

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



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)/ person 3. Total permanent passenger disability: IDR 1,250,000,000 / person 4. 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 BE PREPARED AND DONE

- 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

Merangkai Menyatukan
Indonesia ✈️

THE CURRENT SITUATION OF THE CARRIER'S RESPONSIBILITY REGULATION



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

MoT Decree No 77 Year 2011 and No 89 Year 2015 are being revised by DGCA Indonesia. The critical points of this revision:

- **Amount of compensation**
- **Advance payments** shall be paid by the carrier where its aircraft accidents resulting in death or injury of passengers
- **Denied boarding** will be included on this revised regulation

The deadline of final revision of air carrier's responsibility regulation would be in the next year

Evaluation on regular basis (ref.
Article 172 Aviation Act No.1
Year 2009)

Amount of
compensation

Adjustment to MC 99 (ref. circular
Secretary General ICAO letter,
number : LE 3/38.1-19/50)

Currency exchange rate
(SDR/IDR and USD/IDR)

USD to IDR Chart

23 Aug 2009 00:00 UTC - 20 Aug 2019 08:58 UTC **USD/IDR** close:14271.13848 low:8455.00000 high:15233.96773



XDR to IDR Chart

23 Aug 2009 00:00 UTC - 20 Aug 2019 06:32 UTC **XDR/IDR** close:19552.80639 low:13250.11716 high:21303.56290



Source: xe.com

2011	2019
SDR 100.000 ≈ IDR 1.250.000.000	SDR 128.821 ≈ IDR 2.600.000.000

Article 28, MC 99

Release and
Discharge on
JT610 case

Advance
payments

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graph TD; A[Article 28, MC 99] --> C((Advance payments)); B[Release and Discharge on JT610 case] --> C;
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The diagram consists of a central orange circle with the text 'Advance payments'. To its left is a grey rounded rectangle with the text 'Article 28, MC 99'. To its right is a dark orange rounded rectangle with the text 'Release and Discharge on JT610 case'. A grey arrow points from the grey rectangle to the central circle, and a dark orange arrow points from the dark orange rectangle to the central circle.

Families 'cheated of Boeing crash compensation'

🕒 11 July 2019

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Lion Air plane crash



Relatives of people killed in the Boeing 737 Max crash in Indonesia last year have been cheated out of compensation, their lawyers say.

Lawyers told the BBC that many families were persuaded to sign forms preventing them from taking legal action.

BBC Panorama has discovered that other relatives signed similar agreements after two other crashes, stopping them from suing Boeing in the US courts.

Boeing has declined to comment on the agreements.

<https://www.bbc.com/news/world-asia-48953892>

JAKARTA (THE JAKARTA POST/ASIA NEWS NETWORK) - Three months after losing their loved ones in the [Lion Air flight JT610 crash](#), the families of the victims have demanded the airline fulfil its obligations by compensating all passengers' next of kin.

On Monday (Jan 21), a group of the victims' families went to the House of Representatives to express their grievances over "unfair compensation".

"Lion Air has yet to meet its obligation (to compensate these families). Therefore, we demand the airline fulfil its responsibility," Mr Aprillia Supaliyanto, the lawyer representing the families, told journalists on Monday at noon.

<https://www.straitstimes.com/asia/se-asia/families-protest-lion-air-to-demand-compensation-3-months-after-plane-crash>

USA

Boeing to Spend \$50 Million to Support 737 MAX Crash Victim Families

By Reuters
July 17, 2019 12:28 PM



People who lost loved ones in Lion Air flight JT610 and Ethiopian Airlines flight ET302 crashes attend a House Transportation and Infrastructure Aviation Subcommittee hearing on the Boeing 737 MAX, Capitol Hill, Washington, June 19, 2019.

<https://www.voanews.com/usa/boeing-spend-50-million-support-737-max-crash-victim-families>

1619-2019



**US Marks 400
Anniversary of
Arrival of First
Africans**

THE WORTH OF A GIRL



**What Does a
Bride Bring to
Marriage?**

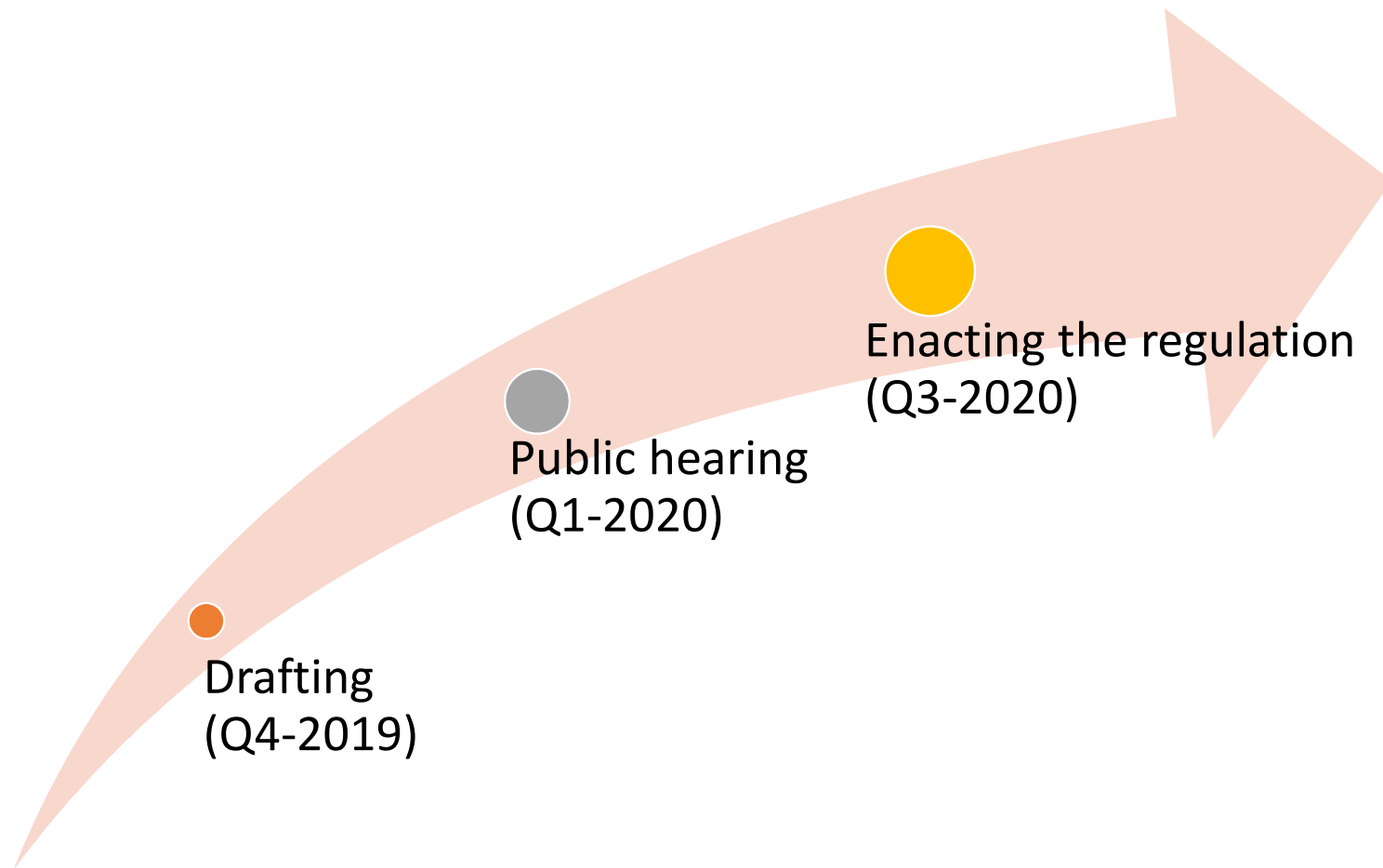
Article 28 - Montreal Convention 1999

*“In the case of aircraft accidents resulting in death or injury of passengers, the carrier shall, if required by its national law, make **advance payments without delay** to natural person or persons who are entitled to claim compensation in order to meet the immediate economic needs of such persons. Such advance payments shall not constitute a recognition of liability and may be offset against any amounts subsequently paid damages by the carrier”.*

Denied boarding

- Article 11 of the MoT Regulation No. 77 of 2011 on Responsibility of Air Carriers regarding denied boarding as revoked by the MoT Regulation 89 of 2015 on Delay Management of Scheduled Commercial Air Carriers.
- The newly enacted law does not contain denied boarding compensation regulation
- Next, denied boarding will be included on this new regulation

Timeframe



ASEAN Spirit:

- Friendship
- Agree to disagree
- Disagree to agree
- Agree to what we can agree
- Take our time

thank you