

ASEAN Experience on Air Passenger Protection: Administrative Enforcement in Indonesia

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Ridha Aditya Nugraha

ASEAN Support Expert on Passenger Protection

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Administrative Enforcement by the Indonesian DGCA

Airline monitoring and assessment

- (a) the obedience of Domestic Air Transportation Business Entity in reporting the implementation of the delay management standard operating procedure to the Director General;
- (b) the number of findings in the delay management handling assessment by the Inspectorate of Air Transportation; and
- (c) the handling or solving of air passengers' complaints regarding flight delays.

[Ministry of Transportation Regulation No. PM 89 of 2015 on Delay Management of Scheduled Air Transportation, Art. 13(2)]

Administrative Enforcement by the Indonesian DGCA

Airline monitoring and assessment

- Art. 13(2a) provision only applies to domestic airline;
- Art. 13(2c) provision only applies if the passengers' complaints is addressed to the Ministry of Transportation Contact Centre 151 in a period of 14 (fourteen) calendar days.

[Ministry of Transportation Regulation No. PM 89 of 2015 on Delay Management of Scheduled Air Transportation, Art. 14]

Administrative Enforcement by the Indonesian DGCA

Airline monitoring and assessment - sanctions

- a) written warning letter for any domestic airline scoring under 60% (Poor) for a consecutive 3 (three) months;
- b) suspension of new route for any domestic airline scoring under 60% (Poor) for a consecutive 3 (three) months after the warning letter as mentioned in point a is issued;

[Ministry of Transportation Regulation No. PM 89 of 2015 on Delay Management of Scheduled Air Transportation, Art. 16]

Administrative Enforcement by the Indonesian DGCA

Airline monitoring and assessment - sanctions

- c) reduction of route for any domestic airline scoring under 60% (Poor) for a consecutive 3 (three) months after the suspension of new route as mentioned in point b was imposed; and
- d) revocation of business license for any domestic airline scoring under 60% (Poor) for a consecutive 3 (three) months after the reduction of new route as mentioned in point c was imposed.

[Ministry of Transportation Regulation No. PM 89 of 2015 on Delay Management of Scheduled Air Transportation, Art. 16]

Administrative Enforcement by the Indonesian DGCA

Airline monitoring and assessment - sanctions

How to calculate score?

Administrative Enforcement by the Indonesian DGCA

Commercial and non-commercial air transportation business license can be revoked if,

- The airline fail to submit monthly air transportation activity reports, including delays and cancellation of flights, no later than the 10th day of the subsequent month to the Minister.

[Ministry of Transportation Regulation No. KM 25 of 2008 on Air Transport Management, Art. 101 referring to the 3rd Amendment (2015) - Arts. 9(f) and 16(1c)]



Overview of Litigation in Indonesia

→ Civil Court Litigation

- An obligation to conduct mediation first;
- A period of 40 (forty) days;
- Could be extended for another 14 (fourteen) days.

Overview of Litigation in Indonesia

→ Civil Court Litigation

→ First Court (District Court) decision in maximum 5 (five) months;

→ High Court (Appellate Court) decision in maximum 3 (three) months;

Overview of Litigation in Indonesia

→ Civil Court Litigation

→ Cassation Court (Supreme Court), there is no time limit pertaining to the settlement.

Overview of Litigation in Indonesia

→ Civil Court Litigation

→ non-performance of contract and immaterial damage.

Thank you for your kind attention!

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