ABSTRACT

An unruly passenger can jeopardise the security and safety of an aircraft. The Tokyo Convention of 1963 was adopted in order to close the jurisdiction gap that left the unruly passengers unpunished. The number of incidents involving unruly passengers has grown rapidly within the past few years as the result of the growth of aviation industries. Due to the lacunae in the current laws, Tokyo Convention of 1963 was amended. The result of the amendment is the Montreal Protocol of 2014 which covers a few important changes such as the jurisdiction of the State of operator in accordance with Article 83 bis of the Chicago Convention of 1944, the State of landing, the status of in-flight security officer (IFSO) and the right of recourse.

Unruly passenger incidents might occur anywhere. There are numerous cases of unruly passenger in Indonesia. A state’s national law is essential for the application of jurisdiction. A few articles in Law Number 1 of 2009 on Aviation covers unruly passenger incidents. Similar regulations can also be found in the codified penal law. In order to deal with unruly passengers, Indonesia needs to implement its national law in accordance with the ratified conventions.

Keywords: Unruly passenger, jurisdiction, authority, national law, state