

JURIDICAL REVIEW ON CIVIL AVIATION SAFETY
BASED ON AIR LAW
(Case Study on The Missing of Malaysia Airlines Aircraft
Flights MH370 in 2014)

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ABSTRACT

Aviation safety is a fundamental aspect of aviation that aims to protect passengers, crew, and the public from accidents. States have a duty to implement safety standards to protect the right to life of their citizens, but problems arise when a state fails to implement these standards. This happened, for example, in the case of the missing of Malaysia Airlines aircraft flights MH370 in 2014, where the cause of the missing of aircraft has not yet been found.

This study aims to determine the legal arrangements regarding civil aviation safety and analyze Malaysia's handling of the missing of Malaysia Airlines aircraft flights MH370 based on air law. The type of research is normative juridical with case approach and statute approach. The data in this research comes from secondary data presented in the form of narrative text and analyzed using normative qualitative method.

Based on the results of research and discussion, it is known that civil aviation safety arrangements based on air law are contained in the 1944 Chicago Convention and nineteen annexes established by the International Civil Aviation Organization (ICAO) at the international level, and also the Malaysia Regulation Act Number 3 Year 1969 on Civil Aviation and the Malaysia Civil Aviation Regulation 2016 at the national level. In handling the case of the missing of Malaysia Airlines aircraft flights MH370, Malaysia has not fully complied with the Standards and Recommended Practices (SARPs) especially Annex 12 on Search and Rescue, Annex 13 on Aircraft Accident and Incident Investigation, and Annex 19 on Safety Management. This is due to the slow response, lack of coordination between states, lack of training of the investigation team, and limited data, which has hampered the investigation process and has not found results until now.

Keywords: civil aviation safety, accident and incident, legal regulations.

TINJAUAN YURIDIS TERHADAP KESELAMATAN PENERBANGAN

SIPIL BERDASARKAN HUKUM UDARA

(Studi Kasus Hilangnya Pesawat Malaysia Airlines MH370 Pada 2014)

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ABSTRAK

Keselamatan penerbangan merupakan aspek fundamental dalam dunia penerbangan yang bertujuan untuk melindungi penumpang, awak pesawat, dan masyarakat dari kecelakaan. Negara memiliki kewajiban untuk menerapkan standar keselamatan guna melindungi hak hidup warganya, namun masalah muncul ketika suatu negara gagal menerapkan standar tersebut. Peristiwa ini misalnya terjadi pada kasus hilangnya pesawat Malaysia Airlines MH370 pada 2014 yang hingga kini belum ditemukan penyebab hilangnya pesawat tersebut.

Penelitian ini bertujuan untuk mengetahui pengaturan hukum mengenai keselamatan penerbangan sipil dan menganalisis penanganan Malaysia terhadap hilangnya pesawat Malaysia Airlines MH370 berdasarkan hukum udara. Jenis penelitian adalah yuridis normatif dengan pendekatan kasus dan pendekatan perundang-undangan. Data dalam penelitian ini berasal dari data sekunder yang disajikan dalam bentuk teks naratif dan dianalisis menggunakan metode normatif kualitatif.

Berdasarkan hasil penelitian dan pembahasan, diketahui pengaturan keselamatan penerbangan sipil berdasarkan hukum udara terdapat dalam Konvensi Chicago 1944 dan sembilan belas annex yang ditetapkan oleh International Civil Aviation Organization (ICAO) di tingkat internasional, serta Malaysia Regulation Act Number 3 Year 1969 on Civil Aviation dan Malaysia Civil Aviation Regulation 2016 di tingkat nasional. Dalam menangani kasus hilangnya pesawat Malaysia Airlines MH370, Malaysia belum sepenuhnya mematuhi Standards and Recommended Practices (SARPs) khususnya pada Annex 12 on Search and Rescue, Annex 13 on Aircraft Accident and Incident Investigation, dan Annex 19 on Safety Management. Hal ini dikarenakan lambatnya respon, kurangnya koordinasi antarnegara, kurangnya pelatihan tim investigasi, serta terbatasnya data, sehingga menghambat proses investigasi dan belum menemukan hasil hingga sekarang.

Kata Kunci: keselamatan penerbangan sipil, kecelakaan dan kejadian, pengaturan hukum.