

## **Laws and Regulations: Air Transportation of Persons with Disabilities (PWD) and Others in Indonesia**

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**Abstract:** *This article purported to explore laws and regulations on air transportation of persons with disabilities (PWD) and others in Indonesia. It consist of three chapter namely chapter one regarding legal ground such as the United Nations (UN), Act No. 13 Year 1998, Act No. 39 Year 1999, high light of Act No. 39 Year 1999, PWD related to Chicago Convention of 1944, PWD in the ICAO Doc.9984, legal ground of PWD in the Civil Aviation Act of 2009; chapter two regarding air transportation of PWD and others provides Citilink's COC includes the use of electronic ticket, cancellation and refund of E-ticket, legal liability, carrying PWD; Garuda Indonesia's COC includes the right to refuse carriage, special assistance, passenger with illnesses and PWD, travel with a companion, special assistance for prisoners; Indonesian AirAsia's COC includes PWD, passenger with a companion, passengers with a medical condition /illnesses, unaccompanied child, pregnant women, infants 8 days and/or below, the right to refuse and others; Lion Air's COC includes PWD, the right to refuse; Sriwijaya Air's COC includes the right to deny carriage and other; chapter three conclusion and recommendation.*

**Keywords:** *persons with disabilities. air transportation, condition of carriage*

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### **I. Introduction**

On 3 April 2016, Etihad Airlines (EA) asked Mrs Dwi Ariyani (Mrs Dwi) to get off the plane that route from Jakarta to Geneva, due to Mrs Dwi is not accompanied by a companion, whilst she intends to fly to Geneva, Switzerland to attend the Convention on the Rights of Persons with Disabilities (CRPWD) at the office of the United Nations (UN). EA apologizes to Mrs Dwi (36), related incidents forcibly disable from Etihad aircraft that will fly to Geneva, Switzerland, on Sunday 3 April 2016.

EA sincerely apologize for the inconvenience experienced by Mrs Dwi when asked to get off the plane that route from Jakarta to Geneva. EA's management wrote via its representative, delivered via electronic mail to Kompas.com. According to EA, passenger safety and comfort is very important and EA takes case seriously. Additionally, EA's management acknowledge that the airline company did not follow specific procedures for wheelchair users. Therefore, EA has conducted an internal investigation thoroughly and they take appropriate action to improve the next steps and avoid the occurrence of the same thing in the future.

Previously reported Mrs Dwi derived from the plane and was not allowed to participate in airline flights EA at Soekarno-Hatta International Airport, in fact she intends to fly to Geneva, Switzerland, to attend the CRPWD at the office of the UN. According to her husband, Mrs Dwi was deplaned by EA and there is discrimination against his wife as a disabled person. In this connection, when Mrs Dwi being on the plane, the crew chief approach her and asked if Mrs Dwi could evacuate if the plane took the incident, Mrs Dwi said that she need help for evacuation. According to the cabin crew, Mrs Dwi have to get off the plane because there is no companion.<sup>4</sup> In this connection, Mrs Dwi who has bought tickets back and for Jakarta-Switzerland was suddenly forced off the plane because she was a (PWD). She is a wheelchair user and unable to walk. Mr Dwi was forced down before EA plane took off form Soekarno-Hatta International Airport on 5 April 2016, for that reason, she

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<sup>4</sup> .Aprillia Ika. Kompas.com

sued IDR 678 million for the forced lowering of passengers with disabilities.<sup>5</sup> This article purported to explore the laws and regulation on air transportation of PWD in Indonesia.

## II. Research Method

This research is library research uses the normative juridical type with normative legal research methods, including reviewing and analyzing the legal material and legal issues related to air transportation of PWD in Indonesia. In this research, the result will be achieved in the form of prescriptions about what have to be done to resolve the issue. The sources of legal materials used in this research consist of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> law material. The 1<sup>st</sup> law materials which are authoritative legal materials, meaning that such legal materials have the authority, namely legislation, official records. Such legislations used as the 1<sup>st</sup> legal materials are Act No.13 Year 1998,<sup>6</sup> Act No.39 Year 1999,<sup>7</sup> Government Regulation No.43 Year 2004,<sup>8</sup> Presidential Decree No.52 Year 2004,<sup>9</sup> Presidential Decree No.93 Year 2005,<sup>10</sup> ICAO Doc.7300/6,<sup>11</sup> ICAO Doc.9984 Year 2003<sup>12</sup>, the constitutional of the Republic of Indonesia of 1945, Act Concerning Civil Aviation No.1 Year 2009,<sup>13</sup> including its implementation regulations, whilst the 2<sup>nd</sup> law materials are over all publications regarding the law and regulation which are not official documents but related to the subject matter. Such publication concerning the laws and regulations includes text books, theses, journals, law dissertation. The 3<sup>rd</sup> law materials used in the research are legal dictionaries, comments on the court decision, also the opinions of legal experts published via journals, magazines or others.

## III. Discussion And The Result

### Chapter One Legal Ground of PWD

Chapter one consist of charter of the United Nations (UN), Act No. 13 Year 1998, Act No. 39 Year 1999, high light of Act No. 39 Year 1999, PWD related to Chicago Convention of 1944, PWD provided in the ICAO Doc.9984, legal ground of PWD in the Civil Aviation Act of 2009 as follows:

#### 1. Charter of the United Nations

Charter of the United Nations (CUN) consist of 111 Articles and 19 Chapters such as Chapter 1 purpose and principles; Chapter 2 membership; Chapter 3 Organs; Chapter 4 the general assembly; Chapter 5 the security Council; Chapter 6 Pacific Settlement of Disputes; Chapter 7 Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression; Chapter 8 Regional Arrangement; Chapter 9 International Economic and Social Cooperation; Chapter 10 the Economic and Social Council (ECOSOC); Chapter 11 Declaration Regarding Non-Self-Governing Territories; Chapter 12 International Trusteeship System; Chapter 13 the Trusteeship Council; Chapter 14 the International Court of Justice; Chapter 15 the Secretariat; Chapter 16 Miscellaneous Provisions; Chapter 17 Transitional Security Arrangements; Chapter 18 Amendments; Chapter 19 Ratification and Signature. With regards discrimination treatment provides in Article 1 paragraph (3) which provides that “ .... to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and **in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, languages, or religion and ....**”(emphasize added).

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<sup>5</sup> Liputan6.com

<sup>6</sup> Act *Concerning Welfare of Older Persons*, Act No.13 Year 1998

<sup>7</sup> Act *Concerning Human Rights*, Act No.39 Year 1999.

<sup>8</sup> Government Regulation *Concerning the Implementation of Measures to Improve the Welfare of Older Person*, Government Regulation No.43 Year 2004

<sup>9</sup> Presidential Decree *Concerning the Establishment of the National Commission on Ageing*. Pres. Dec. No.53 Year 2004

<sup>10</sup> Presidential Decree *Concerning the Membership on the National Commission on Ageing*, Pres. Dec. No.93 Year 2005

<sup>11</sup> ICAO Doc.7300/6 *Convention on International Civil Aviation*, signed at Chicago on 7 December 1944

<sup>12</sup> ICAO Doc.9984., *Concerning Manual on Access to Air Transport by Persons with Disabilities*

<sup>13</sup> Act *Concerning Civil Aviation*, Act No.1 Year 2009, State Gazette of the Republic of Indonesia No.1 Year 2009, Supplement State Gazette of the Republic of Indonesia No.4956

According to the UN, there are more than one billion people worldwide living with a disability. In Asia Pacific region has one of the world's highest proportions of PWD, the United Nations ECOSOC estimated at 400 million for Asia and the Pacific. In this connection, the Government of the Republic of Indonesia (the ROI) and its National Parliament (NP) ratified CRPWD. The ratification signifies a landmark step forward to improving the welfare and human rights of PWD. Indonesia now the 107<sup>th</sup> country out of 153 signatories to the CRPWD. Indonesia's ratification of the CRPWD represented a new dawn for national law reform, especially on fulfilling the rights of PWD. There were three important things the public should understand regarding the passing of the CRPWD into law, namely there should be a legal certainty to safeguard the rights of PWD as regulated in the law, 2<sup>nd</sup> there should be planning on all aspects, from human resources to facilitate to budget allocation to implement the laws and lastly, a preparedness of all stakeholders to implement the law. The Institute on Disability and Public Policy (IDPP) congratulates Indonesia and PWD worldwide on this key achievement.<sup>14</sup>

## **2. Act Number 13 Year 1998**

For the purpose to promote and protect the human rights of PWD, the government of the ROI adopted several various laws, regulations such as Act No.13 Year 1998,<sup>15</sup> Government Regulation No.43 Year 2004,<sup>16</sup> Presidential No.52 Year 2004,<sup>17</sup> Presidential Decree No.93 Year 2005,<sup>18</sup> the Declaration on 29 May as the National Day for older persons as one of many strategies to create public awareness and sensitively toward the ageing issue; The Presidential Instruction No.1 and No.3 of 2010.<sup>19</sup> These two Presidential Instructions focus on promoting the rights of marginalized and vulnerable groups.

## **3. Act Number 39 Year 1999.**

According to Act No.39 Year 1999,<sup>20</sup> human right, as being creations of God Almighty charged with the task of managing and protecting the universe, with total devotion to and responsibility for the welfare of humanity, being His creation are bestowed with basic rights to guarantee their human dignity and worth, and harmony with their environment. Human rights are basic rights bestowed by God on human beings, are universal and eternal in nature, and for that reason, human rights must be protected, respected and upheld, and may not be disregarded, diminished, or appropriated by anyone whosoever. In addition, human rights also have a basic obligation to one another and to society as a whole, with regard to society, nation and state. As a member of the UN, Indonesia has a moral and legal responsibility to respect, execute, and uphold the Universal Declaration of Human Rights (UDHR) promulgated by the UN and several other international instruments concerning human rights, for that reason Indonesia to issue an Act No.39 Year 1999.

## **4. High Light of Act Number 39 Year 1999**

The human rights Act Number 39 Year 1999 that came into force on 23 September 1999 provides basic rights namely human rights and freedoms, the right to security, the right to welfare, woman's rights, children's rights, human obligations, government duties and obligation, limitation and prohibitions, the national commission on human rights, public participation, human right tribunal, transitional provisions and concluding provisions.

With respect to PWD, basically, **PWD** (*emphasize added*) is born equal in dignity and human rights, is bestowed with the intellect and reason to live with others in a spirit of brotherhood; has the right to be recognized, guaranteed, protected, and treated fairly before the law and is entitled to equal legal certitude and treatment before the law without any discrimination, whatsoever reason; has the right not to be tortured, the right to freedom of the individual, to freedom of thought and conscience, the right not to be enslaved, the right to be acknowledges as an individual before the law, and the right not to be prosecuted retroactively under the

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<sup>14</sup>.<http://aseanidpp.org/indonesia-ratifies-un-convention-on-rights-of-pwds>

<sup>15</sup> Act *Concerning Welfare of Older Persons*, Act No.13 Year 2003

<sup>16</sup> Government Regulation *Concerning the Implementation of Measures to Improve the Welfare of Older Person*, Govern. Reg. No.43 Year 2004

<sup>17</sup> Presidential Decree *Concerning the Establishment of the National Commission on Ageing*, Pres. Dec. No.52 Year 2004

<sup>18</sup> Presidential Decree *Concerning the Membership on the National Commission on Ageing*, Pres. Dec. No.93 Year 2005

<sup>19</sup>.On Equitable Development Program.

<sup>20</sup>. Act *Concerning Human Rights*. Act No.39 Year 1999. State Gazette of the Republic of Indonesia No.165 Year 1999.

law are human rights that cannot be diminished under any circumstances whatsoever; is recognized as an individual who has the right to demand and obtain equal treatment and protection before the law as the law as benefits elderly people; has the right to truly just support and protection form an objective, impartial judiciary etc.

With regard to social welfare, **PWD** (*emphasize added*) has the right to own property, both alone and with others, for the development of himself, his family, nation, and society through lawful means, no one shall subjected to arbitrary or unlawful seizure of his property and the right to ownership has a social function; has the right to ownership of a property in the public interest shall not revoked, except with the restoration of fair, proper and adequate compensation, based on prevailing legislation; in the event that in the public interest a property must be destroyed or abandoned, either permanently or temporary, compensation shall be paid in accordance with prevailing legislation; has the right to form and join trade unions for the protection and promotion of elderly interest, in accordance with the prevailing law; has the right to a place to live and the right to an adequate standard of living.

#### **5. PWD Related to Chicago Convention of 1944**

The Chicago Convention came into force on 4 April 1947 provides some important articles such as every state has complete and exclusive sovereignty over airspace above its territory; every other state must refrain from resorting to the use of weapons against civil aircraft in flight; the aircraft of states, other than scheduled international air services, have the right to make flights across state's territories and to make stops without obtaining prior permission. However, the state may require the aircraft to make a landing; No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State; the state can require that landing to be at a designated customs airport and similarly departure from the territory can be required to be from a designated customs airport; each state shall keep its own rules of the air as uniform as possible with those established under the convention, the duty to ensure compliance with these rules rests with the contracting state; a state's laws and regulations regarding the admission and departure of passengers, crew or cargo from aircraft shall be complied with on arrival, upon departure and whilst within the territory of that state; the authorities of each state shall have the right to search the aircraft of other states on landing or departure, without unreasonable delay; aircraft flying to, from or across, the territory of a state shall be admitted temporarily free of duty. Fuel, oil, spare parts, regular equipment and aircraft stores retained on board are also exempted from customs duty, inspection fees or similar charges.

With regard to **PWD** (*emphasize added*), regulated in connection with certificate of competency. Article 29 provides that before an international flight, the pilot in command must ensure that the aircraft is airworthy, duly registered and that the relevant certificates are on board the aircraft. The required documents among other is crew licenses. Pilot and crew of every aircraft engaged in international aviation must have certificates of competency and licenses issued or validated by the state in which the aircraft is registered.<sup>21</sup> Such certificates of competency and pilot crew licenses issued or validated by the state in which the aircraft is registered, shall be recognized as valid by other states. The requirements for the issuing of those certificates competency or licenses must be equal to or above the minimum standards established by the Chicago convention of 1944.<sup>22</sup>

#### **6. PWD provided in the ICAO Doc.9984**

Taking into account that Indonesia is a member of ICAO,<sup>23</sup> Indonesia has an moral as well legal obligation to comply with Standard and Recommended Practices (SARP) in Annex 9- provided by ICAO Doc.9984<sup>24</sup> which provides general guidance on services and features needed to meet the needs of PWD in air transportation includes general issues, training, pre-journey, arrival and moving through an airport, airport facilities, security screening and border checks, boarding and disembarking an aircraft, airport operator's services on board, aircraft, connections and leaving an airport, ground transportation, complaint and monitoring and enforcement of compliance.

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<sup>21</sup>. Article 32.

<sup>22</sup>.Article 33

<sup>23</sup>. Indonesia as a member of ICAO based on adhered on 27 February 1950 See Dempsey. P.S., (2005) Vol. XXX-Part I Ann. of Air & Sp.L.at 52 .

<sup>24</sup> ICAO Doc.9984, *Manual on Access to Air Transport by Persons with Disabilities*, First Edition – 2013, ICAO

## **7. Legal Ground of PWD in the Civil Aviation Act of 2009**

### **a. Historical Background of Civil Aviation Act of 2009**

The policy of old order regime tends to be of a socialist ideology, for that reason air transportation policy completely conducted by state-owned enterprises such Garuda Indonesian Airways (GIA)<sup>25</sup> and Merpati Nusantara Airlines (MNA),<sup>26</sup> whilst the regulator is conducted by the Ministry of Air Communications (MOAC). All routes, frequencies, type of aircraft used, capacities, tariff, utilization of jet or propelled aircraft are completely controlled by the MOAC as well. Within the old order, there were no airlines owned by private companies, and there was not competition between airlines because all tariffs were set by the MOAC.<sup>27</sup> On the other hand, the new order under the regime of General Soeharto started to introduce a mixed ideology between socialist and liberal ideology known neo-liberal.<sup>28</sup>

In the new order of the regime of General Soeharto, based on Act Number 1 of 1967,<sup>29</sup> the political ideology clearly tended to be neo-liberal which was a mix between socialist and liberal ideologies. Based on this ideology, the government issued a Ministerial Decree No. SK 13/S/1971,<sup>30</sup> to permit a new airline owned by private companies. State-owned enterprises such GIA<sup>31</sup> serves trunk line and MNA<sup>32</sup> serves feeder line together with private owned companies.<sup>33</sup> Besides scheduled and non-scheduled, there is also general aviation to cater the aerial work and other activities using aircraft.<sup>34</sup>

Previously, GIA opened as the main air carrier, whilst private-owned companies functioned as supplement operators. Additionally, GIA also set price leadership or guidance of tariff to prevent an unhealthy tariff competition between airlines. Tariff is determined by the MOC with consideration of market forces in flexible ways. There is a restriction of using jet aircraft and tariffs. Only GIA was permitted to use jet aircraft and all tariffs provided by private-owned companies shall below GIA's tariff and especially first class GIA's tariff was permitted 15% higher than normal price.<sup>35</sup>

In the era reformation order under the regime of General Soesilo Bambang Yoedoyono (SBY), the policy of air transportation in Indonesia tended to relax. Private airlines, scheduled and non scheduled airlines increasing rapidly. Based on Ministerial Decree No. KM 81 Year 2004,<sup>36</sup> the requirements to establish a new airlines company were very easy. They compete without paying attention to the consumers interest.<sup>37</sup>

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<sup>25</sup>.Government Regulation *Concerning state enterprise (PN) Perhubungan Udara changed to Limited Company Liability (PT), Garuda Indonesian Airways*, Govern. Reg.No.67 Year 1971.

<sup>26</sup>.Government Regulation *Concerning State Enterprise (PN) Perhubungan Udara Daerah dan Penerbangan Serbaguna change to Limited Liability (PT) Merpati Nusantara Airlines*, Govern. Reg. No.70 Year 1971.

<sup>27</sup>.Martono K. and Dr Amad Sudiro, *Current Air Transport Regulation in Indonesia*, (2013), XXXVIII, Ann. Air & Sp.L58.

<sup>28</sup>.Gunawan Djajaputra, I Gusti Ayu Ketut Rachmi Handayani, Martono K., *An Indonesian Air Transport : A Critical Analysis of Christmas Celebration of 2016 and New Year Holiday of 2017*, Vol. 6(2) [www.ijbmi.org](http://www.ijbmi.org) 51 ( February 2017).

<sup>29</sup>.Act *Concerning Foreign Investment*, Act No.1 Year 1967.

<sup>30</sup>. Ministerial Decree *Concerning Requirements and Provision Regarding Using Airplane for Commercial*, Ministerial Dec. No.SK 13/S/1971 ( 18 January 1971)]

<sup>31</sup>. Ministerial Decree *Concerning Garuda Indonesian Airways Permit*, Ministerial Dec. No. T 14/4/4-U (11 July 1961).

<sup>32</sup>.Ministerial Decree *Concerning Route Structure of PN Merpati Nusantara Airlines*, Ministerial Dec. No.S.8/2/5-Mphb ( 13 January 1969).

<sup>33</sup>. Ministerial Decree *Concerning Home Base of Airlines*. Ministerial Dec. No.SK 402/S70 ( 30 December 1970).

<sup>34</sup>.Gunawan Djajaputra, I Gusti Ayu Ketut Rachmi Handayani, Martono K., *supra* note 25 at 51.

<sup>35</sup>. Ministerial Decree *Concerning First Class Domestic Tariff Change*. Ministerial Dec. No.96/PR.303/Phb-84 .

<sup>36</sup>.Ministerial Decree *Concerning Engagement of Air Transportation*, Ministerial Decree No. KM 81 Year 2004.

<sup>37</sup>. There were a lot of complaints regarding delay, cancellation, aircraft accident and finally the consumers are victimized as a result of rigid competition; See also Gunawan Djajaputra, I Gusti Ayu Ketut Rachmi Handayani, Martono K., *supra* note 28 at 52.

The relaxation policy truly benefits consumers, without having a negative effect against other modes of transportation. The negative effect of the relaxation policy is that the airlines are forced to compete rigidly. They reduce tariff under standard recommended by the MOC. The existing war tariff indirectly kills other airlines companies, as well as sea transportation. The result of the relaxation policy is that the land transportation by bus from Jakarta to Padang and Medan went bankrupt, ships owned by state-owned enterprise operated by the Indonesian Sea Transportation (PELNI) is force to be transferred to Indonesian Navy because commercially it is not feasible. After the land and sea transportation has been killed, it is quite possible to kill airlines companies and the airlines companies which have a marginal capital will become bankrupt. Finally, only the giant airlines can operate, and consumers will be victimized.<sup>38</sup>

The victims of relaxation policy are not limited to land, sea and railways transportation, but also to the airlines themselves. The old players such as Zamrud Aviation, Bouraq Indonesia Airlines, Mandala Airlines, Seulawah Air Services and Indonesian Air Transportation went bankrupt due to their inability to compete with the new airlines players. The development of era reformation, the victims are not limited to the old players, even the new airlines players are forced to go bankrupt because they cannot guarantee to survive their operation. They come without enough capital, professional human resources, victimize the consumers and go bankrupt as victims of the relaxation policy. The new airlines risk against accidents, one fatal aircraft accident and the airlines goes directly bankrupt.<sup>39</sup>

The government realizes the impact of relaxation policy. For that reason, the MOC requests that a new airline must have as minimum of ten aircraft, five of them shall be owned and the rest can be leased for a scheduled commercial air transportation, have enough capital, bank guarantee, professional human resources, single majority shares and supported by civil aviation principles such as safety, security, law enforcement, fully regulated industry, compliance and just culture to guarantee the sustainability operation.

**b. High Light of the CAA of 2009**

The Civil Aviation Act of 2009 is consisting of 466 Articles and 24 Chapters. It came into force on 12 January 2009, aims to promote the development of Indonesian air transportation. It regulates a host of matters related to aviation, form sovereignty in airspace, aircraft production, operation and airworthiness of aircraft to aviation safety, aircraft procurement, aviation insurance, the independence of aircraft accident investigation, and the licensing of aviation professionals. The CAA of 2009 also regulates scheduled and non-scheduled air transportation, airlines capital, the ownership of aircraft, aircraft leasing, tariffs, liability of air carriers, air navigation facilities, airport authorities and services, and law enforcement related to air transportation. The CAA of 2009 also has provisions aimed at supporting the development of national and international air transportation in Indonesia, including provisions regarding the creation of a public service institute to further those goals.

**c. Air Transportation**

With regards to air transportation, provided in Chapter X from Article 83 to 191. Basically it consist of commercial air transportation and non-commercial air transportation. Commercial air transportation shall consist of domestic commercial air transportation and international commercial air transportation. Domestic commercial air transportation consist of scheduled commercial air transportation and domestic non-scheduled air transportation. Additionally, there are general aviation as well as pioneer air transportation. Without disregards of any other type of air transportation, for the purpose of this article will focus on domestic scheduled commercial air transportation.

**d. Regulation of PWD**

With regards to PWD provided in Article 134 of the CAA of 2009. It provides that disabled, old, children below age of 12 (twelve) years and/or sick/ill persons, shall have the rights to receive special services such as special treatment and facility from domestic scheduled commercial air transportation business entities. Such as special treatment and facilities shall consist of provision of additional priority on seating, availability of facilitation for getting on and off aircraft, facilities for disabled people whilst on board the aircraft, aid facility for sick/ill persons, availability of facilities for children while on board aircraft, availability of personnel with ability to communicate with disable sick/ill, old people and availability guide-book on aviation safety and security for aircraft passengers and other facilities that are understandable to the disabled, elderly and sick/ill peoples.

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<sup>38</sup>.Gunawan Djajaputra, I Gusti Ayu Ketut Rachmi Handayani, Martono K., *supra* note 28 at 52.

<sup>39</sup>.*Ibid.*

## **Chapter Two**

### **Air Transportation of PWD and Others**

Chapter two consist of Citilink's COC includes the use of electronic ticket, cancellation and refund of E-ticket, legal liability, carrying PWD; Garuda Indonesia's COC includes the right to refuse carriage, special assistance, passenger with illnesses and PWD, travel with a companion, special assistance for prisoners; Indonesian AirAsia's COC includes PWD, passenger with a companion, passengers with a medical condition /illnesses, unaccompanied child, pregnant women, infants 8 days and/or below, the right to refuse and others; Lion Air's COC includes PWD, the right to refuse; Sriwijaya Air's COC includes the right to deny carriage and others as follows.

#### **1. Citilink's Condition of Carriage**

##### **a. The Use of electronic Ticket**

Citilink's condition of carriage (COC) provides among others the use of electronic ticket with an attached photo identification letter issue by the Government, such as passports, identity cards or Indonesian ID cards. Such electronic ticket must be shown along with an attached photo identification letter at the time of ticket refund or exchange tickets. If the existing data in the E-ticket is different from the existing data in the reservation system, then that becomes the reference is the existing data on the reservation system. The cancellation of ticket reservation will be charged a cancellation fee, if any. The passenger is advised to contact reservation and ticket sales Citilink for more information. By ordering this ticket, passenger agrees to and accept all terms and conditions and the regulations of this ticket cancellations and exchanges.<sup>40</sup>

##### **b. The Cancellation and Refund of E-Ticket**

The tickets purchased cannot be returned, transferred schedule, and transferred ownership. The passenger shall contact call center or visit website of Citilink to find out about the procedure of refund / exchange / printing anniversary E-ticket information, in accordance with the applicable ticket. The contract for the carriage and other services that are available are referring to the provisions issued by the carrier.<sup>41</sup>

##### **c. Legal Liability of Citilink**

Passengers' traveling covers long distances or transit in a country other than the country of origin of departure, the Warsaw Convention of 1929 will apply, which regulate and, in most cases, limited the liabilities of the carrier companies for death or injury and loss or damage to baggage. These tickets are governed by different terms and other default conditions, which are declared to be part of this document. The economy class passengers are allowed to carry luggage weighing up to 7 pounds with dimensions of 56 cm x 36 cm x 23 cm in the cabin of Citilink. The weight of luggage in the cabin must not exceed 7 kg. Bags are allowed to be brought into the cabin as long as the dimensions are equal to or less than the dimensions listed above. The woman's handbag, pocketbook or wallets that are the appropriate for normal travel and are not used to shelter the tools are calculated as luggage; the coat, shawl or blanket; the small camera and or small binoculars; baby food to be consumed during the flight.<sup>42</sup>

##### **d. Carrying of PWD**

With regards to air transportation of PWD, the COC of Citilink provides that PWD who need special assistance must notify the Citilink in particular of their needs to the Citilink at the time of booking. The company will transport the passenger if all the special needs of the passengers have been set properly. If the passenger does not notify the needs especially at the time of booking, the Citilink will still try to accommodate the special needs of such passengers. The PWD who have informed the Citilink of their special needs when booking and has been accepted by the Citilink will not be denied to be transported due to the condition of diffabilities or special needs. However, Citilink or government regulations may apply to the transport of PWD. Citilink may ask PWD to travel with his own assistant if required for safety reasons or if the passenger is unable to perform an evacuation process itself or cannot understand the safety instructions.<sup>43</sup>

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40. <https://www.citilink.co.id/en/condition-of-carriage>.

41 *Ibid*.

42 *Ibid*.

43. *Ibid*.

## **2. Garuda Indonesia's Condition of Carriage**

### **a. The Right to Refuse to Carriage**

In the reasonable exercise of Garuda's discretion, Garuda may refuse to carry the passenger if Garuda have notified the passenger in writing that Garuda would not after the date of such notice carry the passenger in Garuda flights. In this regard, the passenger will be entitled to a refund. Additionally, Garuda Indonesia may also refuse to carry the passenger if one or more of the following have occurred or reasonably believe may occur:

(1) such action is necessary in order to comply with any applicable laws, regulations or orders of any State or country to be flown from, into or over;

(2) the passenger refuse Garuda requests for, or requests to take copies of, information about the passenger's himself including information requested by the government;

(3) the carriage of passenger or his baggage may endanger or affect the safety, health or materially affect the comfort of other passengers or crew;

(4) mental or physical of passenger state caused discomfort objectionable to other passengers, for example due to impairment form alcohol or drugs, presenting a hazard or risk to himself, to passengers, to crew, or to property. If there is a suspected abnormal situation regarding a passengers' health condition (physical/mental), medical approval from the health unit of the carrier is required. Based on the assessment of the health workers medical escorts may be required, or the passenger may not be allowed to travel. This entire provision shall be subject to applicable laws and regulations;

(5) the passenger has made a hoax bomb, or other safety or security, threat;

(6) the passenger has committed a criminal offence during the check-in or boarding processes or on board the aircraft;

(7) the passenger has committed misconduct on a previous flight and there is a likelihood that such conduct may be repeated;

(8) the passenger has not obeyed the instructions of the ground staff or a member of the crew of the aircraft relating to safety or security, including crews and/or carrier's property;

(9) the passenger has used threatening, abusive or insulting words towards the ground staff or another passenger or a member of aircraft member;

(10) the passenger has deliberately interfered with a member of the aircraft crew carrying out their duties;

(11) the passenger has refused to submit to a security check on his baggage, or having submitted to such a check, fail to provide satisfactory answers to security questions at check-in or at the boarding gate, or fail a security seals on his baggage or security stickers on his boarding pass;

(12) passenger has not paid the applicable fares, taxes, fees or charges;

(13) the itinerary or booking is counterfeit or fraudulently obtained and the payment of fare is fraudulent;

(14) the passenger do not appear to have valid travel documents, may be seeking to enter a country through which you may be in transit, or for which you do not have valid travel documents or you may destroy your travel documents during flight or refuse to surrender your travel documents to the flight crew, when so requested;

(15) the passenger present a ticket that has been acquired unlawfully, has been purchased from an entity other than us or our authorized agent, has been reported being lost or stolen, or is a counterfeit, or the passenger cannot prove that the passenger is the person name on the ticket;

(16) the passenger fail to comply with the requirements concerning coupon sequence and use, or the passenger present a ticket which has been issued or altered in any way, other than by Garuda or authorized agent, or the ticket is mutilated;

(17) the person checking in or boarding cannot prove that he is the person named as the passenger on the ticket;

(18) if the immigration authority for the country are travelling to, or for a country in which the passenger has a stopover, has told the Garuda that it has decided not to allow the passenger to enter that country, even if the passengers have, or appear to have, valid travel documents;

(19) the passenger has previously committed one of the acts or omissions referred to above, and Garuda have reason to believe that the passenger may do so again.<sup>44</sup>

### **b. Special Assistance**

The carriage of unaccompanied children, infant, pregnant women, and ill people or other people requiring special assistance is subject to prior arrangement with Garuda Indonesia, whose requirements were advised and accepted at the time of booking, shall not subsequently be refused carriage on the basis of such disability or special requirements.

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<sup>44</sup>.<https://www.garuda-indonesia.com/files/pdf/kr/COC%20ENG.pdf>



**(1). Unaccompanied Children**

Acceptance for carriage of unaccompanied children who are incapacitated by illness may be subject to prior arrangement and in accordance with carrier's regulation. For safety reasons, the total number of unaccompanied children and incapacitated or disabled persons cannot exceed 10% of the aircraft's capacity.<sup>45</sup>

**(2). Infants 7 (seven) Days and/or Below**

With regard to carriage infants 7(seven) days and/or bellow, the COC on Garuda Indonesia provided that Garuda may have reserve the right not to carry infants 7(seven) days-old and/or bellow. Garuda may absolutely discretion decide to carry such infants on its flight when such carriage is expressly sanctioned in writing by a medical practitioner and when the parent of the infant signs a limited liability statement. For safety reasons, the number of infants that Garuda can carry cannot exceed 10% of the aircraft capacity.

**(3). Pregnant Women**

In accordance with the COC, it is the duty of pregnant passengers to advise Garuda Indonesia of the progress of their pregnancy at the point of booking their seat and at the check-in counter. The carriage of pregnant passengers is subject to the following condition:

(a) pregnancy up to 34 (thirty four) weeks, the Garuda Indonesia requires submission of a doctor's medical certificate which confirms the number weeks of pregnancy and that the passenger is fit to travel. The certificate shall be dated not more than 30 (thirty) days from the date of the passenger are travelling. Pregnant passengers shall also sign a limited liability statement;

(b) pregnancy 35 (thirty-five) weeks and above, Garuda Indonesia will not accept the passenger for carriage on it flight.

**(4). Passengers with Illnesses or a Medical Condition**

Passengers with illnesses or a medical condition are required to produce a medical certificate at check in confirming that they are fit to fly. For the safety of other passenger, Garuda Indonesia reserve the right to deny boarding to passengers suffering from infectious, contagious or chronic diseases.

**c. PWD and Passenger with Illnesses.**

Passengers with specific requirements requiring special assistance, incapacitated persons, and passenger with illnesses including those that may require administering or carrying medication on board are requested to contact Garuda Indonesian's call center at least 48 (forty eight) hours before the scheduled flight departure date to make a prior arrangement with Garuda Indonesia for the type of special assistance required. Specifically, passengers who need an oxygen tank and/or stretcher case are required to make a request via Garuda call center at least 24 (twenty four) hours prior to their flight and must be accompanied by one paramedic.<sup>46</sup>

The passenger will be responsible for the cost of arranging paramedics, oxygen tank, stretcher case and any other additional seats if the passenger's illness is such that he/she needs to travel in a horizontal position. Failure to notify Garuda Indonesia within the above -mentioned period may result in the service being unavailable upon the passenger's arrival at the time of ticketing, and have been accepted by Garuda Indonesia, shall not be subsequently refused carriage on the basis of such disability or special requirements, however the carrier's regulations and/or government regulations may apply to the transportation of a PWD. For health and safety reasons passengers with specific requirement must check-in at the airport.<sup>47</sup>

**d. Travel With a Companion.**

In accordance with condition of carriage, Garuda Indonesia may require that the passenger travel with a companion at the passenger cost if :

- (1) according to Garuda Indonesia reasonable assessment it is essential for safety;
- (2) the passenger is unable to evacuate the aircraft without assistance; or

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<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

(3) the passenger has an impairment that prevents the passenger from understanding safety advice. When travelling with Garuda Indonesia, it is necessary for a child below 6 (six) years old to be accompanied by 1 (one) adult, who is fully responsible for the minor.<sup>48</sup>

**e. Special Assistance for Prisoners**

In accordance with the condition of carriage provided that the carriage of prisoners and/or persons accompanied by authorized law enforcement officers is subject to prior arrangement with Garuda Indonesia and must be in accordance with applicable laws and regulations.

**3. Indonesian AirAsia's Condition of Carriage**

**a. PWD**

For safety reasons AirAsia can carry only a maximum of 4 passengers per flight who have reduced mobility provided that quadriplegic passengers are limited to not more than 2 per flight. Under certain circumstances Indonesian AirAsia may require the passenger to travel with a companion.<sup>49</sup>

**b. Passenger With a Companion**

With regard to passenger with a companion, Indonesian AirAsia may require that the passenger with a companion if it is essential for safety, or the passenger is unable to assist in his own evacuation from the aircraft, or the passenger is unable to understand safety instruction. An Indonesian AirAsia will make reasonable seating accommodations for passengers with specific requirements in accordance with applicable laws. An Indonesian AirAsia may reserve the right to re-assign seats at any time, including after boarding of the aircraft. This may be necessary for operational, safety, government regulatory, health or security reason.<sup>50</sup>

**c. Passengers With a Medical Condition /Illnesses (PWMC)**

Unless otherwise determined by Indonesian AirAsia, passengers with a medical condition /illness are required to produce a valid medical certificate dated no more than ten (10) days from the date of travel and sign a limited liability statement upon check in confirming that they are fit to travel. For the safety of other passenger, the Indonesian AirAsia may reserve the right to deny boarding passengers suffering from infectious, contagious or chronic diseases at the discretion of Indonesian AirAsia.<sup>51</sup>

Passengers with specific requirements requiring special assistance and passengers with medical conditions / illnesses including those that may require administering or carrying medication / syringes onboard are requested to contact Indonesian AirAsia at least 48 hours before the scheduled flight departure date to make prior arrangement for the type of special assistance required. Failure to notify us may result in any special assistance being unavailable upon the arrival at the airport and being refused carriage. For health and safety reasons passengers with specific requirements must check-in at the airport.<sup>52</sup>

**d. Unaccompanied Child.**

Children below age 12 will not be accepted for carriage unless they are accompanied by a person of at least 18 years of age.<sup>53</sup>

**e. Pregnant Women**

With regards to pregnant passenger, an Indonesian AirAsia provides that the duty of pregnant passenger to advise an Indonesian AirAsia of the progress of their pregnancy at the point of booking of seat and at the check-in counter. The carriage of pregnant passenger is subject to:

(1) pregnancy up to 27 weeks (inclusive): guest must sign an Indonesian AirAsia Limited Liability Statement at the time of check-in to absolve an Indonesian AirAsia against any liabilities arising there from;

(2) Pregnancy between 28 weeks to 34 weeks (inclusive): guest must submit an approved doctor's medical certificate required, the doctor's medical certificate must confirm the number of weeks of pregnancy and the

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<sup>48</sup>.Ibid.

<sup>49</sup>.<https://www.airasia.com/my/en/about-us/terms-and-conditions-qz.page>

<sup>50</sup>. Ibid.

<sup>51</sup>. Ibid.

<sup>52</sup>. Ibid.

<sup>53</sup>.Ibid.

certificate shall be dated not more than thirty (30) days from either the scheduled outbound or the scheduled inbound flight departure date as the case may be, guest must sign AirAsia Limited Liability Statement at the time of check-in to absolve AirAsia against any liabilities arising there from.

**f. Infants 8 Days and/or Below**

With regards of carrying to infants 8 days and/or below, the Indonesian AirAsia may reserve the right not to carry infants eight (8) days-old and/ or below. The Indonesian AirAsia absolute discretion decide to carry such infants in flights when such carriage is expressly sanctioned in writing by a medical practitioner and when the parent of the infant signs a Limited Liability Statement.<sup>54</sup>

**g. The Right to Refuse**

Indonesian AirAsia for QZ flight may refuse carriage of baggage for reasons of safety or if, in the exercise of reasonable discretion determine that such action in necessary for reason of safety or security, in order to comply with any applicable laws and regulations or orders of any state or country to be flown, into or over; passenger's conduct, status, age or mental or physical condition or the physical condition of passenger's baggage is such as to cause reasonable fear of harm to other passengers or to air crew of that may pose a hazard or risk to the passenger's himself; the passenger have not observed, or are likely to fail to observe the instruction; the passenger have refuse to submit to a security check; the applicable fare or any charges or taxes payable have not been paid; the payment of fare is fraudulent; do not have the proper documents for travel; booking of seat has been done fraudulently or unlawfully or has been purchased from a person not authorized by the airlines; the credit card by which paid for the fare has been reported lost or stolen; the itinerary or booking or electronic ticket is counterfeit or fraudulently obtained.<sup>55</sup>

**h. Others**

Additionally, the Indonesian AirAsia has the right to refuse carriage of such baggage or such items found in the baggage such as items which are not properly packed in suitcases or other suitable containers in order to ensure safe carriage with ordinary care and handling; which likely to endanger the aircraft or persons or property on board the aircraft and/or defined as dangerous goods under dangerous goods regulation of the ICAO and IATA or the term & conditions and condition or contract; the carriage of which are prohibited by the applicable laws, regulations or orders of any state or country to be flown, to or over; which are unsuitable for carriage by reason of their weight, sharp, size or character; fragile or perishable items; live or animal product; fresh or frozen seafood or other meats provided that such items may be carried on board as hand luggage only if is satisfied that the have been properly packed; firearms and ammunition; explosive, flammable or non-inflammable gas such as aerosol paints, butane gas, lighter refills, refrigerated gas such as aqualung cylinders, liquid nitrogen, flammable liquids such as paints, thinners, solvents, flammable solids such as matches, fire lighter, organic peroxides such as resins, poisons, infective substances such as viruses, bacteria, radioactive material such as radium, corrosive material such as alkali, mercury, thermometers, magnetic substances, oxidizing material such as bleaches, electronic cigarettes; weapon such as antique firearms, swords, knives and similar items provided that such items may be allowed as checked baggage, absolute discretion for very special reasons. These cannot be carried into the aircraft for any reason whatsoever.

**4. Lion Air's Condition of Carriage**

According to Lion Air condition of carriage provides several type services namely regarding general information, cabin baggage regulations, domestic travel, international travel, passport and visas, advise to international passengers on limitation of liability. With regard to transportation of PWD regulated in item 4 regarding transportation of a person with disability (PWD) and refusal to transport provided in item 5 regarding refusal to transport as follows:<sup>56</sup>

**a. PWD**

Lion Air's COC provides that a PWD requiring any special assistance should inform Lion Air at the time of his or her booking of his or her special needs. Lion Air will carry such a passenger where arrangements have been made to provide for the passenger's special needs. If such a passenger does not inform Lion Air at the time of booking of his or her special needs, Lion Air will nevertheless use reasonable efforts to accommodate that passengers' special needs. PWD who have advised Lion Air of any special requirements they may have at

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<sup>54</sup> .Ibid.

<sup>55</sup> .Ibid.

<sup>56</sup> [file:///C:/Users/User/Downloads/Lion%20Air%20Condition of Carriage.pdf](file:///C:/Users/User/Downloads/Lion%20Air%20Condition%20of%20Carriage.pdf)

the time of booking and been accepted by Lion Air, shall not subsequently be refused carriage on the basis of such disability or special requirements, however, Lion Air's regulations or government regulations may apply to the transportation of such PWD.<sup>57</sup>

Lion Air may require that a PWD travels with his or her own assistant if it is essential for safety or that PWD is unable to assist in his or her evacuation of the aircraft or is unable to understand safety instruction. Additionally, Lion Air will refuse to transport, or will remove at any point, any passenger whose actions or inactions prove to Lion Air that his or her mental or physical condition is such as to render him incapable of caring for him or herself without assistance, unless he or she is accompanied by an assistant who will be responsible for caring for him or her en route and, with the care of such an assistant, he or she will not require unreasonable attention or assistance from the air crew.<sup>58</sup>

Lion Air may reserve the right to require a medical clearance for medical authorities if travel involves any unusual risk or hazard to the passenger or to other persons (including, in cases of pregnant passengers, unborn children. PWD will not be permitted to occupy seats in designated emergency exit rows or in over-wing emergency exit rows. Lion Air reserves the right to cease accepting passengers who must travel on a stretcher on any flights.<sup>59</sup>

Lion Air will not refuse to carry passenger wheelchairs or other disability-assistive devices, unless such carriage would be inconsistent with safety or safety requirements. In addition to the regular free baggage allowance, Lion Air will accept such passenger wheelchairs or other disability-assistive devices as priority checked baggage without charge.<sup>60</sup>

**b. Refusal to Transport**

According to Lion Air's COC provides that Lion Air may reserve the right to refuse to transport or may remove from any flight any passenger for any person, including, but not limited to the following (1)

**(1). Government Request of Regulations**

Whenever such action is necessary to comply with any government, or to comply with any governmental request for emergency transportation in connection with the national defense or whatever such action is necessary or advisable by reason of weather or other conditions beyond its control (including but without limitation, acts of God, or events of force majeure, strikes, civil commotions, embargoes, wars, hostiles or disturbances) actual, threatened or reported.

**(2). Search Passenger or Property.**

If a passenger refuses to permit search of his person or property for explosives or a concealed, deadly or dangerous weapon or article.

**(3).Proof of Identity/Age.**

If a passenger refuses to provide proof of age or identity as requested by Lion Air, Lion Air may, at its discretion and any time, refuse to transport the passenger. Additionally, when a passenger is traveling on a fare which has a particular age requirement for qualification, proof of age may be required. Acceptable forms of proof of identity are a valid driver's license, birth/baptismal certificate, passport or provincial health care card. Failure to provide proof as requested constitutes grounds for refusal to transport.

**(4). Travel Documentation Requirements**

Lion Air will refuse to transport any passenger, where in the Lion Air's opinion (a) the travel documents of such passenger are not in order; (b) such passenger's entry into transit through or embarkation from Canada or any other point would be unlawful.

**(5).Passenger's Conduct/Behavior**

Lion Air may impose sanctions on any person who engages in or has engaged in any conduct or behavior on the Lion Air's aircraft, or to the knowledge or reasonable belief of Lion Air, on any airport property or other air carrier's aircraft, that Lion Air determines, in its reasonable judgement, may have a negative effect on the safety, comfort or health of the person, passengers, Lion Air employees or agents, aircrew, or aircraft or

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<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

the safe operations of Lion Air aircraft (the prohibited conduct) for examples of prohibited conduct that could give rise to the imposition of sanctions include significant impairment arising from the consumption or use of alcohol or drugs prior to boarding or while on board an aircraft; engaging in belligerent, lewd or obscene behavior toward a passenger or employee or agent of Lion Air; threatening, harassing intimidating, assaulting or injuring a passenger or employee or agent of Lion Air; tempering with or willfully damaging an aircraft, its equipment or other property of Lion Air; failing to comply with all instructions to cease prohibited conduct, given by Lion Air's employees; unauthorized intrusion or attempted intrusion onto the flight deck of an aircraft; smoking or attempted smoking in an aircraft; swearing or carrying dangerous or deadly weapons on aircraft.<sup>61</sup>

#### **(6) Sanction Lion Air**

Lion Air may impose on a person may be any one or combination of the following written or verbal warning; refusal to permit boarding of an aircraft; removal from an aircraft at any point; requiring the person, to undertake in writing to refrain from repeating the prohibited conduct in question and from engaging in any other prohibited conduct as a prerequisite to further travel with Lion Air during the probationary period that will not normally exceed one year; refusal to transport the person on a one time basis, for an indefinite period or permanently, as determined by Lion Air.<sup>62</sup>

### **5. Sriwijaya Air's Condition of Carriage**

#### **a. Right to deny carriage**

In accordance with Article 7 of the COC, if Sriwijaya Air have notified the passenger in writing that Sriwijaya Air is not going to carry the passenger as of a specific date and beyond or as of the date of the written notification delivery and beyond, it is the discretion to deny such carriage, whereupon the passenger is entitled to being refunded for any money might have paid to Sriwijaya Air as deposit. Additionally, Sriwijaya Air shall deny to carriage the luggage, in any of the case below, or if this imposed by any of the reasons :

- (1) in execution or/and at the order, respectively, of any provision of the law in force or/and the judiciary or other public authorities;
- (2) for health or safety or security reasons and/or excessive restriction of the comfort of other passenger or the crew, if the carriage of passenger baggage might create a hazard for any or every one of these goods or if, in reasonable judgment, it is unsuitable for carriage due to its size, shape, weigh, content or type, or if reasonably judge that it is not properly of adequately packed;
- (3) if mental or physical condition of the passenger is a hazard for himself, the rest of the passenger or the crew or if the passenger is under the influence of psychoactive substances or/and alcohol;
- (4) if in the past the passenger has conducted himself without decorum in one of our flights and this event has led Sriwijaya Air to the conviction that passenger might well repeat such conduct;
- (5) if passenger did not go through security check or refused to go through it or if passenger do not observe safety rules and instructions;
- (f) if passenger did not go through security check or refused to go through it or if the passenger does not observe safety rules and instructions;
- (g) if the passenger has not paid off your financial obligations as stipulated in the carriage contract;
- (h) if the travelling documents of passenger is not or seem not to be valid or do not suffice to allow the passenger entrance into a specific country that is his destination or intermediate stop or if the passenger refuse to present them to the company clerk competent or the aircraft crew, when passenger is asked to do so;
- (i) if the ticket you produce at check-in is forged or if its theft or loss has been reported to Sriwijaya Air or if passenger have not bought it from the company or one of its authorized agents or if it is destroyed or in any way changed, provided this change was not made by Sriwijaya Air or authorized agents or if the sequence of ticket coupons has been tampered with by any third party except Sriwijaya Air or authorized agents.

#### **b. Others**

It is worthwhile to note here that in relation to disable people, Sriwijaya Air and Mitra Netra Foundation signed a memorandum of understanding in the form of special train about service for blind people. Additionally, Sriwijaya Air also received record reward from MURI (Indonesian Record Museum) with register number 5.042 as the first Indonesian airline and even in the world that provide manual in Braille. Not only publishing the Braille book, Sriwijaya Air also conducts intensive cooperation with Mitra Netra Foundation such as how to serve blind people training in check-in, during the flight and until arrival. According to Chandra Lee, General Manager for Sriwijaya Air, he did so Sriwijaya Air could cater more to the needs of blind people.<sup>63</sup>

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<sup>61</sup>.*Ibid.*

<sup>62</sup>.*Ibid.*

<sup>63</sup>.Biro Komunikasi dan Informasi Publik - Wednesday, 03 August 2011.

#### IV. Conclusion And Recommendation

##### 1. Conclusion

Based on the above-mentioned discussion, all condition of carriages provided by an Indonesian airlines such Citilink, Garuda Indonesia, Indonesian AirAsia, Lion Air, Sriwijaya Air regulate PWD. Additionally, all airlines may have the right to refuse to carry such PWD without companion. Such refusal does not mean anti-discrimination treatment and it is in line with international recommendation as well government regulations.

##### 2. Recommendation

Based on the above-mentioned conclusion, the authors recommend that for the purpose of safety reason, all passengers shall comply with regulations provided by an airlines in line with government regulations.

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