

---

## **Problems of Air Transportation Tariff Regulation from The Perspective of Legal Certainty and Social Justice in Indonesia in The Inconsistency between Regulatory Norms and The Dynamics of The Aviation Industry**

**Enny Kristiani\* , Faisal Santiago, Binsar Jon Vic S.**

Universitas Borobudur, Indonesia

Email: [enny.kristiani@yahoo.com](mailto:enny.kristiani@yahoo.com)\* , [faisalsantiago@borobudur.ac.id](mailto:faisalsantiago@borobudur.ac.id),

[binsarjonvic@borobudur.ac.id](mailto:binsarjonvic@borobudur.ac.id)

---

### **Keywords:**

Air Transportation Fares; Legal Certainty; Social Justice; Aviation Industry

---

### **ABSTRACT**

As an archipelagic country consisting of thousands of islands, Indonesia relies heavily on air transportation as the backbone of national connectivity, economic integration, and equitable development. However, the regulation of air transportation tariffs faces significant challenges due to the mismatch between static regulatory norms and the highly dynamic aviation industry, which is characterized by volatile fuel prices, exchange rate fluctuations, and rising operational costs. This research aims to analyze the problems of air transportation fare regulation in Indonesia from the perspectives of legal certainty and social justice. The method used is normative juridical, with statutory and analytical approaches to Law Number 1 of 2009 concerning Aviation and its derivative regulations. The results indicate a mismatch between static regulatory norms and the highly dynamic aviation industry, resulting in legal uncertainty, weak regulatory enforcement, and limited public access to affordable fares. This condition reflects the gap between *das sollen* as the law as it ought to be and *das sein* as the law as it is, indicating the failure of regulations to achieve legal certainty and social justice. Therefore, adaptive and responsive legal reconstruction is needed to balance the interests of consumers, business actors, and the state.

---

### **INTRODUCTION**

Air transportation in an archipelagic country such as Indonesia has a highly strategic position as an essential means of national connectivity in economic, social, and defense aspects. Geographically, Indonesia consists of thousands of islands, making air transportation the backbone of fast and efficient interregional mobility (Adhy Riadhy Arafah, 2022). From a constitutional perspective, this is closely related to the concept of a welfare state, as mandated in Article 33 paragraphs (2) and (3) of the 1945 Constitution of the Republic of Indonesia, which emphasizes that branches of production that are important to the state and affect the livelihoods of many people must be controlled by the state and used for the greatest prosperity of the people (Ali Amran, 2018). Air transportation, as a strategic sector, clearly falls within this category; therefore, the state has an obligation to guarantee the affordability, availability, and sustainability of flight services for the entire community (Waluyo, 2021). Within this framework, the determination of air transportation tariffs is not merely a market mechanism but also a public policy instrument that must support equitable development, strengthen regional integration, and ensure accessibility for communities throughout Indonesia, including those in underdeveloped, frontier, and outermost regions.

From a legal perspective, air transportation tariff regulation must be based on the principles of legal certainty and social justice as primary objectives of law. Legal certainty requires clear, consistent, and predictable norms, thereby providing protection for both consumers and business actors. This aligns with the principle of the rule of law, as stated in Article 1 paragraph (3) of the 1945 Constitution, which affirms that Indonesia is a state based on law. Furthermore, social justice, as reflected in the fifth principle of Pancasila, requires tariff policies that do not create unequal access but instead ensure a fair distribution of benefits for all levels of society (Elfi Amir, 2025). In this context, air transportation tariff regulation must balance the relationship between the state as regulator, business actors as operators, and the public as service users. The state functions not only as a regulator but also as a guarantor of distributive justice in access to public services. Therefore, every tariff policy must simultaneously consider affordability, transparency, and business sustainability (Agustian, 2023).

Legally, the regulatory framework for determining air transportation tariffs in Indonesia has a strong legal basis through Law Number 1 of 2009 concerning Aviation, particularly Articles 126 and 127, which stipulate that airfares for economy-class passenger services are calculated based on distance, taxes, mandatory insurance premiums, and additional cost components. The law also authorizes the Minister of Transportation to determine tariff ceilings by considering consumer protection, business interests, and fair competition (An, 2015). These provisions were subsequently implemented through Minister of Transportation Regulation Number 20 of 2019 concerning the Procedures and Formulation for Calculating Ceiling Tariffs and Minister of Transportation Decree Number KM 106 of 2019, which stipulates upper and lower tariff limits. Normatively, the regulation of upper and lower tariff limits aims to prevent unfair pricing practices while maintaining the sustainability of the aviation industry (Hi Abd Rahman, 2023). However, this normative objective requires regulations that are able to adapt to industry dynamics, given that tariffs reflect a dynamic operational cost structure (Decker, 2023; Dong & Kouvelis, 2020; Goodarzi et al., 2019).

In practice, the dynamics of the aviation industry demonstrate significant changes in operational cost structures that are not fully accommodated by existing regulations. Rising aviation fuel prices, fluctuations in the rupiah exchange rate against the U.S. dollar, and increases in maintenance and other operational costs have fundamentally altered airline cost structures (Horobet et al., 2022; Piranti, 2021; Samunderu et al., 2023). The aviation industry is known as a high-risk, low-margin industry, in which profit margins are narrow and highly sensitive to changes in costs and pricing policies (Bartle, 2021). This situation was further exacerbated by the impact of the COVID-19 pandemic, which led to a drastic decline in passenger numbers and placed significant financial pressure on airlines. In this situation, static fare regulations, such as the upper tariff limit formula, which has not undergone significant adjustment since its enactment, are no longer fully relevant to actual industry conditions. This discrepancy is further compounded by the practice of dynamic pricing, which has become a standard mechanism in the global aviation industry but has not yet been fully accommodated within the national regulatory framework (Bråthen, 2018).

Several previous studies have examined issues related to air transportation tariff regulation in Indonesia, although each has focused on different aspects. Ks (2017) analyzed the causality between air transportation and economic growth in Indonesia, finding that transportation infrastructure significantly contributes to regional economic development, while tariff

regulation remains a constraining factor. Utama (2021) examined the development of the aviation industry and economic growth, concluding that regulatory uncertainty hinders industry investment and expansion. Tridarani (2020) analyzed price-fixing agreements and cartels in the domestic air transportation industry from the perspective of business competition law, revealing that tariff regulations that do not accommodate market dynamics may potentially create unfair business practices. Pratama (2020) reviewed the determination of ceiling tariffs based on Minister of Transportation Decree Number KM 106 of 2019 and found significant gaps between regulatory objectives and implementation outcomes. Ridho (2024) analyzed the supervision of upper-tariff-limit implementation by airlines and identified weaknesses in oversight mechanisms. Simanjuntak (2016) conducted a juridical review of consumer protection in air transportation through tariff determination under Law Number 8 of 1999, highlighting that tariff policies have not optimally protected consumer interests. Putra (2021) analyzed the determination of air transportation service tariffs on the Kediri–Jakarta route and found that the tariff formula used did not fully reflect actual operational costs. Kusumadewi (2024) analyzed aviation standards in Indonesia based on international air law, finding a gap between national regulations and global best practices. However, these studies tend to be sectoral, focusing on specific routes, particular aspects of enforcement, or economic impacts, without comprehensively analyzing the fundamental problems of tariff regulation from the perspectives of legal certainty and social justice. No previous research has specifically examined the mismatch between static regulatory norms and industry dynamics, as well as its implications for the gap between *das sollen* and *das sein* in air transportation tariff regulation.

This mismatch between regulatory norms and industry realities has serious implications for legal certainty. Normatively, fare regulations should provide clarity and certainty for all parties, but in practice, they have instead led to ambiguity and disharmony among regulations. The weakness of the regulatory evaluation mechanism mandated by Minister of Transportation Regulation Number 20 of 2019, particularly regarding periodic evaluations when significant changes in operational costs occur, demonstrates the ineffectiveness of norm implementation (Ks, 2017). Furthermore, weak law enforcement against violations of the upper tariff limit exacerbates legal uncertainty, both for airlines facing cost pressures and for consumers who lack certainty regarding fair and transparent pricing (Kusumadewi, 2024). This situation reflects a gap between *das sollen* and *das sein*, in which what is stipulated in legal norms is not aligned with practice on the ground, so that the legal objectives of certainty and justice are not optimally achieved.

Further implications of this discrepancy are evident in aspects of social justice and public accessibility to air transportation services. The limited availability of affordable tickets, the increasing concentration of sales at fares near the upper tariff limit, and disparities in access between regions, particularly in the 3T regions—underdeveloped, frontier, and outermost regions—indicate that tariff policy does not fully reflect the principle of distributive justice. Incidental government intervention policies, such as periodic ticket price reductions through fiscal incentives and restrictions on additional fees, provide only short-term solutions and fail to address the root causes of structural problems in tariff regulation. This reliance on *ad hoc* policies highlights weaknesses in regulatory design, which is unable to accommodate industry dynamics systemically (Putra, 2021). Therefore, an in-depth study is needed on the problems of air transportation tariff regulation as a basis for more adaptive, responsive, and equitable

legal reconstruction, so that it can bridge the gap between legal norms and industry realities while realizing legal certainty and social justice in Indonesia's air transportation sector.

This research aims to analyze the problems of air transportation fare regulation in Indonesia from the perspectives of legal certainty and social justice, focusing on the mismatch between static regulatory norms and industry dynamics, its implications for legal certainty and social justice, and the gap between *das sollen* and *das sein* as a form of regulatory failure. The benefits of this research are expected to contribute theoretically to the development of air transportation law and regulatory theory, particularly in understanding the relationship between legal norms and industry dynamics. Practically, this research is expected to provide recommendations for policymakers in formulating adaptive and responsive tariff regulations, assist the government in strengthening oversight and enforcement mechanisms, and offer guidance for legal practitioners and academics in understanding the complexity of air transportation tariff regulation in Indonesia. Furthermore, this study is expected to contribute to the discourse on legal reform in the aviation sector to achieve a balance between legal certainty, social justice, and industry sustainability.

## **METHOD**

This research employed a normative juridical method to examine the legal norms governing the determination of air transportation tariffs in Indonesia. The study used statutory and analytical approaches. The statutory approach examined relevant laws and regulations, including Law Number 1 of 2009 concerning Aviation, particularly Articles 126 and 127, as well as its implementing regulations, such as Minister of Transportation Regulation Number 20 of 2019 and Minister of Transportation Decree Number KM 106 of 2019. This approach was used to identify the suitability, consistency, and synchronization of norms within the positive legal framework.

The analytical approach was used to critically examine and interpret legal norms based on relevant legal concepts, principles, and theories, including legal certainty, justice, and progressive law. This approach enabled the study to identify normative ambiguity, regulatory disharmony, and inconsistencies between legal norms and practice, particularly the gap between *das sollen* and *das sein*. The analysis also evaluated the effectiveness of tariff regulation in achieving legal certainty, social justice, and aviation industry sustainability. Ultimately, the study formulated a comprehensive legal argument as a basis for legal development and reform in the regulation of air transportation tariffs in Indonesia.

## **RESULT AND DISCUSSION**

### **Problems of Air Transportation Tariff Regulation from the Perspective of Legal Certainty in Indonesia**

The regulation of air transportation tariffs in Indonesia normatively has a strong legal basis, but in its implementation, it still shows serious problems from the perspective of legal certainty. Law Number 1 of 2009 concerning Aviation as *lex generalis* in the aviation sector has expressly regulated in Article 126 paragraph (1) that air transportation tariffs for economy class passenger services are calculated based on the components of distance tariffs, taxes, mandatory insurance contributions, and additional costs (surcharges), and in Article 127 paragraph (1) gives the authority to the Minister of Transportation to set an upper limit tariff

by considering consumer protection, business interests, and healthy business competition. Normatively, this provision reflects the balance between public interests and the interests of business actors, while also emphasizing that tariffs are not merely a market mechanism, but part of a public legal regime that must be regulated by the state. However, the norms in the law are general and delegative in nature, so they are highly dependent on the quality of derivative regulations in ensuring legal certainty. (Utama, 2021)

Problems arise when the derivative regulations that govern more technical tariff determination, namely Minister of Transportation Regulation No. 20 of 2019 concerning Procedures and Formulations for Calculating the Upper Limit Tariff for Economy Class Passengers on Domestic Scheduled Commercial Air Transportation, and Minister of Transportation Decree No. KM 106 of 2019 concerning the Upper Limit Tariff fails to fully operationalize the norms in the law effectively. Articles 2 and 3 of Minister of Transportation Regulation No. 20 of 2019 stipulate that the base tariff is calculated based on aircraft operating costs, consisting of direct and indirect costs, multiplied by the distance traveled, and added to a profit margin. Article 23 mandates that the government conduct periodic tariff evaluations every three months or if there is a significant change of at least 10% in operational cost components such as fuel prices and exchange rates. However, in practice, these evaluation provisions are not implemented consistently, resulting in the tariff formula remaining static and not reflecting the ever-changing dynamics of operational costs. This indicates the ineffectiveness of norms at the implementation level, which has implications for reduced legal certainty. (Simanjuntak, 2016)

Furthermore, there is a lack of clarity in the tariff formulation used, particularly regarding operational cost parameters and load factor assumptions that form the basis for calculating ceiling fares. Regulations do not provide adequate transparency regarding the cost components used as the basis for calculations, creating uncertainty regarding the validity and accuracy of government-set fares. This situation contradicts the principle of legal certainty, which requires clarity of norms (*lex certa*) and information transparency as part of the general principles of good governance, as reflected in Law Number 30 of 2014 concerning State Administration, specifically Article 10, which emphasizes the principles of legal certainty, openness, and accountability in every state administrative decision. This ambiguity not only harms airlines in planning business strategies but also harms consumers who do not receive transparent information regarding ticket pricing. (Tridarani, 2020)

Regulatory disharmony is also a factor exacerbating the lack of legal certainty in air transportation tariff regulation. On the one hand, Law Number 1 of 2009 requires a balance between consumer protection and business sustainability, but on the other hand, derivative regulations are not fully synchronized with fiscal policy or other sector policies that influence the aviation industry's cost structure. This lack of synchronization creates overlapping policies that have the potential to lead to conflicts of norms, thus weakening the effectiveness of overall regulation. From the perspective of Hans Kelsen's hierarchy of norms theory (*Stufenbau des Recht*), implementing regulations should not conflict with higher-level norms and should consistently concretize those norms. However, in this context, derivative regulations fail to fully internalize the normative objectives of the law. (Ridho, 2024)

Weak law enforcement against violations of the upper limit tariff demonstrates that existing regulations lack effective coercive power. Although provisions regarding the upper

limit tariff have been established normatively, in practice, airlines are still found setting prices close to or even exceeding this limit without firm and consistent sanctions from the authorities. This indicates a weakness in enforcement, which is an integral part of legal certainty. From an administrative law perspective, the existence of norms without effective enforcement will lead to a legal gap between rules and practice. This situation contradicts the principle of the rule of law as stipulated in Article 1, paragraph (3) of the 1945 Constitution, which requires that all government actions be based on law and consistently enforced. (Pratama, 2020)

The problem of regulating air transportation tariffs from a legal certainty perspective essentially lies in three main aspects: weak substantive norms, ineffective implementation, and weak law enforcement. These three aspects indicate that the legal system governing air transportation tariffs is unable to provide predictability, stability, and fairness as stated in the theory of legal certainty. This uncertainty directly impacts the imbalanced relationship between the state, business actors, and consumers and has the potential to give rise to injustice in practice. Therefore, a comprehensive overhaul of the existing regulatory framework is needed, both through harmonization of norms, strengthening of evaluation mechanisms, and increasing the effectiveness of law enforcement, so that the legal objective of creating certainty and fairness in regulating air transportation tariffs can be achieved optimally.

### **Mismatch of Tariff Regulations with the Dynamics of the Aviation Industry and Its Impact on Social Justice**

The mismatch between air transportation tariff regulations and the dynamics of the aviation industry is a fundamental issue that is not only technical in nature but also has a direct impact on social justice in the provision of public services. Normatively, Law Number 1 of 2009 concerning Aviation, through Articles 126 and 127, mandates that air transportation tariffs must take into account consumer protection, the interests of air transportation companies, and fair business competition. This provision implicitly demands a balance between economic and social aspects in tariff policy. Furthermore, Article 33 paragraphs (2) and (3) of the 1945 Constitution of the Republic of Indonesia emphasize that branches of production that are vital to the state and affect the livelihoods of many must be controlled by the state and utilized to the maximum extent possible for the people's prosperity. In this context, air transportation, as a strategic sector, cannot be separated from the state's obligation to ensure equitable accessibility for all. However, in practice, existing tariff regulations have not fully accommodated the dynamics of the rapidly evolving aviation industry.

Significant changes in airline operating cost structures are a major factor that static tariff regulations have not adequately addressed. Rising aviation fuel prices, fluctuations in the rupiah exchange rate against the US dollar, and rising maintenance and other operational costs have caused fundamental changes in aviation cost components. Minister of Transportation Regulation Number 20 of 2019, specifically Articles 2 and 3, emphasizes that base fares must be calculated based on aircraft operating costs, which consist of direct and indirect costs. Furthermore, Article 23 stipulates that tariff evaluations must be conducted periodically if there is a significant change of at least 10% in any cost component. However, this provision has not been consistently implemented, resulting in the tariff formula no longer reflecting the reality of airline operational costs. This situation indicates a gap between legal norms and empirical industry conditions, which has implications for unfairness in tariff setting.

The aviation industry's high-risk, low-margin nature further emphasizes the importance of adaptive regulation. This industry has very thin profit margins and is highly sensitive to changes in costs and pricing policies. Globally, airlines implement dynamic pricing mechanisms as a strategy to balance seat occupancy rates (load factors), revenue optimization, and business sustainability. However, Indonesia's tariff regulations, which limit prices through the Ceiling and Floor Tariff schemes stipulated in Ministerial Decree No. KM 106 of 2019 does not fully provide flexibility for the implementation of this mechanism. As a result, there is a distortion in ticket price distribution, with airlines tending to maximize sales at prices close to the Ceiling Tariff and reducing the allocation of lower-priced tickets. This not only disrupts market efficiency but also contradicts the regulatory objective of protecting consumers and ensuring fair affordability.

The impact of this discrepancy is clearly felt in terms of social justice, particularly in terms of public accessibility to air transportation services. The limited availability of affordable tickets makes it increasingly difficult for low- and middle-income groups to access aviation services. Furthermore, the gap in access between regions, particularly in underdeveloped, frontier, and outermost (3T) areas, is increasing due to limited routes and high ticket prices. This situation contradicts the principle of social justice as reflected in the fifth principle of Pancasila and the mandate of Article 28H paragraph (1) of the 1945 Constitution, which states that everyone has the right to receive facilities and special treatment to obtain the same opportunities and benefits in order to achieve equality and justice. In this context, non-adaptive tariff policies actually widen social disparities and hinder equitable development.

The mismatch in tariff regulations also indicates that the state has not yet optimally fulfilled its role as regulator in maintaining a balance between market interests and the public interest. From an economic law perspective, state intervention in tariff setting should aim to correct market failures and ensure a fair distribution of resources. However, when existing regulations fail to keep pace with market dynamics, what occurs is regulatory failure, where policies intended to protect the economy actually create new distortions. This is evident in the government's tendency to employ short-term intervention policies, such as reducing ticket prices through fiscal incentives for a specific period, without implementing structural reforms to tariff regulations. This approach demonstrates that the policies adopted are still ad hoc and fail to address the root of the problem.

The mismatch between tariff regulations and the dynamics of the aviation industry not only impacts the economy but also has serious implications for social justice and the fulfillment of the public's right to access affordable transportation. In light of Article 33 paragraph (4) of the 1945 Constitution, which emphasizes the principles of equitable efficiency, sustainability, and balanced national economic progress, tariff policies should be designed adaptively and responsive to changing industry conditions. The inability of regulations to accommodate these dynamics demonstrates the need for more progressive legal reforms, oriented not only toward normative certainty but also toward substantive justice. Therefore, reforming air transportation tariff regulations is a necessity to ensure that the resulting policies balance industry sustainability and social justice for all Indonesians.

## **Analysis of the Gap between Das Sollen and Das Sein in Determining Air Transportation Tariffs as a Form of Regulatory Failure**

The gap between "das sollen" and "das sein" in setting air transportation fares in Indonesia reflects a fundamental problem in the effectiveness of existing regulations. Normatively, tariff regulation has a clear legal basis through Law Number 1 of 2009 concerning Aviation, specifically Article 126, which regulates tariff components, and Article 127, which authorizes the Minister of Transportation to set tariff ceilings, taking into account consumer protection, business sustainability, and fair competition. This norm demonstrates that the primary objective of regulation is to create a balance between public and industry interests. Furthermore, the principle of the rule of law, as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, requires that all government policies be based on clear law and be implemented consistently. However, in practice, this normative objective has not been fully realized, creating a gap between what should be (das sollen) and what actually occurs (das sein).

This gap is clearly evident in the mismatch between the tariff formula stipulated in the regulation and the ever-evolving airline operational cost structure. Minister of Transportation Regulation Number 20 of 2019, specifically Articles 2 and 3, stipulates that base fares are calculated based on aircraft operating costs, which consist of direct and indirect costs, plus a certain margin. Furthermore, Article 23 mandates periodic evaluations if significant changes occur in cost components. However, in practice, the tariff formula used has not undergone adequate adjustments despite significant increases in fuel prices, exchange rates, and other operational costs. It indicates that existing legal norms are unresponsive to industry dynamics, thus losing their empirical relevance. This inconsistency is a key indicator of regulatory failure to accommodate changing socio-economic conditions.

Beyond the substance of the norm, the gap between "das sollen" and "das sein" is also reflected in the lack of transparency in tariff formation. The regulation does not explicitly stipulate the obligation to disclose information regarding the cost structure that forms the basis for calculating the upper limit tariff, creating uncertainty for the parties. This situation contradicts the principles of transparency and accountability in government administration, as stipulated in Article 10 of Law Number 30 of 2014 concerning State Administration, which emphasizes that every administrative decision must be based on the principles of legal certainty, openness, and the public interest. When transparency is lacking, the legitimacy of tariff policies is weakened and has the potential to generate public distrust. It demonstrates that existing regulations are unable to guarantee good governance in air transportation tariff management.

This gap is further exacerbated by the ineffectiveness of oversight and law enforcement mechanisms for tariff implementation. Although Minister of Transportation Decree Number KM 106 of 2019 clearly establishes upper and lower tariff limits, in practice, deviations persist without firm enforcement. This weak enforcement demonstrates that legal norms lack sufficient coercive power to ensure compliance. From an administrative law perspective, oversight and enforcement are integral to regulatory effectiveness. Without strong oversight mechanisms, legal norms remain merely formal rules with no concrete implications. This situation contradicts the principle of a state based on the rule of law, which requires certainty and consistency in the application of the law.

Government policies that tend to be incidental through short-term interventions, such as tariff reductions for certain periods through fiscal incentives and restrictions on additional costs, indicate that existing regulations are not yet able to work systematically. This approach does not address the structural roots of the problem, but only provides temporary, reactive solutions. From an economic law perspective, this condition reflects regulatory failure, namely the failure of regulations to achieve the expected goals, both in creating market efficiency and in ensuring social justice. It also indicates that the policies taken are not in line with the principles of Article 33 Paragraph (4) of the 1945 Constitution, which emphasizes efficiency with justice, sustainability, and balance in the implementation of the national economy.

An analysis of the gap between *das sollen* and *das sein* in air transportation tariff determination shows that the existing regulatory system has not been able to optimally achieve its legal objectives, both in terms of legal certainty and social justice. This regulatory failure is caused not only by weaknesses in the substance of the norms, but also by ineffective implementation and weak law enforcement. Therefore, a more adaptive and progressive legal approach is needed, capable of responding more comprehensively to industry dynamics and societal needs. This approach must include more flexible norm reformulation, strengthened evaluation and oversight mechanisms, and increased transparency in tariff determination, so as to bridge the gap between *das sollen* and *das sein* and realize a fair and sustainable air transportation tariff regulation system in Indonesia.

## **CONCLUSION**

Based on the discussion, it can be concluded that the regulation of air transportation tariffs in Indonesia has a fairly strong legal basis through Law Number 1 of 2009 concerning Aviation, particularly Articles 126 and 127, as well as its implementing regulations, such as Minister of Transportation Regulation Number 20 of 2019 and Minister of Transportation Decree Number KM 106 of 2019. However, in its implementation, fundamental problems remain, indicating a mismatch between legal norms and the dynamics of the aviation industry. Static regulations are unable to accommodate significant changes in operational cost structures, dynamic pricing practices, and the high-risk, low-margin nature of the industry. This condition creates legal uncertainty due to unclear norms, regulatory disharmony, and weak law enforcement, while also weakening social justice through limited public access to affordable fares and increasing disparities between regions. Thus, there is a clear gap between *das sollen* and *das sein*, indicating regulatory failure to achieve legal objectives in terms of both legal certainty and social justice, as mandated by Article 33 of the 1945 Constitution.

In this regard, strategic steps are needed to reconstruct the law on air transportation tariffs so that it becomes more adaptive, responsive, and equitable. The government needs to reformulate tariff regulations by periodically adjusting the tariff formula to reflect operational cost dynamics, as mandated by Minister of Transportation Regulation Number 20 of 2019, and by accommodating dynamic pricing mechanisms in a measured and transparent manner. Furthermore, oversight and law enforcement mechanisms for tariff violations must be strengthened to ensure legal certainty, while the transparency of cost structures should also be improved as part of the accountability principle stipulated in Law Number 30 of 2014 concerning Government Administration. The state must also strengthen its role in ensuring social justice through structural and sustainable policies, such as optimizing subsidy schemes

or Public Service Obligations for 3T regions—underdeveloped, frontier, and outermost regions—to achieve a balance between consumer protection, industry sustainability, and equitable access to air transportation. Thus, comprehensive legal reform is necessary to realize an air transportation tariff system that provides legal certainty and is oriented toward social justice.

## REFERENCES

- Adhy Riadhy Arafah, A. P. (2022). *Pengantar hukum udara: Perkembangan & isu-isu terpilih*. Airlangga University Press.
- Agustian, E. S. (2023). Kajian *maintenance* pesawat penumpang di Indonesia. *Jurnal Teknik Silitek*, 122.
- Ali Amran, Y. W. (2018). *Perlindungan hukum konsumen maskapai penerbangan di Indonesia*. Andalas University Press.
- Bartle, J. R. (2021). Sustainability and air freight transportation: Lessons from the global pandemic. *Sustainability*, 127.
- Bråthen, S., & [penulis kedua]. (2018). Regional aviation and the PSO system: Level of service and social efficiency. *Journal of Air Transport Management*, 123.
- Decker, C. (2023). *Modern economic regulation: An introduction to theory and practice*. Cambridge University Press.
- Dong, L., & Kouvelis, P. (2020). Impact of tariffs on global supply chain network configuration: Models, predictions, and future research. *Manufacturing & Service Operations Management*, 22(1), 25–35.
- Elfi Amir, C. M. (2025). *Buku ajar undang-undang dan regulasi penerbangan sipil (Nasional–Internasional)*. CV Eureka Media Aksara.
- Goodarzi, S., Aflaki, S., & Masini, A. (2019). Optimal feed-in tariff policies: The impact of market structure and technology characteristics. *Production and Operations Management*, 28(5), 1108–1128.
- Hi Abd Rahman, I., & [penulis kedua]. (2023). Dampak kenaikan harga tiket pesawat udara terhadap minat pengguna jasa penerbangan di Bandar Udara Sultan Babullah Ternate. *Jurnal Mahasiswa*, 144.
- Horobet, A., Zlatea, M. L. E., Belascu, L., & Dumitrescu, D. G. (2022). Oil price volatility and airlines' stock returns: Evidence from the global aviation industry. *Journal of Business Economics and Management*, 23(2), 284–304.
- Ks, Z. S. (2017). Analisis kausalitas transportasi udara dan pertumbuhan ekonomi di Indonesia. *Jurnal Ilmiah Mahasiswa Ekonomi Pembangunan*, 433.
- Kusumadewi, P. R. (2024). Analisis standar penerbangan di Indonesia berdasarkan hukum udara internasional. *Masalah-Masalah Hukum*, 24.
- Piranti, M. (2021). The impact of fuel price fluctuation and macroeconomic variables to airlines performance. *Turkish Journal of Computer and Mathematics Education*, 12(3), 5486–5494.
- Pratama, I. D. (2020). *Price fixing* harga tiket pesawat berdasarkan Keputusan Menteri Perhubungan Nomor 106 Tahun 2019 tentang tarif batas atas penumpang pelayanan kelas ekonomi angkutan udara niaga berjadwal dalam negeri ditinjau berdasarkan Undang-Undang Nomor 5 Tahun 1999 tentang larangan praktik monopoli. *Journal of Education and Development*, 128–128.
- Putra, K. H. (2021). Analisis penentuan tarif jasa transportasi udara rute Kediri–Jakarta. *Jurnal Teknik Sipil*, 223.
- Ridho, N. A. (2024). Analisis pengawasan inspektur angkutan udara Kantor Otoritas Bandar Udara Wilayah I Kelas Utama terhadap penetapan harga tarif tiket oleh maskapai Lion

- Mentari Airlines. *El-Mal: Jurnal Kajian Ekonomi & Bisnis Islam*, 339–357.
- Samunderu, E., Perret, J. K., & Geller, G. (2023). The economic value rationale of fuel hedging: An empirical perspective from the global airline industry. *Journal of Air Transport Management*, 106, Article 102324.
- Simanjuntak, G. R. (2016). Tinjauan yuridis terhadap pelaksanaan perlindungan konsumen dalam pengangkutan udara melalui penetapan tarif (berdasarkan Undang-Undang Nomor 8 Tahun 1999). *Diponegoro Law Journal*, 1–10.
- Tridarani, M. (2020). *Relevansi perjanjian penetapan harga dan kartel industri angkutan udara domestik dalam perspektif hukum persaingan usaha* (Master's thesis). Universitas Airlangga.
- Utama, B. D. (2021). Perkembangan industri penerbangan dan pertumbuhan ekonomi di Indonesia. *Jurnal Ilmu Pemerintahan Suara Khatulistiwa*, 213–223.
- Waluyo, B. (2021). *Manajemen industri penerbangan di Indonesia*. Rajawali Pers.