal norms are used as major premises, and then correlated with relevant

legal facts (legal facts) used as minor premises. Through the process of syllogism, conclusions can be produced on the problems studied.

## Results and Discussions

I am currently doing a research entitled "the Indonesian government's policies to improve air travel consumer protection." So I need answers to my research questions:

1. How is the Indonesian government's policy compatible with international standards?
2. How effective is the Indonesian government's policy in improving consumer protection?

Instruction: You act as an international writer in the field of legal science. From the results of my research below, please rearrange the paragraphs scientifically in order to get the essence of the right answer and in accordance with the research question

A comparative study related to in-flight consumer dispute resolution in Indonesia, Malaysia and Thailand highlighted the existence of consumer protection laws issued in the same year, namely 1999. The findings reflect over time in the formation of consumer protection laws in all three countries. The focus of this study also emphasizes the importance of consumer dispute resolution in protecting customer interests, by providing comparisons on consumer dispute resolution bodies in Indonesia and Malaysia.

In terms of aviation consumer protection in Indonesia, the legal framework is based on Consumer Protection Law No. 8 of 1999. Consumer dispute resolution is done through the National Dispute Resolution Board. In Malaysia, the Consumer Protection Act 1999 is the main legal framework, with dispute resolution bodies involving the National Consumer Advisory Council and the Tribunal for Consumer Claims. Meanwhile, in Thailand, the Consumer Protection Act 1999 is also a legal basis, with the Consumer Protection Board and the Office of the Prime Minister as dispute resolution bodies.

Comparative analysis shows that, despite similarities in the formation of consumer protection laws and regulations, there are differences in the mechanisms and approaches adopted by the three countries. The implication is that harmonization of aviation consumer protection policies at the international level can be an important step in guaranteeing consumer rights uniformly, regardless of national differences.

In the context of flight delays or cancellations, consumer treatment standards differ in different regions. IATA provides recommendations through RP 1724 which regulate the rights and obligations of airlines in this case. In Europe, Regulation (EC) No. 261/2004 stipulates compensation and assistance to passengers in case of denied boarding, cancellation, or lengthy flight delays.

The importance of providing clear and comprehensive information to passengers during flight travel is reflected in ICAO's recommendations regarding the consumer aspects of codesharing. This includes providing information orally and in writing during booking, on tickets or travel documents, and by airline ground staff during travel.

This research points to the need for further involvement from authorities in Indonesia to ensure that aviation consumer protection policies are in line with international standards. There is potential to improve coordination and harmonization between countries in Southeast Asia so that aviation consumer protection can be more effective and equitable throughout the region. These measures will support the understanding and protection of aviation consumer rights consistently, in accordance with the demands of international standards and best practices in the global aviation industry.

This research views consumer protection in aviation in Indonesia through the lens of Law No. 8 of 1999 as an implementation of the constitutional mandate that mandates the fundamental rights of every individual, including the right to protection, legal certainty, and equal treatment. Therefore, any policy implemented by the government in this context must be analyzed from a constitutional point of view and its relationship with consumer rights guaranteed by the constitution.

Through Law No. 8 of 1999, the Indonesian government establishes obligations for airline service providers to ensure the security and safety of passengers. In relation to aircraft airworthiness and aircraft operations, this Law refers to certain technical regulations, such as PP No. 3 of 2001. Article 4 of this Law stipulates that passengers have the right to sue in case of violation of airworthiness criteria as stipulated in the regulation.

The rights of consumers on board also include the right to obtain true, clear, and honest information about the conditions and guarantees of flight services. The provision of comprehensive information by the airline is considered crucial to create a sense of security and comfort for consumers. The consumer's right to ask questions and obtain information about the aircraft, pilot, cause of delay, damage or loss of goods, as well as other relevant reasons, is the basis for transparency and accountability on the part of the airline.

In the context of consumer protection, the importance of aviation safety arrangements at the international level is also considered. The 1944 Chicago Convention adopted by the International Civil Aviation Organization (ICAO) became the basis for international regulation of civil aviation. Indonesia as a member of this convention has the responsibility to comply with and integrate international aviation safety standards into its national regulations, as mandated by Law No. 1 of 2009.

The involvement of various related parties, such as airlines, aircraft manufacturers, airport managers, pilots, and flight crews, is considered crucial in maintaining flight safety. The implementation of safety culture is an important strategy to ensure that all parties are involved in creating and maintaining aviation security.

Recommendations and best practices from international organizations, such as ICAO and IATA, are also recognized as guidelines that should be adopted by airlines in conducting their operations. The country's involvement in committing to be signatory to international conventions and protocols shows its seriousness in providing effective protection for aviation consumers.

In the context of regional cooperation, ASEAN's involvement in adopting codes of conduct and best practices recommended by international organizations such as ICAO and IATA demonstrates a shared commitment to improving safety standards and consumer protection in the region.

The research highlights that to ensure the effectiveness of aviation consumer protection policies in Indonesia, concrete steps in adopting, implementing, and monitoring policies must be taken. The importance of involvement of all stakeholders, harmonization with international standards, and a real commitment to provide maximum protection for aviation consumers are the keys to success in realizing the effectiveness of aviation consumer protection policies in Indonesia.



## **Conclusion**

Conformity of Indonesian Government Policies with International Standards A comparative study shows that Indonesia, Malaysia, and Thailand have consumer protection laws issued in the same year, namely 1999. Although there are similarities in the formation of consumer protection laws and regulations, there are differences in the mechanisms and approaches adopted by the three countries. In the context of flight delays or cancellations, consumer treatment standards differ in different regions. IATA and ICAO provide recommendations that become international standards. This research points to the need for further involvement from authorities in Indonesia to ensure that aviation consumer protection policies are in line with international standards.

The Effectiveness of Indonesian Government Policy in Improving Consumer Protection Consumer protection in aviation in Indonesia is regulated through Law No. 8 of 1999. This law establishes obligations for airline service providers to ensure the security and safety of passengers. However, this research shows that there is still potential to improve coordination and harmonization between countries in Southeast Asia so that aviation consumer protection can be more effective and equitable across the region. These measures will support the understanding and protection of aviation consumer rights consistently, in accordance with the demands of international standards and best practices in the global aviation industry.

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