

The Application of Airlines' Liability for Flight Delays (A Study of Airlines at Sorong Deo Airport)

Dwi Hari Prasetyawati^{1*}, Hasriyanti Hasriyanti², Masrifatun Mahmudah³

^{1,2,3} Faculty of Law, Universitas Muhammadiyah Sorong, Indonesia

* correspondence email: dwyhary2005@gmail.com

Article History

Received: 04/02/2026; Reviewed: 07/04/2026; Accepted: 04/06/2026

Abstract

This study aims to identify and analyze the liability of air carriers for the payment of fines for flight delays under Law No. 1 of 2009 on Aviation, as well as the implementation of compensation payments by airlines operating at Sorong City's Deo Airport. **The research method** employed is normative legal research using a statutory approach. The data types utilized include primary and secondary data. **The Novelty** of this study lies in its focus on the concrete implementation of airlines' liability in providing compensation for flight delays at Sorong City Deo Airport. Furthermore, it examines the gap between legal regulations (*das sollen*) and their practical implementation (*das sein*), particularly regarding legal certainty and the protection of passengers' rights in cases of flight delays. **The research findings** indicate that airlines are responsible for providing compensation for losses incurred by passengers due to flight delays in accordance with statutory regulations. However, the carrier may be exempted from liability if it can prove that the delay was not caused by its negligence. Additionally, passengers who suffer losses due to flight delays have legal recourse by filing a claim or lawsuit against the airline. Compensation is actively provided by authorized parties, such as the general manager, station manager, or staff designated by the airline. **The conclusion** indicates that the airline's liability for flight delays is clearly regulated in Law No. 1 of 2009 on Aviation and Minister of Transportation Regulation No. 77 of 2011, specifically Article 10(a) through (c), so that the provision of compensation to passengers is a legal obligation that must be fulfilled by the air carrier in accordance with applicable regulations.

Keywords: Airline; Flight Delay; Compensation

Abstrak

Penelitian ini bertujuan untuk mengetahui dan menganalisis tanggung jawab pengangkut udara terhadap pembayaran denda keterlambatan (*delay*) penerbangan berdasarkan Undang-Undang Nomor 1 Tahun 2009 tentang Penerbangan, serta pelaksanaan pemberian ganti kerugian oleh maskapai-maskapai penerbangan yang beroperasi di Bandara Deo Kota Sorong. **Metode penelitian** yang digunakan adalah penelitian hukum normatif dengan pendekatan peraturan perundang-undangan. Jenis data yang digunakan meliputi data primer dan data sekunder. **Kebaruan penelitian** ini terletak pada fokus kajian mengenai implementasi tanggung jawab maskapai penerbangan dalam pemberian kompensasi keterlambatan penerbangan secara konkret di Bandara Deo Kota Sorong. kemudian, mengkaji kesenjangan antara pengaturan hukum (*das sollen*) dengan praktik pelaksanaannya (*das sein*), khususnya terkait kepastian hukum dan perlindungan hak penumpang dalam kasus keterlambatan

penerbangan. **Hasil penelitian** menunjukkan bahwa maskapai penerbangan bertanggung jawab memberikan kompensasi atas kerugian yang dialami penumpang akibat keterlambatan penerbangan sesuai dengan ketentuan peraturan perundang-undangan. Namun, pengangkut dapat dibebaskan dari tanggung jawab apabila dapat membuktikan bahwa keterlambatan tersebut bukan disebabkan oleh kelalaiannya. Selain itu, penumpang yang mengalami kerugian akibat keterlambatan penerbangan memiliki upaya hukum dengan mengajukan klaim atau gugatan kepada perusahaan penerbangan. Pemberian kompensasi dilakukan secara aktif oleh pihak yang berwenang, seperti general manager, station manager, atau staf yang ditunjuk oleh badan usaha penerbangan. **Kesimpulan** menunjukkan bahwa tanggung jawab maskapai penerbangan terhadap keterlambatan penerbangan telah diatur secara jelas dalam Undang-Undang Nomor 1 Tahun 2009 tentang Penerbangan dan Peraturan Menteri Perhubungan Nomor 77 Tahun 2011, khususnya Pasal 10 huruf a sampai dengan huruf c, sehingga pelaksanaan pemberian kompensasi kepada penumpang merupakan kewajiban hukum yang harus dipenuhi oleh pengangkut udara sesuai dengan ketentuan yang berlaku. **Kata Kunci:** Maskapai; Keterlambatan Penerbangan; Kompensasi

1. INTRODUCTION

One of the technological advancements a country possesses is the aircraft. This mode of air travel is characterized by its ability to reach destinations very quickly and efficiently using advanced technology, and it transcends national borders while offering a higher level of security and safety compared to other modes of transportation.¹

Air transport is currently the most effective mode of transportation because it offers speed, efficiency, and affordability, especially for inter-island and international travel. This mode of transportation plays a vital role in the movement of both goods and passengers. Air transport is conducted under a transport agreement; a transport agreement is a contract in which one party undertakes to safely transport people or goods from one location to another, while the other party agrees to pay the fare. A transport agreement can also be defined as the activity of moving people or goods from one place to another, either via other modes of transport such as land or water transport, or by using an aircraft.²

Law No. 1 of 2009 on Aviation regulates the operation of air transport in accordance with Article 2, which aims to facilitate the movement of people and/or goods by air while prioritizing safety and comfort and protecting air transport in order to facilitate national economic activities. The existence of an air transport system has a positive impact on society, including efficiency in terms of time and energy; however, air transport also has several shortcomings, as stated by YLKI (Indonesian Consumers Foundation), noting that the public

¹ Putu Dita, Dewa Gede Sudika Mangku, And I Made Yudana, "Pertanggung Jawaban Pengangkut Udara Terhadap Pelaksanaan Ganti Rugi Atas Keterlambatan Angkutanudara Dalam Hukum Internasional (Studi Kasus Pesawat Udara Airasia Xt 8297 Kuala Lumpur-Malaysia Tahun 2016)," *Jurnal Komunitas Yustisia* 5, No. 2 (2022): 400–413, <https://doi.org/10.23887/jatayu.v5i2.51632>.

² Dedy Fahrizal, Darwis Anatami, And Siti Nurkhotijah, "Analisis Yuridis Tanggung Jawab Pelaku Usaha Terhadap Konsumen Akibat Keterlambatan Penerbangan," *Jurnal Ilmiah Hukum Dan Hak Asasi Manusia* 2, No. 1 (2022): 15–27, <https://doi.org/10.35912/jihham.v2i1.1546>.

has complained about temporary flight schedule delays. Several cases of flight delays have occurred for various reasons.³

According to Article 146 of Law No. 1 of 2009 on Aviation, which states: "The carrier is liable for losses incurred due to delays in the transport of passengers, baggage, or cargo, unless the carrier can prove that the delay was caused by weather conditions or operational technical factors," and Article 147, paragraphs 1 and 2, which outline the liability measures that must be taken by the carrier.

The rapid development of the aviation industry has contributed to the increasing use of air transport services. There are several reasons why people choose air travel, such as relatively short travel times, affordable fares, and the convenience it offers to support various activities, including business, tourism, and other needs. The presence of aircraft undoubtedly facilitates passengers and service users in carrying out their activities, whether for travel or the shipment of goods.

To maintain order in the operation of air transport, international legal regulations are necessary to govern the interests of all parties involved, ensuring consistency. Although air transport is known for its effectiveness and efficiency, it cannot be denied that there are risks of loss, such as flight delays or unforeseen incidents like aircraft accidents, which carry legal implications. These risks primarily concern compensation for air transport service users who suffer losses, as a form of legal liability on the part of the airline. This is evidenced by the adoption of conventions on air transport, including the Warsaw Convention in 1929, the Montreal Convention of 1999, along with several other protocols, by the international body known as the International Civil Aviation Organization. International air carriers operating in a country adhere to the provisions of the 1999 Montreal Convention, which represents a refinement or legal evolution of the 1929 Warsaw Convention. One of the provisions addressed in that convention concerns flight delays⁴

The Warsaw Convention has undergone numerous changes; some of these have already come into effect, such as the 1955 The Hague Protocol, the 1971 Guatemala City Convention, and the 1975 Montreal Protocols, followed by the adoption of the 1999 Montreal Convention, which has been ratified by Indonesia. The 1999 Montreal Convention establishes an international legal regime regarding the liability of carriers toward air travelers who suffer losses caused by the carrier. This applies to the carriage of passengers, baggage, and cargo in international air travel. The 1999 Montreal Convention modernizes various previous rules and agreements within the Warsaw Convention system into a single, simpler document. Although air transport can be said to be far more effective and efficient in terms of the speed of transporting goods and passengers, this does not eliminate the risk of loss, whether due to accidents or flight delays—one such case occurred on July 1, 2024, at Kualanamu International

³ Ni Made Trisna Dewi, "Perlindungan Hukum Bagi Penumpang Pesawat Udara Jika Terjadi Keterlambatan Jadwal Penerbangan Menurut Undang - Undang Nomor 1 Tahun 2009 Tentang Penerbangan," *Kertha Wicaksana* 15, No. 2 (2021): 122–29, <https://doi.org/10.22225/Kw.15.2.2021.122-129>.

⁴ Putu Dita, Dewa Gede Sudika Mangku, And I Made Yudana, *Op.Cit.*, Hlm.3.

Airport in North Sumatra. A video went viral showing passengers on Super Air Jet flight IU-943 bound for Soekarno-Hatta International Airport venting their anger and getting into arguments with airport staff due to a flight delay lasting 9 hours. The flight, originally scheduled to depart at 6:35 PM WIB, but was delayed due to the impact of the previous flight's operational rotation, resulting in Super Air Jet flight IU-943 finally departing at 9:45 PM WIB.^{5,6} Although air transport has developed rapidly and is supported by a national legal framework through Law No. 1 of 2009 as well as international legal instruments such as the 1929 Warsaw Convention and the 1999 Montreal Convention, in reality, flight delays that cause harm to passengers still frequently occur. These various legal provisions have normatively regulated the carrier's liability, including the obligation to provide compensation for losses resulting from delays. However, in practice, there remains a discrepancy between applicable legal norms and their implementation on the ground, particularly regarding the form, mechanism, and effectiveness of providing compensation to passengers. Furthermore, previous studies have tended to focus on the normative regulations regarding airline liability but have not thoroughly examined how these liability principles are applied in concrete cases of flight delays, especially those caused by technical operational factors which carriers frequently cite as grounds for exempting themselves from liability. On the other hand, there remains ambiguity in interpreting the boundaries between factors that can exempt an airline from liability and those that should remain the airline's responsibility.

The study by Herwin, Potler Gultom, and Mardianis (2023) focuses more on the Regulation of Airline Liability for Accidents Based on Law No. 1 of 2009 on Aviation. The research findings indicate that the carrier's liability for damages suffered in cases of aircraft accidents resulting in the death or bodily injury of passengers applies as long as the accident occurs inside the aircraft or during boarding or disembarking operations, Based on Indonesian Aviation Law, to provide legal certainty regarding domestic air transport, Law No. 1 of 2009 the Aviation Law was enacted, along with its implementing regulations: Ministry of Transportation Regulation No. 77 of 2011, as amended by Ministry of Transportation Regulation No. 92 of 2011. Specifically, the provisions regarding the liability of the carrier or airline are set forth in Article 141 of Law No. 1 of 2009, Articles 2 and 3 of Ministry of Transportation Regulation No. 77 of 2011, as amended by Ministry of Transportation Regulation No. 92 of 2011.⁷

Alex Candra, Muhamad Japri, and Romanius (2021) focused on the Liability of Airlines

⁵ Tribun Jatim, "Penumpang Ngamuk Gegara Pesawat Delay Bolak-Balik: Rp2 Juta Bukan Duit? Super Air Jet Minta Maaf," 2025, <https://jatim.tribunnews.com/2025/01/08/Penumpang-Ngamuk-Gegara-Pesawat-Delay-Bolak-Balik-Rp2-Juta-Bukan-Duit-Super-Air-Jet-Minta-Maaf>.

⁶ Liputan6. Com, "Penumpang Pesawat Melakukan Aksi Protes Akibat Delay Penerbangan," 2025, <https://vt.tiktok.com/Zsum2p9ns/>.

⁷ Mardianis, Herwin, and Potler Gultom, "Tinjauan Yuridis Pertanggungjawaban Maskapai Penerbangan Atas Kecelakaan Berdasarkan Undang-Undang Nomor 1 Tahun 2009 Tentang Penerbangan," *Iblam Law Review*, 2011, 460–71.

for the Loss of Checked Baggage Under Law No. 1 of 2009 on Aviation. The results of the study indicate that passengers with checked baggage that has not yet been located but cannot yet be declared lost because the 14-day period has not yet elapsed (fourteen) days, the carrier is obligated to provide a daily allowance of Rp. 200,000.00 (two hundred thousand rupiah) per day for a maximum of 3 (three) calendar days (Article 5, Paragraph 3 of Ministry of Transportation Regulation No. 77/2011). Exemption from the Carrier's Liability In the Air Transport Ordinance, the provisions regarding exemption are Article 1(1), Article 29(1), and Article 36. Article 36 states that the carrier is exempt from liability if, after two years, the passenger who suffered the loss has not filed a claim.⁸

If an event or incident occurs that causes harm to a passenger, the carrier will be legally liable to compensate the passenger for the damages suffered. This liability takes the form of compensation. Compared to airlines, passengers tend to be in a weaker position when flight delays occur. In modern legal developments, the protection of the weaker party has become one of the main principles aligned with the concept of substantive justice. Therefore, strengthening the protection of passengers' interests should be viewed as an effort to improve the legal system governing flight delays, thereby creating a balance of interests between passengers and airlines.⁹

However, passenger protection should not be excessive to the point of disregarding the interests of airlines. It is important to examine whether the existing legal system has been able to provide effective protection for passengers in the event of delays, while also taking into account the interests of airlines. This not only affects the interests of individual passengers but also impacts the overall development of the civil aviation industry. In this regard, concrete steps are needed from the legislature, civil aviation authorities, and airlines to ensure the protection of passengers' rights and interests in cases of flight delays. Furthermore, the establishment of a Mediation Committee regarding flight delays and cancellations as part of the dispute resolution mechanism in the aviation sector is also an urgent matter. With these efforts, it is hoped that passenger satisfaction with air transport services will increase, which will ultimately drive the growth of the aviation industry as a whole.

2. METHOD

The type of research used in this study is empirical legal research. This approach, also known as the sociological approach to law, examines law as a real social phenomenon (actual behavior), rather than merely as written rules. Empirical legal research aims to examine how the law actually functions in society.¹⁰ The data sources used are primary data sources, which consist of primary data collected directly from individuals who are directly involved with the

⁸ Alex Candra, Muhamad Japri, and Romanius, "Pertanggungjawaban Maskapai Penerbangan Terhadap Kehilangan Barang Bawaan (Bagasi) Berdasarkan Undang-Undang Nomor 1 Tahun 2009 Tentang Penerbangan," *Collegium Studiosum Journal* 4, no. 2 (2021): 71–78, <https://doi.org/10.56301/csj.v4i2.481>.

⁹ Shaojie Geng, "Protection of Passengers' Rights and Interests in the Event of Flight Delays," *International Journal of Frontiers in Sociology* 5, no. 6 (2023): 137–43, <https://doi.org/10.25236/ijfs.2023.050621>.

¹⁰ Dr.A. Sakti Rakia. S.H.M.H., *Pedoman Penyusunan Skripsi Dan Pelaksanaan Ujian Skripsi, Fakultas Hukum, Edisi Revi* (Kota Sorong, 2023).

research subject. In the context of this empirical legal research, primary data was obtained through interviews with respondents, informants, and sources, including law enforcement officials, government agency officials, and other relevant parties in the city of Sorong. Secondary data sources consist of data obtained through literature reviews and documents from previous studies.

This study was conducted at Eduard Domine Osok Airport, which was selected as the research site based on strategic considerations. The selection of this location aimed to obtain relevant, accurate, and adequate data, so that the research results would be scientifically sound, objective, and directly relevant to the issues under study. Primary Data Collection: Primary data was collected directly from primary sources through field interactions. In empirical or sociological legal research, there are three primary methods commonly used: interviews, questionnaires, and observation. However, in this study, the researcher employed two primary techniques: a. Interviews with Mr. Suhardi S.E., Station Manager of Lion Group, and Ms. Nadya Annisa, General Manager of Garuda, which is a data collection method conducted through direct interaction with respondents at the research site; b. Observation, conducted directly at the Lion Group office located at Deo Airport in Sorong City. Observations were conducted directly on the factual situations and conditions in the field related to the research subject. Through this method, the researcher was able to gain a concrete understanding of the implementation of legal protection and the airline's liability for compensation regarding flight delays in Sorong City. Through this method, the researcher can gain a concrete understanding of the implementation of legal protection and the airline's liability for fines related to flight delays in Sorong City. Secondary Data Collection: Data is obtained through literature review by collecting and documenting various sources related to the research topic. After the data and legal materials were collected, the next step was to manage the data in a structured manner to facilitate the analysis process. Management was carried out in stages from general to specific, including: Review, Data Grouping, Data Verification, Data Validity, Data Analysis, and Drawing Conclusions.

3. DISCUSSION

3.1. Air Carrier Liability for the Payment of Delay Fines Under Law No. 1 of 2009 on Aviation

Flight delays can cause various forms of inconvenience for passengers, such as psychological stress due to long waiting times, the postponement of planned activities, and the loss of important opportunities. Thus, every flight delay has the potential to cause losses and inconvenience for passengers. In an effort to anticipate competition that could lower the quality of flight services, it is necessary to apply appropriate principles of liability to airlines as business entities, particularly in the event of flight delays. The application of these principles aims to establish fair legal certainty. The relevant provisions are regulations governing the principles of liability in the operation of air transport.

According to Mr. Suhardi, S.E., Station Manager of Lion Group, flight delays are still

governed by Ministerial Regulation No. 89 of 2015 on flight delay management, and the airline does not have any specific standard operating procedures (SOPs) regarding delays.¹¹

The form of liability imposed by airlines on passengers falls under the category of liability based on fault (liability based on fault) but is also grounded in the principle of absolute liability (Absolute Liability). The doctrine of *onrechtmatige daad* forms the basis for the principle of absolute liability as stipulated in Article 1365 of the Civil Code, which emphasizes the element of fault. Thus, it can be said that liability arises when there is a violation of statutory regulations. From the perspective of air transport operators as the primary actors in aviation activities, flight delays are generally caused by five main factors: technical, operational, commercial, airport-related, and weather-related factors. These five factors can be categorized into two groups, namely:

Internal Factors, which include (avoidable delays): a). Technical: issues with the aircraft systems (engines, hydraulics, electrical systems, landing gear), airport infrastructure (damaged or flooded runways); b). Operational: delays in refueling, delays involving crew (pilot, co-pilot, cabin crew), queues during take-off and landing; c). Commercial: efficient and optimal route scheduling, cost management to keep ticket prices competitive.

External Factors, which include (unavoidable delays): a). airport conditions: runway disruptions (flooding, fire, cracks); b). Weather: heavy rain, thunderstorms, dense fog/low visibility, strong winds.

In addition to these factors, there are other causes that can affect flight schedules, such as riots, demonstrations by employees (pilots or airport staff), and airport closures for security reasons such as hijackings or terrorist threats. Ministry of Transportation Regulation No. 89 of 2015 also specifies the causes of flight delays as listed in Article 5(1), which include airline management factors, technical operational factors, weather factors, and other factors beyond operational control.

Ministry of Transportation Regulation No. 77 of 2011 on the Liability of Air Carriers defines the carrier's liability as the obligation of an air transport company to provide compensation for losses incurred by passengers, cargo shippers, or third parties. Provisions regarding compensation for losses by airlines are regulated in Law No. 1 of 2009 on Aviation, Article 146, which states that the carrier is liable for losses arising from delays in the transportation of passengers, baggage, or cargo, unless the carrier can prove that the delay was caused by weather conditions or technical operational disruptions. Furthermore, Article 147(1) also stipulates that the carrier is liable for the failure to transport passengers according to the scheduled time, if caused by aircraft capacity limitations.

Section 146 of the Aviation Law stipulates that carriers are obligated to compensate for losses resulting from flight delays. However, this liability may be exempted if the carrier can prove that the delay was caused by weather conditions or technical operational issues. This provision essentially opens the door to exoneration for airlines.

¹¹ Hasil Wawancara, Bapak Suhardi S.E Station Manager Lion Grup. Tanggal 19 Januari 2026.

In practice, implementing regulations, such as ministerial regulations, often specify the form of compensation in greater detail and in a binding manner, without providing a clear distinction regarding the type or cause of the delay. This situation creates a conflict, as the law, on the one hand, provides room for liability exemptions, while on the other hand, subordinate regulations actually expand the obligations that airlines must fulfill.

This is reflected in the lack of clear boundaries regarding the term "operational technical factors." This ambiguity creates an opportunity for airlines to interpret it broadly as a basis for avoiding liability. Consequently, passengers may be disadvantaged because there are no clear standards for determining whether a delay can be categorized as grounds for exemption from liability or otherwise. Therefore, the "operational technical" justification must be strictly limited to conditions that are truly beyond the airline's control, and not caused by managerial negligence or a lack of operational readiness.

Law No. 1 of 2009 on Aviation establishes two main principles regarding liability: the presumption of liability concept and liability based on fault. These principles form the basis for determining an air carrier's liability for losses incurred by passengers. Furthermore, Article 170 of Law No. 1 of 2009 on Aviation states that compensation for flight delays is further regulated in Minister of Transportation Regulation No. 89 of 2015 on Flight Delay Management (delay management) for Scheduled Commercial Air Transport Enterprises in Indonesia, which sets out the classification of flight delays along with the form of compensation that must be provided to passengers. The following are the categories under Articles 3 and 9:

Category 1: delays of 30–60 minutes, with compensation in the form of soft drinks; Category 2: delays of 61–120 minutes, with compensation in the form of beverages and light meals (snack box); Category 3: delays of 121–180 minutes, with compensation in the form of beverages and a full meal (heavy meal); Category 4: delays of 181–240 minutes, with compensation in the form of beverages, a snack box, and a full meal (heavy meal); Category 5: delays exceeding 240 minutes, with compensation in the form of a cash payment of Rp. 300,000.00 (three hundred thousand rupiah); Category 6: flight cancellations, with compensation in the form of rebooking onto the next available flight or a full ticket refund (refund).

Compensation for passengers is actively provided by authorized personnel, such as the general manager, station manager, relevant staff, or other parties designated and authorized by the airline experiencing the delay. If a passenger is rebooked onto another flight, any price difference resulting from a change in service class is the responsibility of the respective airline. In the event of a downgrade in service class, the airline is also obligated to reimburse the price difference to the passenger. Furthermore, under no circumstances may passengers be charged additional fees for such changes. Additionally, ticket refunds and compensation for flight delays are subject to specific time limits to prevent delays in the compensation payment process. Insurance companies also frequently play a role in handling Category 5 (fifth-category) delays; the involvement of the insurance industry is intended to ensure the

availability of adequate funds to provide compensation to passengers in a timely and proportionate manner

Ministry of Transportation Regulation No. 77 of 2011 also governs flight delay compensation, specifically in Article 10, letters a through c, including: Delays exceeding 4 hours are compensated at Rp. 300,000 per passenger; Compensation of 50% of the amount specified in subparagraph (a) is provided if the carrier offers an alternative destination closest to the passenger's final flight destination (re-routing), and the carrier is obligated to provide a connecting flight ticket or arrange alternative transportation to the destination if no other mode of transportation is available besides air transport; In the event of re-routing to the next flight or a flight operated by another scheduled commercial carrier, passengers are exempt from additional charges, including upgrades (upgrading class); if there is a downgrade to a lower class or subclass of service, passengers must be refunded the excess amount from the purchased ticket.

The types of an airline's liability toward passengers are more clearly regulated in Ministry of Transportation Regulation No. 77 of 2011, Chapter II, Regarding the Liability of Air Carriers and the Amount of Compensation. Article 2 states that carriers using aircraft are liable for losses incurred by passengers, including: death, permanent disability, or injury; loss or damage to carry-on baggage; damage to or loss of checked baggage and cargo; flight delays; and losses incurred by third parties. Thus, the airline's liability applies from the moment a passenger boards the aircraft until they disembark at their destination.

The limits of the airline's liability are also outlined in Article 18, which states that the airline's liability toward passengers begins when passengers leave the airport waiting area to board the aircraft and ends upon arrival at the arrival terminal at the destination airport. This airline liability is explicitly regulated under Law No. 1 of 2009 on Aviation and further detailed in Ministerial Regulation No. 77 of 2011. Both regulations affirm that an airline's liability toward passengers is an obligation that must be fulfilled in the provision of air transport services. Minister of Transportation Regulation No. 77 of 2011 on the liability of air carriers, in Article 13, paragraphs (1) through (3), states that an airline may be exempted from liability for flight delays if such delays are caused by weather conditions or technical operational constraints.¹²

Article 45 of Law No. 8 of 1999 on Consumer Protection stipulates that any consumer who suffers a loss has the right to file a lawsuit against a business entity through an institution authorized to resolve disputes between consumers and business entities, or through the general court system. Such dispute resolution may be conducted either through the court system (litigation) or outside the court system (non-litigation) based on a voluntary agreement between the disputing parties.

¹² Asmarsha Qathrinada And Pranoto, "Kompensasi Sebagai Bentuk Tanggung Jawab Pihak Maskapai Penerbangan Dalam Keterlambatan Jadwal Penerbangan Komersial Di Indonesia," *Jurnal Privat Law* 7, No. 1 (2019): 124, <https://doi.org/10.20961/Privat.V7i1.30140>.

Out-of-court dispute resolution, as intended, does not eliminate criminal liability as regulated by law. If the parties have chosen to resolve the dispute out of court, a lawsuit through the courts may only be filed if the out-of-court resolution attempt is declared unsuccessful by one or both parties. Based on these provisions, airline passengers, as consumers harmed by an airline as a business entity, have the right to file a lawsuit; in the context of commercial air transport, this provision also applies. Thus, passengers who suffer losses due to the actions or negligence of an airline may pursue legal remedies through the available dispute resolution mechanisms. As for dispute resolution through the courts, it is regulated in Law No. 8 of 1999 on Consumer Protection in Article 48, which states that dispute resolution through the courts refers to the provisions of general jurisdiction while still taking into account the provisions set forth in Article 45.¹³

The regulations governing airlines' liability for delays are, in principle, quite comprehensive from a legal standpoint, both in Law No. 1 of 2009 on Aviation and in its implementing regulations. However, the existence of these regulations has not yet fully ensured optimal protection for passengers in practice. This is evident from the continued existence of broad room for interpretation, particularly regarding the grounds of "operational technical factors," which are frequently used by airlines as a basis for exempting themselves from liability. This situation highlights an imbalance between the interests of airlines as business entities and passengers as consumers. On the one hand, airlines are granted leeway to exempt themselves from liability, while on the other hand, passengers as the aggrieved party often lack certainty regarding the compensation they are entitled to receive. Therefore, the principle of liability adopted should not be solely based on fault (fault liability), but must also more firmly emphasize the principle of strict liability under certain conditions, in order to provide stronger protection for passengers.

3.2. Compensation Payments by Airlines at Deo Airport in Sorong City

Compensation for delays is clearly and explicitly regulated in Ministry of Transportation Regulation No. 77 of 2011, which also addresses flight delay compensation, specifically in Article 10, subparagraphs (a) through (c). Regarding the processing of compensation at the airport, air passengers may immediately report to the baggage service desk or the airline's customer service in the event of damaged or lost baggage, as well as flight delays. They may then file a property irregularity report (PIR) or an official document from the airline as proof of the claim, and submit it in accordance with the airline's regulations, where the filing deadline is typically within 7–14 days. According to Ms. Nadya Annisa, General Manager of Garuda, she stated that delay compensation applies only to operational issues and not to weather-related delays.¹⁴

In the event of a flight delay or cancellation, air passengers may request official written

¹³ Dewi, "Perlindungan Hukum Bagi Penumpang Pesawat Udara Jika Terjadi Keterlambatan Jadwal Penerbangan Menurut Undang - Undang Nomor 1 Tahun 2009 Tentang Penerbangan."

¹⁴ Hasil Wawancara, Ibu Nadya Annisa, General Manager Garuda. Tanggal 20 Januari 2026.

information regarding the reason for the delay and the compensation to which they are entitled. The claim resolution procedure for passengers experiencing flight schedule changes is determined by the duration of the change and the underlying reason. Passengers may file a claim directly through the airport or the nearest sales office, or by filling out the electronic form (E-form) available on the official AirAsia website. The timeframe for claim resolution depends on the type of request submitted; for example, the refund process generally takes up to 30 (thirty) business days.¹⁵

Mr. Suhardi reiterated that compensation or all payments for flight delays are provided directly to air passengers in the form of cash.¹⁶

Table 1. Airline Type and Number of Flight Delays

No	Airline	Month	Number of Delays	Notes
1	<ul style="list-style-type: none"> • GA • JT • IW • ID • SJ • IU 	October	27	13 Delay Weather - 14 Delay Operational
2	<ul style="list-style-type: none"> • GA • JT • ID • SJ • IU • TR • SI 	November	17	12 Delay Weather - 5 Delay Operational
3	<ul style="list-style-type: none"> • IW • ID • IU • TR • SI 	December	18	4 Delay Weather - 14 Delay Operational

Source: Sorong City Deo Airport Information 2025

The provision of compensation to passengers due to flight delays still faces various challenges. Ms. Nadya Annisa also noted that "a common challenge encountered on the ground regarding delays is the public's lack of understanding of the delay regulations

¹⁵ Aning Asyfik Kumalasari Et Al., "Tanggung Jawab Dan Pelayanan Maskapai Pada Penumpang Yang Mengalami Perubahan Jadwal Penerbangan (Studi Pada Pt. Airasia Di Bandara Juanda Terminal 2)," *Media Mahardhika* 18, No. 1 (2019): 1-9.

¹⁶ Hasil Wawancara, Bapak Suhardi.

themselves.”¹⁷ These challenges include differences in interpretation between airlines and passengers regarding the causes of delays, particularly whether the delay falls under the category of weather-related factors, operational technical issues, or airline negligence. Additionally, the limited information passengers receive regarding their rights to compensation often results in passengers failing to file claims or receiving compensation that does not comply with legal regulations. The claims process, which is perceived as complex and time-consuming such as when processing refunds also poses a significant barrier. Furthermore, the lack of oversight and strict enforcement of penalties against airlines further undermines the effectiveness of implementing flight delay compensation. Airlines may be exempted from the obligation to provide compensation or damages for flight delays if such delays are caused by specific circumstances as stipulated in Minister of Transportation Regulation No. 77 of 2011 on the Liability of Air Carriers, specifically Article 13. The provisions for such exemption from liability include: a. The carrier (airline) is not liable for damages resulting from flight delays as referred to in Article 9(a) (flight delayed), if the delay is caused by weather factors and/or technical operational factors. B. Weather factors as referred to in subparagraph a include, among others, heavy rain, lightning, storms, fog, smoke, visibility below the minimum standard, and wind speeds exceeding the maximum limit, which may endanger flight safety. C. Operational technical factors as referred to in subparagraph a include, among others: the departure airport or destination airport being unusable for flight operations; disruption of the surrounding environment leading to the airport or runway, such as cracks, flooding, or fire; and the occurrence of aircraft queues for takeoff, landing, or limitations on departure slot times at the airport; delays in refueling.

4. CONCLUSION

An airline’s liability for losses incurred by passengers due to delays from the scheduled flight time may result in compensation being provided to consumers. However, the carrier is not held liable if it can prove that the carrier, its employees, and its agents have taken appropriate measures. Consequently, air travelers who experience flight delays and suffer resulting losses may file a lawsuit or claim against the airline; resolution of such claims or disputes may be pursued through two channels: the judicial process and alternative dispute resolution. The procedure for resolving claims for passengers experiencing flight schedule changes is determined by the duration of the change and the underlying reasons. Passengers may file a claim directly through the airport or the nearest sales office, or by filling out the electronic form (E-form) available on the official AirAsia website at. The provision of compensation to passengers for flight delays still faces various obstacles. These obstacles include differences in interpretation between airlines and passengers regarding the causes of delays, particularly whether the delay falls under the category of weather-related factors, operational technical issues, or airline negligence. Additionally, airlines may be exempted from

¹⁷ Hasil Wawancara, Ibu Nadya Annisa.

the obligation to provide compensation or damages for flight delays if the delay is caused by specific circumstances as stipulated in Ministry of Transportation Regulation No. 77 of 2011 on the Liability of Air Carriers. There is a need to clarify and harmonize regulations regarding airline liability, particularly by establishing clear boundaries regarding operational technical factors as the basis for liability exemption. Furthermore, enhanced oversight and enforcement by relevant authorities are necessary to ensure airlines comply more strictly with their obligations. On the other hand, there is a need to increase public awareness regarding passenger rights and to simplify the claim filing mechanism to make it more accessible. Thus, it is hoped that a balance will be achieved between the interests of airlines and the protection of passenger rights, as well as the realization of legal certainty in the operation of air transport.

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