



Airline Handling of Air Travel Delays for Passengers: A Review of Article 147 of Law No. 1 of 2009 and Government Regulation No. 89 of 2015

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ABSTRACT

The aviation industry in Indonesia is growing rapidly in tandem with increasing public mobility. However, flight delays still occur frequently and cause losses for passengers as consumers. This study aims to analyze the legal protections available to passengers experiencing flight delays, as well as the airlines' liability under applicable Indonesian laws and regulations. This study also analyzes the factors causing delays, evaluates and implements passengers' rights to compensation based on applicable regulations. This study employs an empirical legal research method, with data collected through relevant informants in the field and literature review. The results of the study indicate that passengers have legally protected rights, including the right to compensation based on the duration of the delay, which is still not fully realized, as well as the need for strict oversight by airport authorities to ensure that passengers' rights are fulfilled. The handling of flight delays should not only be reactive but also preventive to avoid recurring delays.

Keywords: consumer protection; airline passengers; flight delays; airline liability; Indonesian law.

ABSTRAK

Perkembangan industri penerbangan di Indonesia semakin pesat seiring meningkatnya mobilitas masyarakat. Namun, keterlambatan penerbangan (delay) masih sering terjadi dan menimbulkan kerugian bagi penumpang sebagai konsumen. Penelitian ini bertujuan untuk menganalisis perlindungan hukum bagi penumpang yang mengalami keterlambatan penerbangan serta tanggung jawab maskapai berdasarkan peraturan perundang-undangan yang berlaku di Indonesia. Penelitian ini juga menganalisis faktor penyebab keterlambatan, mengevaluasi serta mengimplementasikan hak kompensasi penumpang berdasarkan regulasi yang berlaku. Penelitian ini menggunakan metode penelitian yuridis empiris, dengan metode pengumpulan data melalui informan terkait di lapangan dan literature. Hasil penelitian menunjukkan bahwa penumpang memiliki hak yang dilindungi hukum, termasuk hak atas kompensasi sesuai dengan durasi keterlambatan masih belum optimal, serta perlunya pengawasan ketat dari otoritas bandara untuk menjamin hak penumpang terpenuhi. Penanganan keterlambatan tidak hanya bersifat reaktif, tetapi juga preventif untuk mencegah keterlambatan terjadi secara terus menerus.

Kata kunci: perlindungan konsumen; penumpang pesawat; keterlambatan penerbangan; tanggung jawab maskapai; hukum Indonesia.

INTRODUCTION

Indonesia is the world's largest archipelago, with more than 17,000 islands stretching from Sabang to Merauke, making air transportation the irreplaceable backbone of national connectivity.¹ Unlike mainland countries that can rely on highway or railroad networks, Indonesia's geography necessitates air travel as the primary mode of transportation to ensure the mobility of people, the flow of goods, and economic integration among regions. It is this structural dependence that makes the issue of flight delays not merely a routine operational disruption, but a legal matter that touches on the fundamental rights of citizens and the broader public interest. In other words, the urgency of this research stems not only from the frequency of delays but also from the fact that every minute of delay in Indonesia's aviation sector has a compounding impact that is incomparable to other modes of transportation: there are no equivalent land-based alternatives, no instant substitutes, and the losses suffered by passengers are often permanent and irreparable.

Empirical data shows that flight delays in Indonesia are not sporadic occurrences, but rather a recurring systemic phenomenon. The Directorate General of Civil Aviation noted that throughout 2022, the on-time performance (OTP) rate for domestic flights in Indonesia averaged only about 71.8%, meaning that nearly three out of ten flights were delayed. This figure remains far below international standards, which typically require a minimum OTP of 80%. Even more concerning, data from the Ministry of Transportation in 2023 documented thousands of passenger complaints regarding delays that were not accompanied by adequate compensation from airlines. The sheer scale of this problem indicates that existing legal protection mechanisms are not yet functioning effectively; therefore, research focused on evaluating and strengthening the legal framework for passenger protection is urgently needed and highly relevant at this time, not at some point in the future..

Normatively speaking, Indonesia actually already has a fairly comprehensive legal framework to protect passengers from losses resulting from flight delays, as stipulated in Regulation of the Minister of Transportation of the Republic of Indonesia No. PM 89 of 2015. The form of compensation and liability is determined based on the duration of the delay experienced by passengers. a. Delays of 30–60 minutes: Compensation in the form of light refreshments (snacks). b. Delays of 61–120 minutes: Compensation in the form of beverages and light meals. c. Delays of 121–180 minutes: Compensation in the form of beverages and a full meal. d. Delays of 181–240 minutes: Compensation in the form of beverages, light snacks, and a full meal. e. Delays of more than 241 minutes (more than 4 hours): Passengers are entitled to compensation in the form of a cash payment of Rp300,000, as well as rebooking on the next available flight or a full ticket refund.

Flight delays also impact the credibility of the national aviation sector when viewed from a broader perspective. The public will lose confidence in the air transportation system if delays continue to occur without a clear resolution mechanism. Therefore, there needs to be strong synergy between substantive regulations (such as Law No. 1 of 2009) and technical regulations (Ministerial

Regulation No. 89 of 2015), as well as institutional support in terms of oversight and dispute resolution. In addition to delays, aviation safety is also a major concern in terms of aircraft maintenance, compliance with operational procedures, and oversight of airlines. Safety is a crucial aspect because it involves human lives and public trust in air transportation services (Siahaan, Alzura, & Daffa, 2024).

A number of academic studies on flight delays in Indonesia have been conducted, but most focus on descriptive-normative aspects—that is, they merely catalog existing regulations without delving into the effectiveness of their implementation or analyzing the adequacy of dispute resolution mechanisms available to passengers. The study by Siahaan, Alzura, and Daffa (2024) provides a comprehensive analysis of the legal framework for air passenger protection but does not address comparative aspects with practices in ASEAN countries where air passenger protection regulations are more advanced. Other studies have also generally failed to address the crucial question of how passengers can practically access justice when their rights are violated—whether through the courts, the Consumer Dispute Resolution Board (BPSK), or other alternative mechanisms. Previous research has not specifically mapped the accessibility of dispute resolution mechanisms for air passengers in Indonesia. This study aims to fill that gap in an integrated manner.

Research on flight delays also has practical significance because the findings can serve as a basis for airlines to evaluate and improve service quality, enhance compliance with legal regulations, and refine their mechanisms for handling passengers during delays.

METHODS

Research Type and Research Location The type of research used in this study is empirical legal research with a qualitative approach. Empirical legal research is legal research that examines the application of legal provisions in social practice through observation of facts on the ground related to the research object. In this study, the focus is directed at airlines' efforts to handle flight delays for passengers, the obstacles faced, and the forms of legal protection provided to consumers using air transportation services. This research was conducted and obtained at Juanda International Airport, Surabaya. The author conducted direct research by involving several relevant sources to obtain accurate information. The approach used in this study is the Case Approach, which involves examining real-life cases related to flight delays and their resolution. Primary data was obtained directly from informants through interviews related to the research object. Informants were selected using purposive sampling, namely, selecting informants based on their knowledge or experience related to flight delays. The secondary data used in this study are related laws and regulations and several legal reference books, scientific journals, papers, and articles related to the research topic. The data collection method is the most strategic method for conducting research to obtain maximum data. This data collection involves reading, studying, and analyzing various literature, legal documents, scientific journals, and relevant laws and regulations. Semi-structured interviews were conducted with research informants to obtain information

regarding flight delay management practices, obstacles faced by airlines, and forms of legal protection for passengers. Documentation was also conducted by reviewing documents, news reports, and administrative data related to flight delay cases.

RESULTS AND DISCUSSION

Consumer protection, according to Article 1 Number 1 of Law Number 8 of 1999 concerning Consumer Protection, is any effort to provide legal certainty to protect consumers. Consumer protection law is closely linked to economic law. According to Sunarti Hartono, economic law is all legal rules and principles governing the improvement of economic life and the fair distribution of development outcomes in accordance with human rights.

Airlines' Handling of Air Travel Delays for Passengers

Airline handling of flight delays is a form of fulfilling its legal responsibility to passengers. The first step an airline takes is to provide prompt, accurate, and transparent information regarding the cause of the delay and the estimated next departure time. Clear information is crucial because it can reduce the uncertainty passengers experience while waiting for departure. A source on duty, identified only as I.B, stated:

"Usually, announcements or other communications to passengers are regulated by the Ground Operations Manual (GOM), and are delivered in standard Indonesian and English. We adhere to the GOM for all operational standards."

In addition to providing information, airline officials have taken various preventative measures to minimize flight delays. These measures include conducting regular aircraft maintenance, ensuring flight crew readiness, managing flight schedules effectively, and improving coordination with airport management and air navigation authorities. Interviews with key informants revealed that under certain circumstances, airlines may offer alternatives in the form of flight rerouting or transferring passengers to the next flight if the delay is significant. This measure is taken to minimize losses suffered by passengers and ensure their rights are met. These efforts demonstrate that airlines are not only responsible for transporting passengers to their destinations but also have an obligation to provide adequate service when flight schedule disruptions occur. According to a statement from an officer acting as a Station Manager for the airline, he explained:

"When handling delays caused by technical or operational issues, we strive to fulfill our responsibilities by providing compensation in accordance with regulations. However, we sometimes encounter obstacles in making these decisions, as all decisions must be based on instructions from the Head Office, especially since this is an internal matter."

One form of airline responsibility for passengers experiencing delays is providing compensation. Provisions regarding compensation are stipulated in Minister of Transportation Regulation Number 89 of 2015, which classifies flight delays into several categories based on the duration of the delay.

Duration of Delay	Passenger Rights/Compensation Provided by the Airline
30-90 minutes	Snacks and beverages
>90-180 minutes	Drinks, snacks and heavy meals.
>180 minutes	Additional services in accordance with applicable regulations, including accommodation facilities if departure takes place on the following day.

The source also stated that airlines face challenges in providing compensation and services to all affected passengers simultaneously, especially when delays occur on a large scale. This situation can lead to passenger dissatisfaction if not handled quickly and appropriately. Providing compensation to passengers experiencing flight delays significantly impacts the level of satisfaction of air transportation users. Compensation provided in a timely manner and in accordance with regulations can reduce passenger disappointment and increase trust in airlines.

In addition to compensation, service quality during the delay handling process also plays a significant role in shaping passenger perceptions. Passengers tend to be more satisfied when they receive clear information, responsive service, and fair treatment while waiting for departure. Previous research conducted by Martina and Ayu (2023), Aini H. (2023), and Priyanto S. (2024) shows that service quality and compensation have a positive relationship with airport user satisfaction. The better the airline handles delays, the higher the level of passenger satisfaction.

Thus, it can be concluded that the implementation of airlines' responsibilities in handling flight delays not only serves as a fulfillment of legal obligations, but also becomes an important factor in improving the quality of service and public trust in air transportation. Therefore, it is necessary to improve coordination between airlines, airport managers, and aviation authorities to minimize the impact of delays and ensure that passenger rights are still fulfilled. This is in line with the responsibility in Air Transportation delays which is a problem for Airlines towards Passengers connected with the Perspective of PM 89 of 2015 regarding airlines' responsibilities in handling flight delays and forms of legal protection for passengers based on the provisions of Article 100 of Law Number 1 of 2009 concerning Aviation and strengthening the protection of scheduled commercial air transportation passengers.

Challenges in Airlines' Handling of Delays for Passengers

Airline handling of flight delays still faces various obstacles that impact the fulfillment of passenger rights. Another issue was also expressed by a passenger with the initials S.A. According to the source, he said:

"My flight was supposed to be to Makassar. The airline informed me of operational issues and poor weather conditions, which caused the departure to be delayed until 10:00 PM. The airline then canceled the flight because many passengers decided not to depart and chose other airlines."

According to interviews with passengers, these obstacles stem from both internal and external factors. According to the author, these obstacles indicate that the implementation of airline responsibilities as stipulated in Minister of Transportation Regulation Number 89 of 2015 has not been fully implemented. This finding aligns with research by Ritonga (2020), which states that consumer protection in the aviation sector still faces obstacles in its implementation, particularly regarding the timely fulfillment of consumer rights. Therefore, the effectiveness of legal protection for passengers is determined not only by the existence of regulations, but also by the airline's commitment to implementing applicable provisions.

Based on interviews with these passengers, it was also discovered that one of the internal obstacles is operational policies that, under certain circumstances, prioritize commercial aspects. The practice of delaying flights to accommodate a larger number of passengers demonstrates a discrepancy between regulatory requirements and actual practice. Article 7 of Law Number 8 of 1999 concerning Consumer Protection requires businesses to act in good faith in carrying out their business activities.

On the other hand, the interview results show that bad weather and force majeure are also obstacles in handling flight delays. This finding is in accordance with the provisions of PM Number 89 of 2015 which categorizes weather and force majeure factors as causes of delays that are beyond the airline's responsibility. Martono and Amad Sudiro (2016) explained that aviation safety is the main principle that must take priority over other operational interests. Thus, there are similarities between the results of this research and existing theory, namely that passenger safety must be the main priority. The absence of significant differences shows that delays due to external factors are generally acceptable as long as they are carried out to maintain flight safety. Apart from that, technical and operational problems are also frequent obstacles. Based on an interview with a source identified as I.H., who works in aircraft operations, it was discovered that a departure delay occurred due to technical repairs on the aircraft. The source explained:

"Yes, there was a slight departure delay yesterday, requiring only minor repairs lasting 30 minutes. The main wheel was replaced. Our aircraft is equipped with the necessary spare parts, so the repairs didn't take long. So I think we can provide a proper explanation without the need for further compensation."

Based on the interview, aircraft damage and operational system disruptions caused flight schedule changes that directly impacted passengers. Unlike weather

factors, PM No. 89 of 2015 categorizes technical operational disruptions as the airline's responsibility, so passengers are still entitled to service and compensation. This finding aligns with the opinion of Martono and Amad Sudiro (2016), who stated that aircraft technical feasibility is part of the airline operator's responsibility. This similarity indicates that airlines are obliged to ensure fleet readiness before flights take place. The differences in practice are due to operational limitations, the availability of replacement aircraft, and the unpredictable nature of aircraft maintenance requirements. Therefore, it is necessary to improve operational management and supervision so that passenger rights remain protected in accordance with applicable legal provisions.

Follow-Up on Challenges in Managing Flight Delays

Determining the responsibility of scheduled airlines in Indonesia from a legal perspective is a means of legal protection for consumers using air transportation services. This aligns with Article 4 letter c of Law Number 8 of 1999 concerning Consumer Protection, which states that consumers have the right to receive correct, clear, and honest information regarding the condition and guarantees of goods and/or services. A number of airlines have reportedly made improvements to their fleets, as stated by a passenger with the initials L.B.:

"The plane I flew on yesterday was quite comfortable. When boarding, the cabin interior looked new. As far as I know, this is an older model. After I asked the cabin crew, they found that all the planes have been updated with new interiors to make them more comfortable. The service from the cabin crew was also very helpful and quite friendly."

According to information from sources, airlines have improved the quality of their operational management through regular fleet maintenance, increased crew readiness, and flight schedule evaluations. These steps demonstrate the airline's responsibility to minimize delays caused by internal factors. This opinion aligns with the theory of carrier responsibility, which states that carriers are obliged to provide safe, comfortable, and timely services to passengers. Therefore, improving operational management is a crucial step in reducing flight delays. Coordination with airport operators and air navigation operators is continuously being improved to reduce operational obstacles. According to sources, this coordination includes flight slot arrangements, air traffic management, and ground handling readiness. Inter-agency coordination is a crucial factor in air transportation operations because flight operations involve various interrelated parties. This aligns with Law Number 1 of 2009 concerning Aviation, which emphasizes that flight operations must be implemented in an integrated manner to ensure flight safety, security, and smooth operation. Based on an interview with a source with the initials Y.U., one of the passengers who experienced a flight delay, it was discovered that the delay was caused by weather and dampening. Departure delays have occurred due to technical repairs on the aircraft. The source explained:

"In my response to yesterday's flight delay, as a passenger, I feel satisfied with the compensation provided by the airline. Given the delay was caused by weather and without any clarity, the airline ultimately provided compensation in the form of hotel accommodations closest to the airport, along with assistance from a service assistant who ensured all passengers received their due rights."

Based on the interview, the source explained that the airline provided compensation to passengers in accordance with Minister of Transportation Regulation Number 89 of 2015 concerning Handling Flight Delays. According to the author, compensation is a form of legal protection for passengers who suffer losses due to flight delays. This opinion aligns with Az. Nasution, who stated that consumer protection aims to provide legal certainty and protect consumer rights in their relationships with businesses. Therefore, compensation is an important instrument in realizing legal protection for passengers.

CONCLUSION

Based on the research findings regarding legal protection for passengers experiencing flight delays and airline responsibilities under applicable Indonesian laws and regulations, the following can be described. First, the Indonesian government has provided legal protection for passengers facing flight delays through the issuance of regulations, including Article 36 of Minister of Transportation Regulation Number 25 of 2008 concerning Air Transportation Operations and Article 10 of Minister of Transportation Regulation Number 77 of 2011 concerning Air Carrier Responsibilities. These regulations emphasize that airlines are required to provide compensation to passengers who suffer losses due to delays, providing passengers with a clear legal basis to assert their rights against airlines. Second, obstacles in handling flight delays persist due to the imbalance of interests between consumers and businesses, where capital ownership and airline economic influence often hinder the fulfillment of passenger rights. This condition shows that even though regulations are available, their implementation in the field is still not running optimally, so more active supervision from the government is needed so that airlines do not neglect their responsibilities to passengers who are harmed due to delays in air transportation services. Third, as a follow-up to these obstacles, Law Number 1 of 2009 concerning Aviation implemented the concept of presumption of liability, which places airlines as the party automatically responsible for passenger losses due to delays. In practice, if no replacement flight is available, airlines are required to provide accommodation, and if passengers choose to cancel their trip, the airline is required to refund the ticket price. Therefore, delay management must be not only reactive but also preventive, so that airlines can provide real legal protection, service certainty, and maintain passenger trust on an ongoing basis. Thus, delay management is not only reactive, but also preventive to prevent delays from occurring continuously. With these steps, airlines are expected to be able to provide legal protection, service certainty, and maintain passenger trust.

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