

ABSTRACT

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The last few years about the year 2013 the frequent occurrence that causes flight delays passengers as consumers feel aggrieved. Moreover, if passengers complain to the airline, the airline sometimes ignoring and sometimes also throw responsibility. For that conducted research on the Legal Protection Against Passenger on Flight Delay. Problems in this study: 1) how the responsibility of the airline to airline passengers who are disadvantaged due to flight delays in terms of the Act and the cost of consumer protection laws. 2) how the legal protection of passengers as consumers are harmed as a result of flight delays in terms of the Act and the cost of consumer protection laws. 3) how the court decision against a lawsuit with case No. 309 / Pdt.G / 2007 / PN.Jkt.Pst between David M.LTobing,SH, M.Kn with PT.Lion Mentari Air Lines.

Type of research is a normative, regulatory approach, the conceptual approach. Approach law is done by reviewing all legislation related to the discussion. The main data in this study are primary data sourced from the legislation, secondary data from the literature and a variety of relevant literature. Data was collected by reviewing and mengutip of library materials and a review of legislation relating to the discussion. Furthermore, the data processing is done through data selection stage, classification of data, preparation of data which is then analyzed.

The results showed the responsibility of the airline under the Act 1 of 2009 on flights embracing the concept of the presumption of innocence means automatic transporter responsible for flight delays. The responsibility of the airline as a carrier of the passengers are required to provide compensation or redress. This is reinforced by the presence of the Minister of Transport Regulation 77 of 2011 on the responsibility of the air carrier and the Regulation of the Minister of Transport 49 2012. Regarding the responsibility is also reinforced by the existence of Law No. 8 of 1999 on Consumer Protection, which passengers as consumers and airlines as entrepreneurs. This is certainly one of the legal protection of passengers on the carrier negligence but if the carrier did not perform its obligations, the passenger is entitled to take measures to prosecute rights law. As David MLTobing case, SH, M.Kn who do claim to the district court, this is done so that the rights of the injured passengers as consumers are not tricked and make lessons for each airline to better serve passengers. The central Jakarta district court decision 309 / Pdt.G / 2007 / PN.Jkt.Pst especially against standard clauses that exist in the passenger ticket is very appropriate and relevant.

Keywords: legal protection, passenger, airline, delay