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Harmonizing ASEAN Legal System  
Through Legal Higher Education

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## THE LEGAL LIABILITY OF AIR CARRIERS AND OTHERS BUSINESS ACTIVITIES AT THE AIRPORT IN INDONESIA

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### 1. INTRODUCTION

On 28 May 1999, at the end of the diplomatic Conference held in Montreal, Canada, the Convention for the Unification of Certain Rules of International Carriage by Air was adopted and signed by representatives of 52 nations.<sup>4</sup> The Montreal Convention of 1999 came into force on 4 November 2003.<sup>5</sup> Indonesia has not ratified the Montreal Convention of 1999, but; on 12 January 2009 Indonesia promulgated Law Number 1 Year 2009<sup>6</sup> to promote the development of Indonesian air transportation.<sup>7</sup> It regulates a host of matters related to aviation including air carriers' liability with respect to passengers, check-in baggage, cargo shippers, third party liability, airport operator liability with respect to air carrier, air carriers' liability with respect to airport operator business entities, and airport business entities liability with respect to airport operators. Taking into account national economic development, Indonesia has many tasks to do in the field of air transportation, the modernization of its air carrier liability system being one of them. The purpose of this article is to survey air carriers' liability with respect to passengers, airport operator's liability with respect to air carriers, air carriers' liability with respect to airport operator business entities, and airport business entities liability with respect to airport operators. It is worthwhile to note here that the average passenger increase of 15-

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<sup>4</sup> In June 2005 it had been ratified by 64 States. See Paul Stephen Dempsey Ed., *Annals of Air Space Law*, Vol. XXX-I.Tornton : The Carswell Company Ltd,p.473.[Dempsey-2005].

<sup>5</sup> Wu Jianduan, *Air Carrier Liability Regimes in China*, in Paul Stephen Dempsey Ed., *Annals of Air and Space Law*, Vol. XXXIII-2008. Toronto : The Carswell Company Ltd, p2; See Also Paul Stephen Dempsey Ed., *Annals of Air and Space Law*, Vol. XXX-I, 2005. Toronto : The Carswell Company Ltd, pp.473-474.

<sup>6</sup> Act Concerning Civil Aviation, Act No 1 of 2009 [Civil Aviation Act], Ministry of Transportation Republic of Indonesia, online: Directorate General of Civil Aviation<<http://hubud.dephub.go.id/?en/uu>>

<sup>7</sup> Martono K.& Amad Sudiro.,*Current Air Transport Regulations in Indonesia*, XXXVIII Annals of Air and Space 2013, pp.55-89 [Martono and Amad Sudiro-2013]