

## CHAPTER V

### CONCLUSION

#### A. Conclusion

The regulation of unlawful control of aircraft in international civil aviation according to international law is regulated in the 1963 Tokyo Convention, the 1970 Hague Convention, and the 1971 Montreal Convention. Meanwhile, the latest arrangements appear in the 2010 Beijing Convention and the 2014 Montreal Protocol which expand the old provisions by including new aviation crimes to fill the legal vacuum that occurs, such as using aircraft as weapons or using biological, chemical and nuclear weapons against aircraft. While unlawful control provisions are not explicitly described in the 1944 Chicago Convention, the convention suggests that states should comply with the standards and recommendations or SARPs made by ICAO. All the rules contained in these conventions are interrelated and complement each other for the purpose of eradicating unlawful control in aviation. However, until now there is no concrete definition of what constitutes air hijacking.

The implementation of the unlawful control of an aircraft regulation in the Ethiopian Airlines hijacking case in 2014 can be applied the 1963 Tokyo Convention and the 1970 Hague Convention, because the perpetrator has fulfilled the elements stipulated in Article 1 of each of the 1963 Tokyo Convention and the 1970 Hague Convention. Although in reality the perpetrator

was only given a sentence to undergo mental health treatment and revocation of his license as an aviator, this is in accordance with the provisions stipulated in the Article 4 Tokyo 1963 and Article 7 The Hague 1970 conventions which require the contracting state of Tokyo Convention 1963 and The Hague Convention 1970, meaning the state have to ratified the convention regarding unlawful acts against aircraft. In order to where the perpetrator made the landing contracting state have to hand him over to the competent authority to try him, and the competent authority, based on its national law, will treat the act as an ordinary criminal act that can be subject to severe punishment, even though there is no specific provision regarding what constitutes severe punishment.

#### **B. Suggestion**

Due to the increasingly frequent acts of unlawful control of an aircraft, there is a need for regulation and a concrete definition of international acts of aircraft hijacking. The international community, especially the International Civil Aviation Organization (ICAO) as an organization that oversees international civil aviation, must immediately clarify the definition of aircraft hijacking because until now it still uses the definition of seizure as the basis for assessing unlawful control of aircraft according to the definition used in the 1963 Tokyo Convention or the 1970 Montreal Convention and completes the rules for expanding jurisdiction to third countries and extradition of perpetrators of unlawful control of an aircraft.