

Merangkai Menyatukan
Indonesia ✈️

INDONESIA NATIONAL LAW & REGULATION, PROCEDURES AND PRACTICES ON CONSUMER/PASSENGER PROTECTION



DIRECTORATE OF AIR TRANSPORTATION
DIRECTORATE GENERAL OF CIVIL AVIATION
MINISTRY OF TRANSPORTATION – REPUBLIC OF INDONESIA

Legal Standing

A stylized illustration of a hand holding a small airplane, positioned to the left of the legal text boxes.

AVIATION ACT NO.
1 YEAR 2009



- **Section 6 : Insurance in Aircraft Operations.**
- **Section 8 : Responsibilities of the Carrier.**

MOT DECREE NO.
PM 77 YEAR 2011



- **The Carrier's Responsibility is the obligation of the air transport company to compensate for losses suffered by passengers and / or freight forwarder and third party.**

MOT DECREE NO.
PM 89 YEAR 2015



- **Handling flight delays (delay management) in scheduled commercial air transport companies in Indonesia.**

Legal Standing



- **Section 6 : Article 62 : Insurance in Aircraft Operations**
- **Section 8 : Responsibilities of the Carrier**
- Paragraph 1 :** Mandatory Transport
- Paragraph 2 :** Responsibilities of Carriers to Passengers and / or Cargo Shippers
- Paragraph 3 :** Passenger, Baggage and Cargo Transportation Documents
- Paragraph 4 :** Amount of compensation
- Paragraph 5 :** Parties entitled to receive compensation
- Paragraph 6 :** Period of Claim Submission
- Paragraph 7 :** Terms of Claim
- Paragraph 8 :** Statement of Possibility of Death for Missing Aircraft Passengers
- Paragraph 9 :** Mandatory Insurance
- Paragraph 10 :** Responsibility for Air Transport by Multiple Consecutive Carriers
- Paragraph 11 :** Responsibility for Intermodal Transportation
- Paragraph 12 :** Other Carrier Responsibilities
- Paragraph 13 :** Responsibilities of Carriers to Third Parties
- Paragraph 14 :** Special Requirements

Legal Standing



MOT
DECREE
NO. PM 77
YEAR 2011

“The Carrier's Responsibility is the obligation of the air transport company to compensate for losses suffered by passengers and / or freight forwarder and third party”

- Applicability : **National Commercial Air Carrier that conduct operation of aircraft on domestic route .**
- The carrier that operates the aircraft must be responsible for losses against :
 - a. dead passengers, permanent or injured disabilities;
 - b. lost or damaged cabin baggage;
 - c. lost, destroyed, or damaged checked baggage
 - d. lost, destroyed, or damaged cargo;
 - e. flight delay; and
 - f. losses suffered by third parties.

Amount of compensation

Responsible of Losses	Amount of Compensation
dead passengers, permanent or injured disabilities.	<p>Passenger :</p> <ol style="list-style-type: none">1. Died in an airplane: IDR 1,250,000,000 (one billion two hundred fifty million rupiah) / person;2. Died in the process of boarding an airplane: IDR 500,000,000 (five hundred million rupiah)/ person3. Total permanent passenger disability: IDR 1,250,000,000 / person4. Passenger is partially permanent disability; (attached)5. Injuries and must be hospitalized and / or outpatient :IDR 200,000,000 / person
lost or damaged cabin baggage.	<p>(1). The carrier is not responsible for losses due to loss or damage to cabin baggage, except if passengers can prove it that the loss is caused by the actions of the carrier or the person he employed.</p> <p>(2). If proof of the passenger as referred to in paragraph (1) can be received by the carrier or based on a court decision those who have permanent legal force (inkracht) are stated guilty, then compensation is set as high as real loss of passenger</p>

Amount of compensation

Responsible of Losses	Amount of Compensation
lost, destroyed, or damaged checked baggage.	Checked Baggage : <ol style="list-style-type: none">1. Lost or destroyed: IDR 200,000 / kg and IDR 4,000,000 / passenger;2. Damage: compensation according to the form, size and brand of registered baggage; Waiting money before the checked baggage has not been found for a maximum period of 3 calendar days: IDR 200,000 / day.
lost, destroyed, or damaged cargo.	Cargo Lost or destroyed: IDR 100,000 / kg. Damaged contents or partial contents of cargo or cargo: IDR 50,000 / kg;
flight delay.	Delay <ol style="list-style-type: none">1. More than > 4 hours: IDR 300,000 /person;2. or, 50% of the first provision if the carrier offers other nearby destinations.
losses suffered by third parties.	Third party <ol style="list-style-type: none">1. Died: IDR 500,000,000 / person;2. Total permanent disability: IDR 750,000,000 / person;3. Permanent partial defects: (attached);4. Injuries and must undergo inpatient and / or outpatient care: ≤ 100,000,000 / person.

Amount of compensation

Responsible of Losses	Amount of Compensation
Permanent partial defects for third parties.	<p>Damage to third party items:</p> <ul style="list-style-type: none"> a. Airplane with 30 seat capacity: ≤ IDR. 50,000,000,000 (fifty billion rupiah). b. Aircraft with a capacity of 30 - 70 seats: IDR. 100,000,000,000 c. Aircraft with a capacity of 70 - 150 seats: IDR. 175,000,000,000 d. Aircraft with a capacity of > 150 seats: IDR. 250,000,000,000
Passenger is partially permanent disability.	<p>Damages for passengers and / or third parties experience partial permanent disability :</p> <ul style="list-style-type: none"> • One eye: IDR. 150,000,000 • Hearing loss: IDR 150,000,000 • Right hand thumb: IDR 125,000,000 <ul style="list-style-type: none"> - each segment: Rp. 62,500,000 • Right index finger: IDR 100,000,000 <ul style="list-style-type: none"> -each segment: IDR 50,000,000 • Left index finger: IDR. 125,000,000 <ul style="list-style-type: none"> -each segment: IDR. 25,000,000 • Right little finger: IDR. 62,500,000 <ul style="list-style-type: none"> -each segment: IDR. 20,000,000 • Left little finger: IDR. 35,000,000 <ul style="list-style-type: none"> - each segment: IDR. 11,500,000 • Middle finger or ring finger: IDR. 50,000,000 <ul style="list-style-type: none"> -each segment: IDR. 16,000,000 • Middle finger or left ring finger: IDR. 40,000,000 <ul style="list-style-type: none"> - each segment: IDR 13,000,000

Legal Standing



The Montreal Convention
1999 ("MC99")



PRESIDENTIAL DECREE NO.
95 YEAR 2016



The Montreal Convention 1999 ("MC99") establishes a modern compensatory regime in respect of passengers who suffer death or injury caused by an accident during **international carriage by air**. It also provides a simplified liability regime for baggage and air cargo where it also facilitates the use of electronic documents of carriage in place of paper. It was designed to replace the Warsaw Convention 1929.



ENDORSEMENT OF CONVENTION FOR THE UNIFICATION OF RULES FOR INTERNATIONAL CARRIAGE BY AIR, MONTREAL 1999 (CONVENTION ON UNIFICATION OF CERTAIN RULES FOR INTERNATIONAL AIR TRANSPORT)

THINGS THAT MUST PREPARE AND DO

- ENSURE SOCIALIZATION TO FLIGHT STAKEHOLDERS IN INDONESIA THAT INDONESIA HAS RATIFIED THE MONTREAL CONVENTION 1999
- ENSURING INTERNATIONAL PASSENGERS, BAGGAGE OR CARGO TRANSPORT BY THE COMMERCIAL AIRCRAFT (SCHEDULED AND CHARTER) AND BY THE NON COMMERCIAL TRANSPORTATION ACTIVITIES HAVE BEEN ACQUIRED LIABILITY RESPONSIBILITIES ACCORDING TO THE 1999 MONTREAL CONVENTION.
- HARMONIZATION OF AVIATION ACT NO. 1/2009 CONNECTED WITH THE MONTREAL CONVENTION 1999.
- HARMONIZATION OF REGULATION OF DOMESTIC ROUTE TRANSPORT LIABILITY (MOT DECREE NO. PM 77 YEAR 2011) WITH THE MONTREAL CONVENTION 1999

thank you