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# The 2nd Proceeding "Indonesia Clean of Corruption in 2020"



"Comparative Law System of Procurement of Goods and Services around Countries in Asia, Australia and Europe"



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# **UNRULY PASSENGER IN AVIATION: THE REGULATIONS AND CASES IN INDONESIA**

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## **ABSTRACT**

Many unexpected problems can occur in aviation, whether in flights or at the airports. One of them is the existence of unruly passengers or disruptive passengers. Unruly passengers are only a minority when compared with the rest of passengers around the world. But these kinds of behaviors will bring serious consequences on the safety of other passengers and crews on board. Therefore, there must be regulations that firmly set on sanctions and punishment for the perpetrators.

The international regulations on unruly passenger are Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo on 14 September 1963, and Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft. And the Indonesian regulations are the Act No. 2 of 1976 concerning the Ratification of the Tokyo Convention 1963, The Hague Convention of 1970, and Montreal Convention of 1971, the Penal Code (KUHP), and Act No. 1 of 2009 concerning Civil Aviation.

Unruly passenger can perform any kinds of unruly/disruptive behaviors, and is taken seriously by the authorities. Because it threatened aviation safety, and also cause negative impacts, both for the airlines and for the other passengers. This resulted in huge losses for airlines, mainly in term of operational costs. As for the other passengers, this incident can cause an inconvenience feeling during the flight, and also a delay arriving at their destination.

So the perpetrators must go through legal procedures and subject to sanctions in accordance with the applicable law in Indonesia.

**Keywords: unruly passenger, regulations and cases in Indonesia**

## I. Introduction

Many unexpected problems can occur in aviation, whether in flights or at the airports. One of them is the existence of unruly passengers or disruptive passengers.<sup>1</sup> According to the International Civil Aviation Organization (ICAO), disruptive passenger can be describes as “a passenger who fails to respect the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or crew members and thereby disturbs the good order and discipline at an airport or on board the aircraft”.<sup>2</sup> Meanwhile, the International Air Traffic Association (IATA) in the Guidance on Unruly Passenger Prevention and Management stated that, “the term of unruly or disruptive refers to passengers who fail to respect the rules of conduct on board aircraft or to follow the instructions of crew members, thereby disturbing good order and discipline on board and compromising safety”.<sup>3</sup>

To help the airlines in identifying such unruly passengers, IATA has developed a “non-exhaustive” list of what is considered as unruly or disruptive behavior while on board an aircraft, such as:<sup>4</sup>

- a. Illegal consumption of narcotics;
- b. Refusal to comply with safety instructions (not following cabin crews requests: direction to fasten seat belt, to not smoke, or to turn off a portable electronic device);
- c. Verbal and/or physical confrontation with crew members or other passengers;
- d. Uncooperative passengers (interfering crew’s duties, refusing to follow instructions to board or leave the aircraft);
- e. Making threats of any kind towards the crew, other passengers or the aircraft;
- f. Sexual abuse or harassment; and
- g. Other type of riotous behavior (screaming, kicking and banging heads on seat backs or tray table, or other annoying behaviors).

Those various unruly behaviors can be caused by various things, such as intoxication, drug use, mental health issues, anxiety (including fear of flying), fatigue, or frustration as a result of personal issues or from travel related dissatisfies such as pre-boarding issues (long

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<sup>1</sup> “Unruly passengers” is the term used by the IATA, while the ICAO call it as “the disruptive passengers”. But the writer will use the term of “unruly passenger” further in this paper.

<sup>2</sup> See: International Civil Aviation Organization (ICAO), *Annex 17 to the Convention on International Civil Aviation regarding the Security – Safeguarding International Civil Aviation against Acts of Unlawful Interference*, ICAO, Ninth Edition, March 2011, pp 1-2.

<sup>3</sup> See: International Air Traffic Association (IATA), *Guidance on Unruly Passenger Prevention and Management*, 2<sup>nd</sup> Edition, January 2015, pp 13.

<sup>4</sup>See: “Unruly Passengers”, retrieved from [http://www.skybrary.aero/index.php?title=Unruly\\_Passengers&oldid=117391](http://www.skybrary.aero/index.php?title=Unruly_Passengers&oldid=117391) on Tuesday, November 29, 2016.

queue, security and screening process, departure delays, and missed connections) and post-boarding issues (crowded conditions, lack of personal space, unserviceable equipment (in-flight entertainment system inoperative)), and annoying individuals in one's vicinity (loud passengers, seat kickers, crying babies).<sup>5</sup>

ICAO then further classifies unruly behaviors into four levels, namely:<sup>6</sup>

- a. Minor Threat: Disruptive Behavior (verbal)
- b. Moderate Threat: Physically Abusive Behavior
- c. Serious Threat: Life Threatening Behavior
- d. Attempted or Actual Breach of the Flight Crew Compartment/Flight Deck.

Unfortunately, according to IATA the number of cases of unruly, disruptive, and violent passengers is increasing worldwide. On 2007-2015, there are 49,084 reported cases of unruly incidents to the IATA, which 10,854 incidents were reported to the IATA only in 2015.<sup>7</sup> It represents 265 airlines that carry 84% of global air traffic.<sup>8</sup> Most of the incidents were verbal abuse, failure to follow lawful crew instructions, and other forms of anti-social behavior, let alone physical aggression towards crews or other passengers, or damage to the aircraft. The latest case reported was in November, when a United Airlines flight bound for Hong Kong from O'Hare Chicago was diverted near Tokyo after 12 hours due to an "unruly passenger".<sup>9</sup>

Unruly passengers are only a minority when compared with the rest of passengers around the world. But these kinds of behaviors will bring serious consequences on the safety of other passengers and crews on board. Therefore, there must be regulations that firmly set on sanctions and punishment for the perpetrators.

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<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, pp 28 – 32.

<sup>7</sup> See: International Air Traffic Association (IATA), *Unruly Pax Infographic*, downloaded from <https://www.iata.org/policy/safety-security/Documents/unruly-pax-infographic.pdf> on Friday, November 25, 2016.

<sup>8</sup> Harriet Baskas, "What One Flight Attendant has to Say about Unruly Passengers", NBCNews.com, October 4, 2016, downloaded from <https://www.iata.org/policy/safety-security/Documents/unruly-pax-infographic.pdf> on Friday, November 25, 2016, pp 1.

<sup>9</sup> See: CBS Chicago, "Chicago Flight To China Diverted Due To 'Unruly Passenger'", November 27, 2016, downloaded from <http://chicago.cbslocal.com/2016/11/27/chicago-flight-to-china-diverted-due-to-unruly-passenger/> on Tuesday, November 29, 2016; The Asahi Shimbun, "Chicago-HK flight diverted to Tokyo due to 'unruly passenger'", November 28, 2016, downloaded from <http://www.asahi.com/ajw/articles/AJ201611280009.html> on Tuesday, November 29, 2016; and JapanToday, "Chicago flight to China diverted to Narita due to 'unruly passenger'", November 28, 2016, downloaded from

<https://www.japantoday.com/category/national/view/chicago-flight-to-china-diverted-to-narita-due-to-unruly-passenger> on Tuesday, November 29, 2016.

## II. The International Regulations on Unruly Passenger

### a. Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo on 14 September 1963

At first, there was only a little concern regarding the possibility of attacks or criminal offences both to the passengers, the aircraft crews, or the aircraft itself. Later on after the Second World War (World War II), statutory crimes on board an aircraft were enacted in the United Kingdom and the United States. ICAO, as the major international institution dealing with aviation, then began to work on this issue. Then in September 1963, a diplomatic conference held in Tokyo, and discuss about the possibility of criminal offences occur in aviation. It resulted in the enactment of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (further referred as Tokyo Convention).<sup>10</sup>

The Tokyo Convention governs criminal offences and other acts committed on aircraft that jeopardize the safety of the flight and good order and discipline on board.<sup>11</sup> This also include to the handling of unruly passenger.

In Article 3 is further explained that the country, which has jurisdiction in dealing with unruly passenger, is the country where the aircraft is registered (state of registry/state of registration; further referred as “state of registration”). It means that all matters related to the activities in flight shall be subject to the national law of the country where the aircraft is registered.

But this provision causes further problems, such as the implementation of the provisions of state of registration, which shall only apply to actions taken in flight.<sup>12</sup> Furthermore, Tokyo Convention only recognized the jurisdiction of the state of

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<sup>10</sup> Paul B. Larsen, Joseph C. Sweeney, and John E. Gillick, *Aviation Law: Cases, Laws, and Related Sources*, Second Edition, (Martinus Nijhoff Publishers, Boston-USA, 2012), pp 85.

<sup>11</sup> Judith R. Nemsick, “Unruly Passengers and Liability for Act of Unlawful Interference”, presented at the 8<sup>th</sup> Annual McGill Conference on Aviation Liability and Insurance, held at Montreal, Canada on April 17-18, 2015, downloaded from [https://www.mcgill.ca/iasl/files/iasl/2015-liabilityinsurance-panel\\_5.3-nemsick.pptx](https://www.mcgill.ca/iasl/files/iasl/2015-liabilityinsurance-panel_5.3-nemsick.pptx) on Tuesday, November 29, 2016.

<sup>12</sup> “In-flight” in Article 1 Paragraph 3 of Tokyo Convention: “... an aircraft is considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends”. As an addition, there is another definition of “in-flight” in corresponds with the powers of the air commander as stated in Article 5 Paragraph 2 that “an aircraft shall be considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the provisions of this Chapter shall continue to apply with respect to offences and acts committed on board until competent authorities of a State take over the responsibility for the aircraft and for the persons and property on board.”

registration, inconsiderate of the location of the aircraft,<sup>13</sup> although third-party states may assert jurisdiction under certain circumstances.<sup>14</sup> Whereas in aviation, there are such things like chartering aircrafts, or leasing aircrafts, where the responsibility will be in the operator state (state of operator).<sup>15</sup> Not to mention the responsibility of the state where the aircraft with unruly passenger then landed. This corresponds to Article 8 of the Convention, which states that the aircraft commander may disembark in the territory of any State in which the aircraft lands any person who he has reasonable grounds to believe has committed, or is about to commit, on board the aircraft an act that will jeopardize and endanger the safety of the other passengers, the crews, or the aircraft. Where the state has an obligation to allow disembarkation and received the unruly passenger. The state then has the right to decide for them selves, whether to make an arrest to the unruly passenger in accordance with its national law.

These kind of problems is then led to a lot of perpetrators is free from legal charges and prosecution, because the state where the aircraft landing cannot apply its jurisdictions.

#### **b. Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montreal Protocol 2014)**

Due to the increasing number of reported cases on unruly passenger, and also due to the problems on handling the unruly passenger, then in Montreal, Canada, in the 4<sup>th</sup> of April, 2014 has been held the International Conference on Air Law – Diplomatic Conference to Consider Amending the Tokyo Convention of 1963 (ICAO Diplomatic Conference).

Some additions and amendments to the Tokyo Convention has been made, among others:

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<sup>13</sup> Tokyo Convention, Article 3.

<sup>14</sup> Tokyo Convention, Article 4.

A third-party may exercise jurisdiction over the offence in the following cases: (a) The offence has effect on the territory of such state; (b) The offence has been committed by or against a national or permanent resident of such state; (c) The offence is against the security of such state; (d) The offence consists of a breach of any rules or regulations relating to the flight or manouvre of aircraft in force in such state; and (e) The exercise of jurisdiction is necessary to ensure the observance of any obligation of such state under a multilateral international agreement.

See: Paul Stephen Dempsey, Aviation Security: The Role of Law in the War against Terrorism, Columbia Journal of Transnational Law, Volume 41 Number 3, 2003, pp 664.

<sup>15</sup> Article 83bis Convention on International Civil Aviation as amended by the Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 83bis] signed at Montreal on 6 October 1980 (further referred as Montreal Protocol 1980).

1. On the “in flight” definition

Tokyo Convention provides 2 (two) definitions of the term “in-flight” in Article 1 Paragraph 2 and Article 5 Paragraph 2. Whereas in Montreal Protocol 2014, the definition of “in-flight” in Article 5 Paragraph 2 has been removed. The definition of “in-flight” in the Montreal Protocol 2014 has been amended and added into “an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; in the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for the persons and property on board” (Article 1 Paragraph 3a).

2. On the jurisdiction matters

There is no regulation regarding an aircraft registered in a country (state of registration) but operated by an airline in another country (state of the operator) when the Tokyo Convention is made. The matter of an aircraft with different state of registration and states of operator was then regulated in Article 83 *bis* of the Chicago Convention since the enactment of Montreal Protocol 1980. Article 83 *bis* imposes the function and responsibility of the state of registration to the state of the operator, in corresponds with leasing and chartering aircrafts.

As for the Tokyo Convention, which already governs the state of registration, the Montreal Protocol 2014 added the jurisdiction of the state of the operator into Article 1 Paragraph 3b of the Tokyo Convention, “... when the State of the operator is not the same as the State of registration, the term “the State of registration”... shall be deemed to be the State of the operator”. Furthermore, this Protocol also added the jurisdiction of the state of landing in Article 3 Paragraph 1 *bis* of the Tokyo Convention.

3. On the right of recourse<sup>16</sup>

Regarding to the number of emergency landings or unscheduled landings performed by an aircraft due to the existence of unruly passenger in flight, the Montreal Protocol 2014 then added Article 18 *bis* to the Tokyo Convention. It states that the airlines have the right of recourse, to have seek for the recovery, under

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<sup>16</sup> See: ICAO DCTC Doc No. 22, “Comments on the Right of Recourse”, presented by the International Air Transport Association (IATA) at the International Conferenve on Air Law, Montreal 26 March to 4 April 2014.

national law, of any damages incurred by the unruly passenger that disembarked or delivered off the aircraft.

This addition to the Convention is very important. Because an emergency or an unscheduled landing of an aircraft costs a lot on operational costs, such as the fuel costs and the compensation to the other passengers who were disadvantaged due to the delay of the aircraft.

### **III. The Regulations on Unruly Passenger in Indonesia**

According to Article 1 paragraph 1 of the Tokyo Convention 1963, the handling of the unruly passenger shall be based on the national law. Thus the provisions of the Tokyo Convention may apply if the State already provides the regulation on the offences and criminal in aviation in the national law. The Indonesian law concerning the foregoing are as follows:

**a. Act No. 2 of 1976 concerning the Ratification of the Tokyo Convention 1963, The Hague Convention of 1970, and Montreal Convention of 1971**

Because Indonesia has ratified the Tokyo Convention, then Indonesia must implement the contents and the provisions of the convention as well as possible. Thus the national law on aviation should comply with the provisions of the Tokyo Convention.

**b. The Penal Code (KUHP)**

Crimes related to aviation and aviation facilities provided in Articles 479a to 479r of Chapter XXIX A of the Penal Code (KUHP). Especially in Article 479r in which regulates that whoever in board the aircraft perform acts that could disturb public order in the aircraft in flight, shall be punished by a maximum imprisonment of 1 (one) year.

**c. Act No. 1 of 2009 concerning Civil Aviation**

Act No. 1 of 2009 concerning Civil Aviation (known as the Civil Aviation Act of 2009; further referred as CAA 2009) is a refinement of Act No.15 of 1992. This act, which came into force on 1<sup>st</sup> January 2009, is formulated based on the Chicago Convention of 1944, and with regard to the development of air transportation in Indonesia.<sup>17</sup> This act is very important because it regulates all aspects of civil aviation in Indonesia.

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<sup>17</sup> K. Martono and Amad Sudiro, *Hukum Udara Nasional dan Internasional Publik* (Public National and International Air Law), (Indonesia), (Rajawali Press, Indonesia, 2012), pp 233.



Specifically regarding the handling and treatment of unruly passenger is regulated in Article 54 and Article 412 of the CAA 2009. Article 54 stated that: “any person on board the aircraft in flight shall be prohibited to do: (a) any acts that could endanger the security and safety of aviation; (b) any violation on the order in aviation; (c) retrieving or damaging any equipments of the aircraft that could endanger the safety of the aircraft; (d) any sexual misconduct; (e) any disturbing behavior; and (f) the use of electronic equipments that interferes flight navigation.” While for the sanctions and punishment imposed against the perpetrators set in Article 412 as follows:

1. Paragraph 1: for the perpetrators of Article 54a, shall be subject to a maximum imprisonment of 2 years or maximum fine of Rp 500.000.000,00.
2. Paragraph 2: for the perpetrators of Article 54b, shall be subject to a maximum imprisonment of 1 year or maximum fine of Rp 100.000.000,00.
3. Paragraph 3: for the perpetrators of Article 54c, shall be subject to a maximum imprisonment of 2 years or maximum fine of Rp 200.000.000,00.
4. Paragraph 4: for the perpetrators of Article 54e, shall be subject to a maximum imprisonment of 1 year or maximum fine of Rp 100.000.000,00.
5. Paragraph 5: for the perpetrators of Article 54f, shall be subject to a maximum imprisonment of 2 years or maximum fine of Rp 200.000.000,00.
6. Paragraph 6: in case of the criminal offences referred to in paragraph 1, paragraph 2, paragraph 3, paragraph 4 or paragraph 5 result in damage or crash of the aircraft, and loss of property shall be subject to maximum imprisonment of 5 years and maximum fine of Rp 2.500.000.000,00.
7. Paragraph 7: in case of the criminal offences referred to in paragraph 1, paragraph 2, paragraph 3, paragraph 4 or paragraph 5 result in permanent disability or death of a person shall be subject to maximum imprisonment of 15 years.

As for until now, Indonesia has not ratified the Montreal Protocol 2014.

#### **IV. The Cases of Unruly Passenger in Indonesia**

There are some cases of unruly passenger happened in Indonesia, among others:

- a. In April 10, 2008, a passenger of Mandala Airlines Denpasar-bound was being unloaded because he refuses to obey the warning from the flight attendant to turn off his mobile phone while on board the aircraft.<sup>18</sup>
- b. In December 30, 2009, 7 (seven) passengers of Mandala Airlines Batam-bound were being unloaded due to disruptive behavior. One of them refuses to turn off his mobile phone. In fact they then banging the cockpit door and forcing the pilot to turn the aircraft and go back to pick up their relatives left behind.<sup>19</sup>
- c. In August 9, 2012, two passengers of Citilink Jakarta-bound from Medan, Ishak (34) and Joseph (32), forcibly unloaded at Polonia Airport. The pilot forced two Papuans down before the plane took off, because they are drunk on the plane, then screaming and do riotous behavior.<sup>20</sup>
- d. In June 5, 2013, a man named Zakaria Umar Hadi, the Head of the Investment Coordinating Board (BKPM) in Bangka Belitung, hitting a Sriwijaya Air's flight attendant twice, because he feel upset after several times being warned to turn off his mobile phone. The flight attendant then report him to the police in order to be prosecuted.<sup>21</sup>
- e. In April 25, 2014, a passenger of Virgin Australia was being arrested at Bali airport due to disruptive behavior. Matt Christopher Lockley is the name of this drunk, intoxicated and aggressively behaved passenger who was banging the cockpit door and trying to enter the cockpit.<sup>22</sup>
- f. In May 25, 2016, some passengers of Garuda Indonesia was being investigated and then undergo further process at the airport after making a verbal sexual harassment to one of

<sup>18</sup> Kompas.com, "Tak Matikan HP, Penumpang Mandala Air Diturunkan" (12 April 2008) (Indonesia), available at <http://sains.kompas.com/read/2008/04/12/23440133/tak.matikan.hp.penumpang.mandala.air.diturunkan> (last visited 29 November 2016).

<sup>19</sup> Kontan Mobile, "Membahayakan Penerbangan, Tujuh Penumpang Mandala Dipaksa Turun" (30 December 2009) (Indonesia), available at <http://m.kontan.co.id/news/membahayakan-penerbangan-tujuh-penumpang-mandala-dipaksa-turun-1> (last visited 29 November 2016).

<sup>20</sup> Merdeka.com, "Mabuk di Pesawat, Dua Penumpang Citilink Diturunkan Paksa" (9 August 2012) (Indonesia), available at <https://www.merdeka.com/peristiwa/mabuk-di-pesawat-dua-penumpang-citilink-diturunkan-paksa.html> (last visited 29 November 2016).

<sup>21</sup> Maria Yuniar, "Kronologi Pemukulan Pramugari Sriwijaya Air" (7 June 2013) (Indonesia), available at <http://nasional.tempo.co/read/news/2013/06/07/063486506/kronologi-pemukulan-pramugari-sriwijaya-air> (last visited 29 November 2016).

<sup>22</sup> BBC News, "Arrest after Bali Plane Hijack Alert in Indonesia" (25 April 2014), available at <http://www.bbc.com/news/world-asia-27154139> (last visited 29 November 2016).

the flight attendant in flight. The perpetrators later admitted their mistake, and the issue can then be resolved amicably.<sup>23</sup>

- g. Unruly passenger cases occurred again in Indonesia on July 13, 2016. This time the case had happened to Wings Air flight number IW 1504, bound to Langgur Ambon Maluku, Southeast Maluku. The implication is that the plane must return to bases (RTB), and all passengers can not get to their destination on time. The unruly passenger was OK. He refused to comply with the safety instructions. He even threatened to report the incident to the Lion Air authority and would ask the whole crew on duty to be fired.<sup>24</sup>

From the cases above, it can be seen that the perpetrators can perform any kinds of unruly/disruptive behaviors. Whatever it is, unruly passenger is taken seriously by the authorities. Because it threatened aviation safety, and also cause negative impacts, both for the airlines and for the other passengers. The aircraft about to fly could have delayed its flight to unload the unruly passenger. Or if already take off, then it could have forced to turn back and make an emergency/unscheduled landing to handle and unload the unruly passenger. This resulted in huge losses for airlines, mainly in term of operational costs. As for the other passengers, this unruly passenger incident can cause an inconvenience feeling during the flight, and also a delay arriving at their destination.

So the perpetrators must go through legal procedures and subject to sanctions in accordance with the applicable law in Indonesia.

## V. Concluding Remarks

There are some points that can be concluded from the above descriptions:

- a. There are many actions that can be categorized as unruly behavior. All of these actions have been further categorized by the ICAO into 4 levels, i.e. Minor Threats, Moderate Threats, Serious Threats, and Attempted or Actual Breach of the Flight Crew Compartment/Flight Deck.
- b. The international regulations on unruly passenger are set in the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (Tokyo Convention), and also in the Protocol to Amend the Convention on Offences

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<sup>23</sup> Andri Donnal Putra, "Lecehkan Pramugari, Penumpang Garuda Indonesia Diamankan" (28 May 2016) (Indonesia), available at <http://nasional.kompas.com/read/2016/05/28/11252891/lecehkan.pramugari.penumpang.garuda.indonesia.diamankan> (last visited 29 November 2016).

<sup>24</sup> Helmi, "Unruly Passenger Kembali Terjadi pada Penerbangan Wings Air IW 1504" (13 July 2016) (Indonesia), available at <http://beritatrans.com/2016/07/13/unrully-passenger-kembali-terjadi-pada-penerbangan-wings-air-iw-1504/> (last visited 29 November 2016).

and Certain Other Acts Committed on Board Aircraft, done at Montreal on 4 April 2014 (Montreal Protocol 2014).

- c. The Indonesian Government has issued various regulations regarding unruly passenger in flight, such as in Article 479r of the Penal Code, and Article 54 and Article 412 of the Civil Aviation Act of 2009.
- d. The Authorities take unruly passenger incident seriously. Because it threatened aviation safety, and also cause negative impacts, both for the airlines and for the other passengers. So the perpetrators must go through legal procedures and subject to sanctions in accordance with the applicable law in Indonesia.

Furthermore in relation to the handling of unruly passenger, the writer recommends the following matters:

- a. A dissemination of any action that prohibited in flight or on board the aircraft (unruly/disruptive behaviors) to the society, and also about the regulations and the legal sanctions for unruly passenger. These activities can be done by putting flyers and banners in various corners at the airport, as well as running texts and announcements at numbers of television provided in the airport waiting rooms. Furthermore, the Ministry of Transportation and the Airport Authority can make public service announcements in various mass media (TV and radio), and also on various social medias.
- b. A more firm application of sanctions to the unruly passenger, specifically the execution of the legal process in accordance with the applicable laws in Indonesia. It is highly recommended as seen from the experience from some previous case, the handling of unruly passenger has not fulfilled the provisions in the Civil Aviation Act of 2009. For example, Zakaria in the Sriwijaya Air case, did not prosecuted based on the provisions in the Civil Aviation Act of 2009, although he also violated Article 54 of the Civil Aviation Act of 2009. Instead he was charged with Article 351 of the Penal Code on persecution and Article 335 of the Penal Code on unpleasant acts, in the subsidiary indictment. Whereas based on the principle *lex specialis derogat legi generali*, Zakaria should be charged with the Civil Aviation Act of 2009.
- c. There should be an evaluation on the regulations on aviation in Indonesia, due to the rapid development in the aviation world and in order to comply with the international regulations on aviation. Specifically on the regulations of unruly passenger. This can be done for example by ratifying the Montreal Protocol 2014.

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