

An Indonesian Air Transport: A Critical Analysis of Christmas Celebration of 2016 and New Year Holidays of 2017

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ABSTRACT: *The purpose of this article is to describe legal ground of air transportation such as historical background, civil aviation act of 2009; air transport tariff policies such passenger tariffs for scheduled, the best practices tariff, passengers' tariff for non-scheduled airlines; aviation safety regulations such as aircraft production, operation, maintenance and safety during aircraft in flight; aviation security such as national aviation security, aviation supervision, eradication of unlawful acts, aviation security facilities, security during aircraft in flight, in airport and in the restricted areas; economic aspects of Christmas celebration of 2016; traditional culture; social environmental; a critical analysis such as Christmas celebration includes passengers, tariffs, aviation safety regulations, security regulations and the new year holiday of 2017 includes passengers, economic aspects, aviation safety and others, finally conclusion and recommendations.*

I. INTRODUCTION

Joint Ministerial Decree set an Indonesian public holidays. In the joint Ministerial Indonesia introduce the concept of “*cuti bersama*” (joint holiday). Such concept “*cuti bersama*” aim to promote domestic tourism. *Cuti bersama* are provided to prolong holiday weekends, mostly on a Monday or Friday. Thus, if a public holiday falls on a Thursday, the “*cuti bersama*” program encourages the employers to give the employees Friday off so that the employees have a four-day weekend. According to Act No.13 of 2003,⁴ workers are not obligated to work on public holidays, however, if they work are required to be done on public holidays, the employers are subject to pay overtime payments to the workers.⁵

The popular holidays relating to religious such as *Hari Raya Idulfitri*, *Idul Adha*, *Isra Mi'raj* Birthday of the Prophet Muhammad for Moslem, Ascension Day of Jesus Christ, for Christians, Bali Hindu New Year for Hindu Religion, Chinese New Year for Chinese, whilst national holidays such as Independent day, Labor Day, all above-mentioned holidays are celebrated by them.⁶ In relation to Christmas celebration of 2016 and New Year holiday of 2017, mostly they celebrate to the home land together with their friend and families.

In the framework of the Christmas celebration of 2016 and the New Year holiday of 2017 estimated occurs on 23 December 2016 and 30 December 2016 whilst return to Jakarta by 2 January 2017. During the travel within Christmas celebration of 2016 and New Year holiday of 2017 is always accompanied by severe traffic jam due to countries lack of quality and quantity of infrastructure, especially in Toll Gate (TG) Brebes Timur (locally called Brexit), Central of Java, Indonesia. In this period, national transportation companies have to work over hours to accommodate the sudden jump in passengers' number. Budi Karya Sumadi, the Ministry of Communications (MOC) expected the number of people who use land, sea and air transportation is 17.952.633 passengers, increase 5% compared with 20 December 2015 to 8 January 2016 was 17.034.55 passengers.⁷ The highest passengers carriage out is air transport passengers is 9% followed by train 6% and the lowest increase is sea transportation is 0,28% increase.

Taking into account that Indonesians now have a higher purchasing power and a different appreciation of time,⁸ and improvements that have been made and have led to a better standards of airport services and higher flight discipline, mostly an Indonesian people will use air transportation to travel back to their homeland. In

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⁴ Act Concerning Manpower/ Labor Law, Act. No.13 of 2003

⁵ The Joint Ministerial Decree Concerning Public Holiday on 14 April 2016

⁶ Public Holidays, Global, [2016 Public Holidays](#)

⁷ Daily Kompas dated Friday, 9 December 2016 at 17.

⁸ Jonan said in a statement released on Saturday 02/07/16.

addition, the travelers choose air transportation instead of other mode transportation, taking into consideration that air transportation is relatively cheap, short time consumers and without accidents, said Indar as a passenger.⁹

With regards to capacity to carriage the passengers, most of airlines provide extra flight to accommodate the increasing passengers. According to Bambang S. Ervan, head of Public Communications and Information of the MOC, several airlines propose the use of wide body aircraft and extra flight to accommodate the jump of passengers.¹⁰ Garuda Indonesia proposes 150 extra flights to serve domestic routes. In addition, Garuda Indonesia also use wide body aircraft such as Boeing 777-300, Airbus A330 and A332 to serve Jakarta-Bali, Jakarta-Medan and Jakarta-Singapore as well, whilst Air Asia provides an addition seats up to 48.000 seats. The total available seats in this year increase compared with the last year was 39.000 available seats.

Concerning security, the Government guarantees to secure the Christmas celebration of 2016. In this respect, the National Police (POLRI) provides 85.774 personnel, whilst the Indonesian Army (TNI) and other institutions provide 70.226 personnel to secure the Christmas celebration of 2016. The priority security is the concentration (gathering people) and Church' activities of the Christians. In this regards, on 24 December 2016 (a day before a celebration), the National Police Chief, General M. Tito Karnavian, Minister of Domestic Affair (MDA), Tjajo Kumolo and the National Army Chief, General Gatot Nurmantyo themselves inspected the security preparation of Christmas celebration in the Churches.¹¹ The security of Christmas celebration, do not conducted by the National Police and the National Army themself, but also assisted City Police (SATPOLPP), civil servants, Moslem' organization (BANSER) and any other organizations, within the framework of tolerance philosophy between citizen.

In addition, the POLRI also supervise the empty resident whilst the owner going holidays and tourist destination places. On 22 December 2016, there was a joint appeal between the POLRI and TNI marking the starting of field operation within the framework of Christmas celebration of 2016,¹² whilst Budi Karya Sumadi, the MOC arrangements long distance conference and appeal that all airport operators and airport authorities shall enhance the security during the Christmas celebration of 2016.

In relating to the New Year Holiday of 2017, there is high risk of terrorism, especially in Jakarta and Central Java, for that reason the National Police provides at 20.000 (two thousand) personnel to guarantee the security within the New Year Holiday of 2017. The personnel increase twice compared with the previously was 8.978 personnel in the year of 2016.¹³

In relation to land transportation, according to Arie Setiadi, the Director General of Public Work and Home, based on the experiencing last year the crucial point of traffic jam was Brezit, Central Java. For that reason, the Government has anticipated and prepared traffic engineering to make the travellers more convenience, especially in Brezit. On 23 December 2016, the Government also provides truck movement to guarantee more better traffic.¹⁴ In addition, the Train's State-owned enterprise provides and addition 28 rolling stock to accommodate passengers.¹⁵ Without disregard any other modes of transportation, the purpose of this article is to analysis air transportation especially related to tariffs, safety, security, economy, culture, social environmental as a result to exodus within framework of the Christmas holiday of 2016 and New Year holiday of 2017 as follows.

II. LEGAL GROUND OF AIR TRANSPORTATION

a. Historical Background

The policy of old order regime tends to be of a socialist ideology, it is the reason air transportation is completely conducted by state-owned enterprises such as Garuda Indonesian Airways (GIA)¹⁶ and Merpati Nusantara Airlines (MNA),¹⁷ whilst the regulation is conducted by the Ministry of Air Communications (MOAC). All routes, frequencies, type of aircraft, capacities and tariff, utilization of jet or propelled aircrafts are controlled by the MOAC as well. Within the old order, there were no airlines owned by private companies, and

⁹ Daily Kompas dated 20 December 2016 at 2.

¹⁰ Daily Kompas dated 20 December 2016 at 2

¹¹ Metro TV News on 24 December 2016; Daily Kompas dated 26 December 2016 at 2.

¹² Daily Kompas dated 23 December 2016 at 2.

¹³ Daily Kompas dated 30 December 2016 at 1

¹⁴ Daily Kompas dated 20 December 2016 at 1.

¹⁵ TV-One running message on 9 December 2016

¹⁶ Garuda Indonesian Airways previously name state enterprise (PN) *changed to Limited Company Liability (PT)* base on government Regulation No. 67 Year 1971 *Concerning Change from State Enterprise (PN) Perhubungan Udara to Limited Company Liability (PT) Garuda Indonesian Airways.*

¹⁷ Merpati Nusantara Airlines previously name state enterprise (PN) Perhubungan Udara Daerah dan Penerbangan Serbaguna *changed to Limited Company Liability (PT)* "Merpati Nusnantara Airline based on the Government Regulation No. 70 Year 1971.

there was no competition between airlines because all tariffs were set by the MOAC.¹⁸ 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.

In the order of the regime of General Soeharto, based on Act Number 1 of 1967,¹⁹ 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 Minister Decree SK 13/S/1971²⁰ to permit a new airline owned by private companies. State-owned enterprises such as GIA²¹ serves trunk lines and MNA²² serves feeder lines together with private-owned companies.²³ Besides scheduled and non-scheduled air transportation, there is also general aviation to cater to the aerial work and other activities using an aircraft.²⁴

Previously, GIA opened as the main carrier, whilst private-owned companies functioned as supplement operators. In addition, 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. In addition, there is also a possibly cooperate with private-owned companies. The position of the state-owned enterprise, in this regard GIA and MNA, is similar to private-owned companies without any discrimination based on any other reason.²⁵

Based on the Ministerial Decree No.31/U/1970,²⁶ the MOC issued a license for general aviation to serve an oil company, agribusiness, plumbing, banking and religion mission. The general aviation is non-commercial, just serving its own need between a headquarter and the center of activities, to carry the directors, employees, workers and equipment owned by the legal entities concerned, with no remuneration or sale of all or part of its capacity with replacement of money for the use an aircraft.²⁷ The policy under the new order is limited to airlines system,²⁸ provided by state-owned enterprises together with private owned companies. All routes, frequencies, type of aircraft used, capacity and tariff shall be controlled and over-sighed rigidly by the MOC.²⁹

In the air transportation policy with the old and new order mentioned above, all routes, frequencies, type of aircraft used, capacity of airlines and tariff available were rigidly regulated by the MOC. The routes regulated based on Ministerial Decree No.T.14/4/4-U³⁰ determine GIA to serve trunk lines routes, whereas, those regulated based on Ministerial Decree S. 8/2/5-Phb³¹ determined MNA to serve regional routes. 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,³² for airbus aircraft.³³

In the era reformation order under the regime of General Soesilo Bambang Yoedoyono (SBY), the policy of air transportation tended to relax. Private airlines, scheduled and non-scheduled airlines, air cargo, charter flight as well as general aviation increasing rapidly.³⁴ Based on the Ministerial Decree Number KM 81 Year 2004,³⁵ the requirement to establish a new airline company were very easy. They compete without paying attention to the consumers' interest.³⁶

¹⁸ Martono K and Dr Amad Sudiro, *Current Air Transport Regulation in Indonesia*, (2013),XXXVIII, Ann. Air & Sp.L.58

¹⁹ Act *Concerning Foreign Investment*, Act No.1 Year 1967.

²⁰ Ministerial Decree *Concerning Requirements and Provisions Regarding Using Airplane for Commercial* Ministerial Decree No.SK 13/S/1971.[January 18, 1971]

²¹ Ministerial Decree *Concerning Garuda Indonesian Airways Permit*. Ministerial Decree No. T 14/4/4-U (11 July 1961).

²² Ministerial Decree *Concerning Routes Structure of PN Merpati Nusantara Airlines..* Ministerial Decree No. S. 8/2/5-Mphb (13 January, 1969).

²³ Ministerial Decree *Concerning Home Based of Airlines*. Ministerial Decree No. SK 402/S/70 (30 December, 1970).

²⁴ Martono K and Dr Amad Sudiro, *supra* note 18 at 58.

²⁵ Fachri Mahmud, *The Development of Air Transport Policy in Indonesia*, unpublished.

²⁶ Ministerial Decree *Concerning Requirements and Provisions of General Aviation Within Republic of Indonesia*. Ministerial Decree No, 31/U/p/1970 (2 February, 1970).

²⁷ Martono K and Dr Amad Sudiro, *supra* note 18 at 58

²⁸ Director General of Air Communications Decree (DGAC) *Concerning Further Action Regulations of Private Airlines Routes to and from Jakarta*. DGAC Decree No. T 11/I/2-U

²⁹ Ministerial Decree *Concerning Tariff for Garuda Indonesian Airways is higher then Private Airlines*. Ministerial Decree No. KM96/PR.303/Phb-84

³⁰ Ministerial Decree *Concerning Garuda Indonesian Airways Permit form Jakarta to Medan, Padang, Palembang, Belitung,*

Teluk Betung, Kotaradja dan Bengkulu. Ministerial Decree No. T.14/4/4-U

³¹ Ministerial Decree *Concerning Routes for PN Merpati Nusantara Airlines*, Ministerial Decree No.S. 8/2/5-Phb

³² Ministerial Decree *Concerning First Class Domestic Tariff for Airbus*. Ministerial Decree No. KM 96/PR.303/Phb-83

³³ Ministerial Decree *Concerning Domestic Tariff Change*. Ministerial Decree No. 96/PR.303/Phb-84.

³⁴ *Indonesian Aviation* : Outlook 2010, published by Indonesian National Air Carriers Association. Jakarta : 2010; Martono K and Dr Amad Sudiro, *supra* note 18 at 60.

³⁵ Ministerial Decree *Concerning Engagement of Air Transport*. Ministerial Decree No. KM 81 Year 2004

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. Even they become predators. 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 from Jakarta to Medan went bankrupt, ships owned by state-owned enterprise operated by the Indonesian Sea Transportation (PELNI) is forced 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 which have a marginal capital will become bankrupt. Finally, only the giant airlines can operate, and consumers will be victimized.

The government, though, realizes that the negative effect of the relaxation policy. It is the reason, the Ministerial Decree Number KM 25 Year 2008³⁷ requests that a new airline must have a minimum of five aircrafts. Two of them shall be owned and the rest can be leased for a scheduled airlines and a minimum of three aircraft for non-scheduled airlines. One unit aircraft out of three units of aircraft shall be owned and the rest can be leased to support the operation of airlines. The total number of aircraft requirements is necessary because in reality very often delay in operations is due to lack of aircraft, especially for scheduled air transportation with holiday.

As a result of the relaxation policy, the MOC has cancelled 27 business permits of airlines because they do not fulfill the requirements. 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. In the development of era reformation, the victims are not limited to the old airlines 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.³⁸

b. Civil Aviation Act of 2009

The aim and objective of the Civil Aviation Act of 2009 (the CAA of 2009) is to promote the development of Indonesian air transportation and to ensure Indonesia's air transportation sector can support national development and is viable to compete and survive nationally, regionally and internationally. It regulates a host of matters related to aviation, ranging from sovereignty in airspace, aircraft production, operation and airworthiness of aircraft to aviation security and safety, aircraft procurement, aviation insurance, aircraft accident investigation, and licensing of aviation professionals. The CAA of 2009 also regulates scheduled and non-scheduled air transport, aircraft ownership and aircraft leasing, liability of air carriers, air navigation facilities, airport authorities, and most pertinent to the current discussion, the tariffs that can be charged for the provision of air transport services and charges related to the use of aviation facilities.

III. AIR TRANSPORT TARIFF POLICIES

The term "tariff" in this article means refer to payments related to the carriage of passengers. Tariff could therefore concern matters ticketing for passengers' tariff especially schedule and non-scheduled domestic tariff provided in Part four of the of the CAA of 2009.³⁹ It consist of tariffs for scheduled air transportation of passengers. In according to Part Four, basically, tariff policies are neo-liberal in nature since the tariffs consist of economy and non-economy tariffs. Economy class tariffs are regulated by the MOC to protect consumers, whilst non-economy class tariffs are determined by airline companies based on market forces.

a. Passenger Tariffs for Scheduled

The tariffs set by the MOC have an upper limit which takes into account factors such as the need to protect consumers and prevent unfair competition. On the whole, Indonesia's aviation regulations protect consumers by indirectly specifying a lower limit for the determination of tariffs, and at the same time the tariff regulations also prevent under pricing practices by air service providers that aim to squeeze competing carriers

³⁶ There are a lot of complaints regarding delay, cancellation, aircraft accident, and finally the consumer are victimized as a result of rigid competition.

³⁷ Ministerial Decree *Concerning Air Transportation Engagement*. Ministerial Decree No. KM 25 Year 2008

³⁸ The impact of aircraft accident suffered by Adam Air.

³⁹ Act *Concerning Aviation*, State Gazette of the Republic of Indonesia Number 1 (2009), Supplemental State Gazette Number 4956 of the Republic of Indonesia.

out of the market. At first glance, however, it appears that this determination of tariff does not adequately factor in the commercial side of the air service industry, especially for those offering premium services.⁴⁰

In determining tariffs, the MOC considers the interest of aviation safety and security, as well as the needs of the public and airlines' operation.⁴¹ MOC Decree Number 26 of 2010⁴² clarifies how passenger tariffs for economy class are determined and that they are based on the distance flown, tax, mandatory accident insurance and surcharges. The distance tariff is the amount of tariff per flight route per trip, for each passenger, and is a calculation based on the basic tariff multiplied by the distance. This formula also factors in the nation's purchasing power or affordability of the tariff. The distance tariff consist of a basic average fee plus a reasonable profit a value-added tax based on taxation regulations.⁴³

Mandatory passenger accident insurance is required by laws and regulations. Surcharges are imposed based on additional costs that the air transportation company has to pay to operate the business. The provision stipulates that the distance tariff may be adjusted due to factors such as, among others, the fluctuation of fuel prices. Costs that the air transportation company must bear due to lack of passengers on returning flights, outbound or inbound, are also included in the calculation of the tariff. With regard to the fluctuation of fuel prices, the MOC issued the increase the amount of surcharges consistent with the value of American dollars.⁴⁴

Tariffs ceiling for domestic economy class passengers are stipulated by the MOC to prevent the imposition of high tariffs by airline companies and protect consumers from misleading advertising. The tariff for scheduled economy class passengers is disseminated either by the MOC or by the airlines themselves through print and electronic media and/or presented to consumers wherever airplane tickets are sold. Domestic airlines are prohibited from selling economy tickets above the tariff ceiling provided by the MOC, and any airline violating this prohibition will receive sanctions in the form of a warning and/or flight route permit revocation.⁴⁵

In addition, domestic passenger tariffs for economy class consist of tariffs based on whether the aircraft used is a jet-powered or propeller powered aircraft.⁴⁶ Indonesia's DGAC proposes the maximum tariff after coordinating with national air carrier associations and consumer associations, and the tariff is also reflective of the class of service provided. Airlines providing full service may charge 100% of the maximum tariff, whereas airline providing medium service my charge 90% of the maximum tariff, and airlines providing no-frills service may charge only 85% of the maximum tariff.

b. The Best Practices of Tariffs

As mentioned earlier, tariff policies in Indonesia are basically neo-liberal in nature, as the tariffs consist of economy and non-economy tariffs. Economy class tariffs are regulated by the MOC in order to ensure the viability of public transportation and to protect the interest of the traveler. An upper limit is set by the MOC to prevent unfair competition between airlines and airlines are prohibited from selling economy tickets above the upper limit tariff established by the MOC. In practice, however, the competition between scheduled airlines can be very fierce, and, as a result of the operation of the market, air services have been classified into three categories of tickets in order to avoid the restrictions set by the MOC. There are daily, weekly and monthly fares.

Daily tickets consist of prime-time tickets for flights between 4.30 a.m. and 9.30 a.m., which are very pricey, and tickets for flights between 12.00 p.m. and 3.00 p.m., which are the cheapest. In the weekly category, flights on Tuesdays, Wednesdays and Thursdays are very cheap, and flights on Fridays, Saturdays and Sundays are very expensive. However, even if the price is very expensive, no price is higher than the upper limit tariff. In addition, there are other variations such as promotional tariffs and normal economy tariffs. Promotional tariffs are cheaper than normal economy class, whilst economy tariffs consist of regular economy class flexible economy class and rigid economy class fares. This strategy not only avoids the price restrictions set by the MOC, but also, in effect influences the behavior of consumers and the travelling public

Especially in the holiday months, such as school holidays, celebration of days significant to Moslems (such as Lebaran) and the Christmas holidays, tickets price almost reach the upper limit established by the

⁴⁰ Martono & Sudiro, "current", *supra* note 18 at 81

⁴¹ *Civil Aviation Act*, *supra* note 39, art 126

⁴² Indonesia, Ministerial Decree Concerning the Calculation Mechanism and Determination of Ceiling Passengers for Economy Tariff Class of Air Transportation Domestic Services, Ministerial Decree No.26 (14 April 2010)[Decree Concerning the Calculation]

⁴³ Martono & Sudiro, "Current", *supra* note 18 at 81

⁴⁴ Indonesia, Ministerial Regulation Concerning the Amount of Surcharges of Domestic Scheduled Transportation Tariffs, Ministerial Regulation No.PM 2 of 2014 (16 February 2014).

⁴⁵ Martono & Sudiro, "Current", *supra* note 18, at 82

⁴⁶ Decree concerning the Calculation, *supra* note 163

MOC. During those periods, the demand for travel increases significantly and almost all domestic scheduled airlines provide extra flights to cater to these demands.

During school holidays, Moslem holidays and Christmas holidays, the MOC rigidly controls the implementation of tariff regulations. Scheduled airlines are obliged to disseminate the tariff through print and electronic media and/or by presenting the set price on every airplane ticket. Any airline violating these provisions will receive administrative sanctions in the form of a warning and/or risk the flight permit being revoked.⁴⁷ In the three years since the CAA of 2009 came into effect, no scheduled airline has violated the upper limit on tariffs as set by the MOC, meaning that all scheduled airline are complying voluntarily with such regulations.

c. Passenger's Tariff for Non-Scheduled Airlines

With regard to non-scheduled airlines, the tariff is set based on market mechanisms. The tariffs for domestic non-scheduled airlines are determined based on the agreement between the user(s) and the provider(s) of transportation services,⁴⁸ while the tariffs for international scheduled passenger air transportation are determined based on bilateral agreements.

IV. AVIATION SAFETY REGULATIONS

The aims and objective of the ICAO are to develop the principle and technique of international air navigation and to foster the planning and development of international air transport so as to insure the safe and orderly growth of international civil aviation throughout the world.⁴⁹ Taking into consideration that Indonesia is a member of ICAO,⁵⁰ Indonesia issued the CAA of 2009. It regulates aviation safety such as aircraft production, aircraft operation, aircraft maintenance and safety during aircraft in flight. Over the last several decades, the environmental movement has become institutionalized within the policy process, as well-organized environmental groups have gained political influence over the direction of environmental law.⁵¹ The political forces that shape the design of environmental law still tend to support more conventional forms of regulation.⁵²

a. Aircraft Production

Aviation safety provided in Chapter VI of the CAA of 2009. In accordance with Article 13 of the CAA of 2009 any aircraft, any engine, and any airplane propeller to be produced and eligible for utilization must have a conceptual design and have an approval letter from MOC after its airworthiness standard has been examined and test. The examination and testing must fulfill airworthiness standard requirements stipulated under provisions of the law and regulations. In addition, every person conducting any activity on conceptual design of an aircraft, aircraft engine, and airplane propeller shall be obligated to obtain an approval letter.

In order to produce any aircraft, aircraft engine and airplane propeller to be made based on the conceptual design must possess a type certificate. The type certificate shall be given by the MOC after the applicant completes demonstration of compliance with the certification basis such as an examination on conformity to initial airworthiness standard and has passed the type certification test. Any aircraft, aircraft engine, and airplane propeller designed and produced abroad and imported into Indonesia, must obtain a type certificate validation from the MOC. Further provision on the system and procedure of obtaining approval letter on conceptual design, design activities and change to aircraft design, type certificate, and type certificate validation shall be regulated under a Ministerial Regulation.

Every Indonesian legal entity conducting production and/or assembling activities of aircrafts, aircraft engines, and airplane propellers, must possess certificate of production. In order to obtain production certificate, the Indonesian legal entity must meet requirements such as possession of type certificate or production license for manufacture based on an agreement with other party(s); production facilities and equipment; organizational structure having at least production and quality control divisions; competent production and quality control personnel; quality control warranty system; and product examination and production testing system. The certificate of production shall be given after examination and testing are administered with a result of meeting the airworthiness standard. Certification process of aircraft, engines, and airplane propellers shall be implemented by a public service management institution.

⁴⁷ Martono & Sudiro, "Current", *supra* note 18 at 82.

⁴⁸ *Civil Aviation Act*, *supra* note 39, art 128.

⁴⁹ Art.44(a).

⁵⁰ Indonesia is member of the ICAO, since 27 April 195; See Dempsey P.S. (2005), Vol. XXX-Part I, Ann. Air & Sp.L.at 52

⁵¹ Coglianese, C. 2001. *Social Movements, Law and Society: The Institutionalization of The Environmental Movement*. *University of Pennsylvania Law Review* 150: pp. 85-118.

⁵² Keohane, N.O., Revesz, R.L., and Stavins, R.N. 1998. *The Choice of Regulatory Instruments in Environmental Policy*. *Harvard Environmental Law Review* 22: p. 313.

b. Aircraft Operation

Anybody operating an aircraft for air transportation activity shall be obliged to possess a certificate. Such certificate consist of air operator certificate (AOC), extended to an Indonesian legal entity operating a civil aircraft for commercial transportation purpose; or aircraft operating certificate, extended to an Indonesian individual or legal entity operating civil aircraft for non-commercial air transportation. The certificate shall be given by the MOC upon passing examination and testing, and the applicant demonstrates his/her capability to operate the aircraft. In order to obtain an AOC an operator has to own a commercial air transportation business permit; own and possess aircraft(s) in accordance with the business permit owned; own and/or possess competent aircraft personnel in a total number of adequate ratio to operate and to maintain aircrafts; own an organizational structure of minimum divisions of operation, maintenance, safety, and quality control assurance; own competent management personnel in an adequate number; own and/or possess aircraft operational facilities; own and/or possess adequate spare-part supplies; own a company operation manual and a company maintenance manual; own a standard operating procedure; own a standard aircraft maintenance procedure; own educational facilities and a company training manual; own a company quality assurance manual for keeping up continuous operating and technical performance; and own a safety management system manual.

In addition, in order to obtain an AOC an operator has to owning a non-commercial air transportation activity permit; owning and possessing aircraft(s) in accordance with the activity permit owned; owning and/or possessing aircraft operational personnel and aircraft maintenance personnel; owning standard aircraft operating manual; and owning standard aircraft maintenance manual. Anybody violating the provisions shall be imposed with administrative sanctions such as warning; freezing of certificate; and/or revocation of certificate.

c. Aircraft Maintenance

Anybody operating aircraft(s) shall be obligated to perform maintenance on the aircraft including the aircraft engines, airplane propellers, and the components for keeping up the competency and continues airworthiness. In order to perform maintenance of aircraft, aircraft engines, airplane propellers and the components, one must issue a maintenance program and shall be approved by the MOC. The maintenance of aircraft, aircraft engines, airplane propellers and the components may only be conducted by an air transportation company already owning air operator certificate; a legal entity organization of aircraft maintenance already owning approved maintenance organization certificate; or a maintenance expert personnel already possessing an aircraft maintenance engineer license. The aircraft maintenance certificate shall be granted by the MOC upon passing an examination and testing.

In order to obtain an approved aircraft maintenance organization certificate it must meet the requirements such as owning or possessing maintenance facilities and sustainable supporting equipment; owning or possessing competent personnel holder(s) of maintenance engineer certificate in accordance with their scope of works; owning company maintenance and inspection manuals; owning up-to-date maintenance manuals issued by the manufacturer in accord with the type of aircraft being operated; owning quality assurance manuals to ensure and maintain sustainable performance of aircraft, engine, propeller and component maintenance; owning or possessing spare-parts to maintain competence and continues airworthiness; and owning manuals of safety management system. The aircraft maintenance organization certificate may be given to aircraft maintenance organization abroad upon possession of aircraft maintenance organization certificate issued by aviation authority from the country concerned. Anybody violating the provisions shall be imposed with administrative sanctions, such as freezing of certificate; and/or revocation of certificate.

d. Safety During Aircraft in Flight

Each Indonesian or foreign civil aircraft arriving or departing from Indonesia may land or take-off from the airport(s) pre-determined for that purpose. The provision shall not be valid during emergency circumstances. Anybody shall be prohibited from operating and/or flying an aircraft that may endanger aircraft safety, endanger the safety of aircraft passengers, crews, and cargo, endanger the safety of third party, disturb public security and order; and/or damage other people's property(ies). Anybody violating the provisions shall be imposed with administrative sanctions, such as warning; freezing of certificate; and/or revocation of certificate.

V. AVIATION SECURITY REGULATIONS

With regard to security provision, it regulated in Chapter XIV from 323 to 356 of the CAA of 2009. It regulates, among others, national aviation security, aviation supervision, eradication of unlawful acts, aviation security facilities, security during aircraft in flight, security during aircraft in the airports, and security in the restricted areas as follows:

a. National Aviation Security

The MOC shall establish a national aviation security committee which have the duties to coordinate the implementation of state aviation security program. Such program at least contain aviation security regulations, aviation security targets, aviation security personnel, division of responsibilities on aviation security, protection of airport, aircraft and flight air navigation facilities, control and guarantee security of human and goods on aircraft, eradication of unlawful acts, adjustment of security system towards security threat level and aviation security supervision as well.

Every airport authority shall be responsible for monitoring and controlling of airport security program. In order to carry out the responsibility airport authority shall establish an airport security committee, which have the duties to coordinate the implementation of airport security program. In addition, every air transportation business entity shall be obligated to develop, implement, evaluate, and enhance an air transportation security program with the national aviation security program as the guideline. Such security program shall be legalized by the MOC. In addition, air transportation business entity shall also be responsible for financing air transportation security.

b. Aviation Supervision

In addition, the MOC shall be responsible for supervision of national aviation security. Such supervision of aviation security is a continuous monitoring activities aiming to ensure compliance to aviation security regulation implemented by the aviation services providers covering activities such as audit, inspection, survey, and test. The MOC shall take corrective and law enforcement actions on the results of monitoring. Airport authorities, airport business entities, and air transportation business entities shall be obligated to implement internal monitoring and shall report the findings to the MOC.

c. Eradication of Unlawful Acts

Any person shall be prohibited to do any acts of unlawful interference endangering aviation and air transportation safety such as taking unauthorized control of an aircraft during flight or on the ground, taking hostage(s) inside an aircraft or at an airport, entering an aircraft, restricted security area, or aeronautical facility area without any authorization, carrying a weapon, dangerous goods and equipment, or a bomb into an aircraft or airport without permit, and giving false information that endangering aviation safety. Airport Authorities, air transportation business entities shall be obligated to eradicate unlawful acts. Such eradication of unlawful acts shall be formulated as a contingency plan type. In the case there is an unlawful act the MOC shall coordinate and delegate a task and command for eradication of the unlawful act to the institution responsible for and in charge of security sector.

d. Aviation Security Facilities.

The MOC shall stipulate aviation security facilities used for realization of aviation security. Such provision of aviation security facilities shall be undertaken in accordance with the needs by considering effectiveness of equipment, airport classification and level of threat and disturbance. Airport business entities and air transportation business entities using aviation security facilities shall be obligated to provide, operate, maintain, and modernize in accordance with stipulated standard, maintain accuracy of its performance by calibrating, and obtain complete certification of equipment. Any airport business entity and air transportation business entity violating the provisions shall be imposed with administrative sanctions, in the forms of warning, freezing of permit or certificate, and/or revocation of permit or certificate.

e. Aviation Security During Aircraft in Flight

Any person during flight on an aircraft shall be prohibited to conduct behavior that may endanger aviation safety and security, violating in-flight procedures, taking or damaging aircraft equipments that may threaten safety, conducting a-social behavior, disturbing peacefulness, and/or operating electronic devises that may disturb flight air navigation. The pilot in command concerned shall have the authority to take action for purpose of ensuring safety, order, and security during flight. It shall be prohibited during in-flight to place any passenger with disability to act on an emergency at seats near emergency exits of the aircraft. Anybody violating the provisions shall be imposed with administrative sanctions, such as warning; freezing of certificate; and/or revocation of certificate.

f. Aviation Security During Aircraft in the Airports

Air transportation business entities shall be responsible for aircraft operational security at the airport(s). Such responsibility at least include aircraft security examination prior to operation, examination on passengers' cabin luggage left behind in the aircraft, examination on all personnel entering the aircraft, and examination on equipments, goods, food, and beverages entering the aircraft. In addition, air transportation business entities also

responsible to the security while aircraft in flight. Such responsibility shall at least include taking action necessary to guarantee aviation security, informing the pilot in command if there is any air marshal in the aircraft flight, informing the pilot in command of existence of any dangerous goods in the aircraft. Placement of security personnel on board of any foreign regular commercial aircraft from and to the territory of the ROI may only be done based on bilateral agreement.

g. Aviation Security in the Restricted Area

Anybody, vehicle, cargo and post entering restricted security area shall be obligated to possess entrance permit into the restricted areas, or airplane tickets for passengers and security check shall be enforced. The security check shall be conducted by competent personnel in aviation security field. Passengers, aircrews, baggage, cargo, and post to-be transported shall have to pass the examination and fulfill aviation security requirements. Specific passengers and cargo may be given special treatment with regards to security examination. Any diplomatic pouch shall not be examined, except upon request by the agencies in charge of international relationship (foreign affairs) and national defense.

Any airplane passenger carrying any weapon shall be obligated to hand-over the weapon to the air transportation business entity transporting the passenger concerned. The air transportation business entity shall be responsible for the weapon received until the time it is returned to the owner at destination airport. Airport business entity shall be obligated to provide or appoint an area at the airport territory as an isolated parking area for aircrafts experiencing security disturbance or threat. Further provisions regarding the mechanism and procedures of airport operational security shall be stipulated under a MOC Regulation.

VI. ECONOMIC ASPECTS OF CHRISTMAS HOLIDAY CELEBRATION OF 2016

Indonesian have many opportunities to enjoy long week-ends and holidays as there are 13 national holidays proclaimed by the Government. In Indonesia there are four types of holidays such as literally red date, or a date that is designated in red on a calendar, signify national holidays when the government offices, schools, bank, and most businesses are closed. Many of the dates of religious holidays vary from year to year, as they are based on other calendar namely the Moslem holidays are based on the Islamic or Hijriah calendar, which is 10 to 11 days shorter than the Roman calendar every year. Other holidays, such as Easter, Chinese New Year and Waisak are based on lunar calculations, as in other countries where these holidays are celebrated.

In addition, an Indonesian have also collective leave should be taken on some days, mostly a Monday or Friday, before or after a national holiday in order to create a long week-end. This policy is intended to promote domestic tourism and the growth of economy in the region. Everyone can also take advantage of the fact that many hotels in tourist areas, especially in Bali, offer special rates to holders or expatriate residents during these long weekends for greater capes from city life.⁵³

Just prior to Christmas celebration, mass exodus from Jakarta of millions of people occurs as residents return to their villages to celebrate with their family and friends. It is also interesting to point out that exodus tradition given rise to an enormous boost in the money circulation across the archipelago as millions of peoples travel to the rural areas to spend some days with their families and friend. It is estimated that these people carry trillions of rupiah (hundreds of millions of US dollars) with them to the rural regions will increase a temporary economic activities such as regional transportation, tourism, hotels, restaurant, souvenir, animal product, gift, consumption on food products, clothes, bags, shoes and increase a temporary region economic and finally increase the prosperity of the people in the region, however, in line with the increasing economic activities, there are inflation rate within Christmas celebration of 2016 and New Year holiday of 2017.

VII. TRADITIONAL CULTURE

Christmas celebration and New Year holidays together mostly called long weekend in the end of the year is an annual traditional culture of Indonesia in nature. In that time, the exodus of Indonesian workers from the cities back to their hometowns ahead of Christmas celebration and New Year holidays which start on 23 December 2016 and on 30 December 2016 for New Year holiday of 2017 and usually celebrated at people's place of origin, implying that Indonesian cities become more-or-less deserted for one week.

The peak of the exodus usually occurs three to four days ahead of Christ celebration around 23 December 2016 this year and is always accompanied by severe traffic jams due to the country's lack of quality and quantity of infrastructure. Transport companies have to work over hours in this period to accommodate the sudden jump in passenger numbers. The Indonesian Ministry of Transportation, Budi Karya Sumadi, predicted that about 17.952.633 peoples Indonesians will *mudik* 23 December 2016 for Christmas celebration and on 1 January 2017 for New Year Holiday, mostly traveling from cities on Java to the villages in Central and East Java. Usually the Government also provides additional air transport such as land, sea and air transportation

⁵³ <http://www.expat.or.id/info/holidays.html>

services for the people during the holidays. Not only the Moslem community of Indonesia will return to their places of origin, but also people adhering to other religions traditionally use this public holiday to visit their parents or make a short holiday.

VIII. SOCIAL ENVIRONMENTAL

Jakarta is a shopper's paradise as many beautiful and unique items can be found in Jakarta. The numerous bazaars organized groups within the expatriate community provide the best opportunities for finding those special items. Each year the women's group put on major craft bazaars in the months leading up to Christmas just in time for holiday shopping. The second "bazaar season" occurs in May and June before the summer holidays when most expatriate return to their home countries. Though the bazaar is organized by one national group, they are all open to expatriates of all nationalities. Walking around the bazaar is like attending a UN session, with tens of languages spoken amongst the shoppers. The price is a relatively inexpensive.

Many different types of goods are for sale at the bazaar, such as clothing, shoes and handbags, jewelry, cushions and cushion covers, housewares, pottery, picture frames, greeting cards, Christmas decorations, toys, and food items. Some of the products imported from other countries such as the United States of America,⁵⁴ but the majority are local products and includes many varieties of handicrafts such batik clothes, woven cloths, woodcarvings and basket ware. Because you are often purchasing direct form the manufacturer or their personal rep, prices are usually much cheaper than in Jakarta's upscale (yet complete) handicraft centers.

Vendors at the bazaars may be individuals, companies or charitable foundations selling products made by disable or disadvantaged people. The best thing about shopping at the bazaars organized by the expatriate women's associations is that not only can you shop in a safe and pleasant environment with a wonderful choice of products, but you will have the knowledge that part of the money you spend goes to help social welfare projects in the local community, as the bazaars are some of the major fundraising activities for the organizing expatriate women's group. Many of the women's groups and other community groups also sell their publications cards and calendars at the bazaars, so it's a one-stop shop to get many of the excellent printed resources from community group as well.

In addition, there are midnight sale such as small handbags, shoes, jewelry, women accessories, clothing, branded perfumes etc. The price is relatively cheap due to the seller gives discount up to 50% regular prices. They come over from Kalimantan, Sumatra, Bali, Surabaya, and also from India as well. They travel by domestic as well as international air transport and spend their money up to IDR 7.000.000,00 (seven million). In this connection, Elsi Adianti, Public Relation of Senayan City, told that the program given rise the growth visitors from 80.000 visitors to 100.000 – 120.000 visitors a day.⁵⁵

IX. A CRITICAL ANALYSIS

Previously was anticipated that this event as single event consist of Christmas Celebration of 2016 and New Year holiday of 2017, however, the fact is separated two events such as first event is Christmas Celebration of 2016 and the second event is the New Year Holiday of 2017 respectively. Taking into consideration that separate event, this analysis shall be separately between Christmas Celebration of 2016 and the New Holiday of 2017 as follows:

a. Christmas Celebration of 2016

1). Passengers

In the framework of the Christmas celebration of 20016, the highest growth is air transport passengers, taking into consideration that Indonesians now have a higher purchasing power and a different appreciation of time. In addition, improvements have been made and have led to a better standards of airport services and higher flight discipline.⁵⁶ In this regard, the travelers choose air transportation instead of other mode transportation, due to tariff of air transport passenger is relatively cheap, short time consumers and without accidents, said Indar as a passenger.⁵⁷ In addition, air transportation is better than land transportation taking into account in the experiencing land transportation is always occurs traffic jams, speed from Jakarta to Solo less than an hour, whilst land transportation from Jakarta to Solo some time takes more than 40 hours, get tire and time consuming, more a high level of stress and road accidents as well.

Based on the experiencing of 2016 of Idul Fitri Holiday in July 2016, in the land transportation at least twelve people have died after being stuck in a three-day traffic jam in Brezit. Several victims were elderly,

⁵⁴ Daily Kompas dated 29 December 2016, at 15

⁵⁵ Daily Kompas dated 29 December 2016, at 15.

⁵⁶ Dr Amad Sudiro and Dr Martono K., *Indonesian Air Transportation (2016) : A Critical Analysis of the Idul Fitri Holidays*, Asian Academic Research Journal of Social Sciences & Humanities www.asianacademicresearch.org, at 2

⁵⁷ Daily Kompas dated 20 December 2016 at 2.

whilst others died from fatigue, other health complications and a one-year-old was killed by fumes.⁵⁸ There were more than 400 motorists have died on the road, including those in the Brezita traffic jam. Some drivers looking for respite from the jams away from their cars. There was bottleneck in Brezita, where there was a petrol station every nearby and many people queue.

2). Tariffs

According to the regulations of tariff, domestic scheduled airlines shall determine the economy class passenger and disseminates either through print and/or electronic media and/or presented to consumers wherever airplane tickets are sold to protect consumers from misleading advertising.⁵⁹ In addition, domestic airlines are prohibited from selling economy tickets above the tariff ceiling provided by the MOC, and any violating the prohibition will receive sanction in the form of a warning and/or flight route permit revocation. As far as tariff is concerned, during Christmas celebration of 2016, no domestic scheduled airline sold higher than tariff ceiling provided by the MOC, for that reason no domestic airline receive sanction in the form of a warning and/or flight route permit revocation.⁶⁰ The selling of domestic tariff has been controlled by the airports authorities as well airport operators in line with the MOC instruction.

3). Aviation Safety Regulations

The aviation safety related to aircraft production, air operator certificate (AOC), obligation to performance maintenance of aircraft, prohibited from operating and/or flying an aircraft that may danger aviation safety regulated in the CAA of 2009. In accordance with Article 13 of the CAA of 2009, any aircraft, any engine, and any airplane propeller to be produced and eligible for utilization must have a conceptual design and have an approval letter from the MOC after its airworthiness standard has been examined and test. With regards to air operator certificate, domestic scheduled airlines shall be obliged to possess AOC given by the MOC upon passing examination and testing. To obtain AOC the domestic scheduled airlines shall fulfill the requirement determined by the MOC.

In addition, the domestic scheduled airlines shall be obligated to perform maintenance on the aircraft including the aircraft engines, airplane propellers, and the components for keeping up the competency and continues airworthiness. The maintenance may be only be conducted by a legal entity organization of aircraft maintenance already owning approved maintenance organization certificate which shall be granted by the MOC. With regard to aircraft during flight, the domestic scheduled airlines shall be prohibited from operating and/or flying an aircraft that may endanger aircraft safety, endanger the safety of aircraft passengers, crews, and cargo, endanger the safety of third party, disturb public security and order; and/or damage other people's property (ies).

With regard to aviation safety, the domestic scheduled airlines violating the provision related to aircraft production, AOC, performing maintenance of aircraft, prohibition of operating and/or flying an aircraft that may endanger aviation safety shall be imposed with administrative sanctions, such as freezing of certificate and/or revocation of certificate, however, in relations to the Christmas celebration of 2016, no domestic scheduled airlines imposed administrative sanction by the MOC.

In relating to Christmas celebration of 2016, it is interesting to note here, that at least there are three accidents occurrence such as The M-28 Skytruck airplane, which was carrying 13 passengers piloted by Adj. Comr. Tonce Manao from Pangkal Pinang, Bangka Island to Batam crash in the Riau Island. Adj. Comr. Tonce Manao, the pilot of a National Police aircraft told to his father, Alexander Manao, that he promised to come home for Christmas celebration,⁶¹ whilst other accidents,⁶² possible related to Christmas celebration of 2016 was

⁵⁸ Arya Dipa, *20 people killed in traffic accidents in West Java during Idul Fitri holidays*, Jakarta Post <http://www.thejakartapost.com/news/2016/07/11/20-people-killed-in-traffic-accidents-in-west-java-during-idul-fitri-holidays.html> down load on 12 December 2016

⁵⁹ Martono K. & Ariawan Gunadi, *Current Regulations of Aviation Tariffs in Indonesia*. (2014), XXXIX Ann. Air & Sp.L.205; See also Dr Amad Sudiro and Dr Martono K., *Indonesian Air Transportation (2016) : A Critical Analysis of the Idul Fitri Holidays*, Asian Academic Research Journal of Social Sciences & Humanities www.asianacademicresearch.org, at 16

⁶⁰ Martono & Sudiro, "Current", supra note 18, at 82

⁶¹ Djemi Amnifu, *Pilot of crashed plane promised to go home to East Nusa Tenggara for Christmas*. See <http://www.thejakartapost.com/news/2016/12/05/pilot-of-crashed-plane-promised-to-go-home-to-east-nusa-tenggara-for-christmas.html>

⁶² Accident means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intension of flight until such time as all such persons have disembarked in which a person is fatally or seriously injured as a result of being in the aircraft or direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or direct exposure to jet blast, except when the injuries are from natural causes, self inflated or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew or; the aircraft sustains damage or structural failure which adversely affect the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or

the Wing Air flight number IW-1896, type ATR 72-600, registration of PK WGW, which was operated by the Lion Air subsidiary.

Wing Air flight number IW-1896 with the flight route of Bandung-Semarang skidded off the runway during landing in Semarang. The plane was carrying 68 passengers and four flight crew members. All of the passengers and crew were safely evacuated from the plane. The accident occurred at 18:24 Western Indonesian Time (WIB). "The weather condition was indeed raining when the airplane wanted to make a landing."⁶³ In addition, the aircraft accident Hercules C-130 HS belong to the Indonesian Air Force (TNI-AU) on 18 December 2016 in Wamena, Papua, carrying 12 passengers and cargo 12 tons. All passengers and air crew killed. The last accident (Hercules C-130) possibly no directly related to air transportation in the framework of Christmas holiday of 2016

4). Security Regulations

Security regulations found in Chapter XIV from 323 to 356 of the CAA of 2009. It consist of, among others, national aviation security, aviation supervision, eradication of unlawful acts, aviation security facilities, security during aircraft operation, security during in the airports and security in the restricted areas. The MOC establishes a national aviation security committee which have the duties to coordinate the implementation of state aviation security program. Every airport authority shall be responsible for monitoring and controlling of airport security program, whilst air transportation business entity shall be obligated to develop, implement, evaluate, and enhance an air transportation security program with the national aviation security program as the guideline.

In addition, the MOC shall be responsible for supervision of national aviation security to ensure compliance to aviation security regulation implemented by the aviation services providers covering activities such as audit, inspection, survey, and test. In this regards, the MOC shall take corrective and law enforcement actions on the results of monitoring, whilst airport authorities, airport business entities, and air transportation business entities shall be obligated to implement internal monitoring and shall report the findings to the MOC.

Any person shall be prohibited to do any acts of unlawful interference endangering aviation such as taking unauthorized control of an aircraft during flight or on the ground, taking hostage(s) inside an aircraft or at an airport, entering an aircraft, restricted security area, or aeronautical facility area without any authorization, carrying a weapon, dangerous goods and equipments, or a bomb into an aircraft or airport without permit, giving false information that endangering aviation safety. Airport authorities, air transportation business entities shall be obligated to eradicate unlawful acts. Such eradication of unlawful acts shall be formulated as a contingency plan type. In the case there is an unlawful act the MOC shall coordinate and delegate a task and command for eradication of the unlawful act to the institution responsible for and in charge of security sector.

The aviation security facilities shall be undertaken in accordance with the needs by considering effectiveness of equipment, airport classification and level of threat and disturbance. Airport business entities and air transportation business entities using aviation security facilities shall be obligated to provide, operate, maintain, and modernize in accordance with stipulated standard, maintain accuracy of its performance by calibrating, and obtain complete certification of equipment.

Any person during flight on an aircraft shall be prohibited to conduct behavior that may endanger security, violating in-flight procedures, taking or damaging aircraft equipment that may threaten safety, conducting a-social behavior, disturbing peacefulness, and/or operating electronic devises that may disturb flight air navigation. The aircraft pilot in command concerned shall have the authority to take action for purpose of ensuring safety, order, and security during flight. It shall be prohibited in-flight to place any passenger with disability to act on an emergency at seats near emergency exits of the aircraft. Air transport business entities shall examine the passengers, crew, cabin baggage left behind in the aircraft, personnel entering the aircraft, equipment, goods, food and beverages entering the aircraft. In addition, air transport business entities shall responsible to the security whilst aircraft in flight, taking action necessary to guarantee aviation security, informing the pilot in command of existence of any dangerous goods in aircraft.

replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories ; or for damage limited to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin; or the aircraft is missing or in completely inaccessible. See Ministerial Decree Concerning Civil Aviation Safety Regulation, Part 170 regarding Air Traffic Rules, Ministerial Decree No.KM 14 year 2009 (16 February 2009).

⁶³ TEMPO.CO.Jakarta , on Sunday, 25 December 2016, *Wings Air Plane Skids Off Runway in Semarang* . On Sunday, 25 December 2016; See <http://en.tempo.co/read/news/2016/12/25/055830451/Wings-Air-Plane-Skids-Off-Runway-in-Semarang>

The security check in the restricted area shall be conducted by competent personnel in aviation security field. Passengers, aircrews, baggage, cargo, and post to-be transported shall have to pass the examination and fulfill aviation security requirements. Specific passengers and cargo may be given special treatment with regards to security examination. Any diplomatic pouch shall not be examined, except upon request by the agencies in charge of international relationship (foreign affairs) and national defense. Any airplane passenger carrying any weapon shall be obligated to hand-over the weapon to the air transportation business entity transporting the passenger concerned. The air transportation business entity shall be responsible for the weapon received until the time it is returned to the owner at destination airport.

Taking into account the tight regulation such as above-mentioned, the effort of National Police and the Army (TNI) enhance an additional personnel to safeguard the public order within the Christmas celebration of 2016, the result, as far as related to air transportation is concerned, no occurrence unlawful acts or other criminal acts. The Government concretely guarantee the Christmas celebration on 25 December 2016. The celebration of Christmas mostly peacefully. Mgr Ignatius Suharyo Hardjoatmodjo (Uskup Agung Jakarta) appreciated to the visiting of the Government before Christmas celebration events.

In relation to the public order, on 21 December 2016, there were four places detected as suicide bomber such as South District Tangerang, Banten province, Payakumbuh Western Sumatra, Deli Serdang North Sumatra and Batam Riau Island. All of these terrorists related to Bahrin Naim member of ISIS.⁶⁴ There are three suspects in the South Tangerang District were killed, whilst one suspect was captured by the national police. In addition, on 25 December 2016, the National Polices arrest two terrorist suspects,⁶⁵ killed two suspects dead due to they attacked the police,⁶⁶ which intend to attack the police's offices in West Java.⁶⁷ Beside that the national police also arrest three Indonesian citizens who come back from Turkey.⁶⁸ The three suspects in the South Tangerang District, they were arrested and killed in West Java and other places such as in Payakumbuh, North Sumatra as well as in Batam, Riau Island, no directly related to air transportation within the framework of Christmas celebration of 2016 and New Year holiday of 2017, rather than public order to secure long holidays of the end of the year of 2017.

In addition, since 10 November 2016 to 21 December 2016 there are at least six location of terrorist occurrence such as on 13 November 2016 in Samarinda Kalimantan, on 18 November in Bekasi, West Java, 10 December 2016 in Bekasi, West Java, 21 December 2016 in South District of Tangerang, Banten Province, in Deli Serdang, North Sumatra, in Payakumbuh, West Sumatra and on 24 December 2016 in Jatiluhur, West Java respectively. The total of terrorists at least 26 peoples, some of them has been shot by the National Polices squad Densus 88.⁶⁹ Some terrorists suspect plan to attack the Presidential Palace, some suspects plan to attack Christmas celebration.

b. The New Year Holiday of 2017

1). Passengers

The New Year holiday of 2017 is national holiday in nature. Most of Indonesian citizen euphoria holiday especially to the tourist destination such as Thousand Islands, Ancol Coast, Ragunan Zoo Garden, Indonesian Miniature Indah (Jakarta); Botanical Garden, Safari Zoo Garden (Bogor); Lembang (Bandung); Kuta Coast (Bali); Losari (Makasar); Borobudur Temple and Malioboro Road, Fruit Garden (Yogyakarta); Tawangmangu (Solo); Carita and Tanjung Lesung (Banten, West Java) etc.⁷⁰ The characteristic of travellers are tourism in nature within the framework of national holidays to increase the development of tourist destination. The theme of New Year Holiday of 2017 is unity of the nations, without any discrimination based on race, religion, group and whatever the reasons.

2). Economic Aspects

The euphoria's holiday of tourist destination is also given rise to an enormous boost in the money circulation across the cities as millions of peoples travel to the others cities to spend some days with their families and friend. In the tourists destination, they need hotels, restaurant, souvenir, animal product, gift, consumption on food products, clothes, bags, shoes and finally increases the temporary economy in the tourist destination.

⁶⁴ Daily Kompas dated 22 December 2016

⁶⁵ Rijal alias Aburahman (29 year old) and Ivan Rahmat Syarif (28 Year old) in Western Province; See Daily Kompas dated 26 December 2016.

⁶⁶ The dead suspects are Sofi and Faiz; See Daily Kompas dated 26 December 2016 at 15.

⁶⁷ TV One running message, on 27 December 2016.

⁶⁸ Tomy Gunawan (18 year old), Jang Johana (26 year old), Irfan (21 Year old). They arrested due to they will join to the ISIS.

⁶⁹ Daily Kompas dated 30 December 2016 at 1.

⁷⁰ Daily Kompas dated 2 January 2017 at 2.

3). **Aviation Safety**

With regards to transportation within framework of the New Year Holiday of 2017, the pilot in command of Citilink flight number QG-800 route Surabaya – Jakarta on 28 December 2016 alleged drunk when going to fly the plane, consequently, on 30 December 2016, Albert Burhan, the President of Citilink resigned taking into account that he responsible to the attitude of the pilot in command of QG-800. Albert Burhan, expects his resignation would make Citilink under the auspices of Garuda Indonesia could be better in the future. The attitude of the pilot in command Citilink flight number QG-800 is endangering the safety of passengers as well as the aircraft, and violation the CAA of 2009. According to, Budi Karya Sumadi, the MOC, Citilink sanctioned by first warning.

4). **Others Accidents**

On 1 January 2017, ship named Zahro Express burned on its way from Muara Angke towards Tidung Island in Thousand Island (Pulau Seribu) next to Jakarta, whilst his position was in the middle of the sea. The ship carried out tourists who want vacation within the framework of New Year Holiday of 2017.⁷¹ According to Sutopo Purwo Nugroho, head of Data Information and Public Relation of National Disaster Management Agency (BNPB), the fire victims Zahro Express ship to 23 people died, 17 people injured, 17 people missing and 194 peoples survived.⁷²

X. CONCLUSION AND RECOMMENDATIONS

a. Conclusion

1). Christmas Celebration of 2016

Based on the above-mentioned description, could be concluded that the air transportation engagement in the framework of Christmas celebration of 2016 is relatively success taking into account that no tariffs violation to the regulations, temporary increase regional economy, no terrorist attacked the Christmas ceremonial, no accident victimize the passengers, except accident M-28 Skytruck airplane belong the National Police in Batam. This accident no direct relation to Christmas celebration, rather than indirect relation to the Christmas celebration of 2016. There is other accident occurrence such as Wing Air flight number IW-1896 but no passengers dead. The eve of Christmas celebration, there were a lot of suspects terrorists has been arrested and some was shot dead, but this terrorist is beyond the topic to discuss in this article. It is a matter of public order, but indirectly related to Christmas celebration.

2). New Year Holiday of 2017

Within the framework of the New Year holidays of 2017 could be concluded that is similar with the Christmas Celebration of 2016, relatively success as well taking into account that the euphoria's of the New Year Holiday of 2017, gives rise an economic increase, especially the tourist destination. There is a violation against the aviation safety conducted by the pilot in command of Citilink flight number QG-800. The pilot in command alleged drunk on 28 December 2017, as a result Albert Burhan, the President of Citilink, resigned. Other accident was ship name Zahro Express burned on it way from Muara Angke toward Tidung Island in Thousand Island, but it is beyond the discussion of this topic.

b. Recommendation

Based on the above-mentioned conclusion, the authors recommend that the policy of Cuti Bersama (joint holidays) and shall be increase taking into account that these policy is benefit for the nations especially in the framework of enhance regional economy, increase tourism, keep social environmental between the citizen and keep the national unity of the Republic of Indonesia.

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⁷¹ **JAKARTA, KOMPAS.com**; See also <http://www.bbc.com/indonesia/indonesia-38482109>

⁷² <http://www.beritasatu.com/megapolitan/407360-korban-kapal-terbakar-di-pulau-seribu-bertambah-jadi-23-orang.html>;
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