



COMPARISON OF NATIONAL LAWS IN INDONESIA AND THAILAND REGARDING AIRLINE LIABILITY FOR FLIGHT DELAYS

Sulastri¹, Faisal Riza²

^{1,2}Universitas Muhammadiyah Sumatera Utara, Indonesia

Article Info

Keywords:

Airline,
Indonesia,
Responsibility,
Thailand

ABSTRACT

The aviation industry is one of the most important sectors to support mobility and increase economic growth, the tight flight schedule causes the emergence of several new problems, one of which is flight delay. For this reason, further research is needed regarding the airline's responsibility to passengers if a flight schedule delay occurs, in this case the researcher focuses on the regulations in force in Indonesia and Thailand. The purpose of this study is to determine the regulations in force in Indonesia and Thailand, and to find similarities and differences between the two regulations. This study uses a normative juridical research type with a Statute Approach, and a comparative approach (Comparative Approach). Data sources include revelation data (QS. Al-Mudassir: 38) and secondary data covering the schedule of flight accuracy and delays that occur in Indonesia and Thailand. The results of this study indicate that the regulations in force in Indonesia are regulated in Law Number 1 of 2009 and Regulation of the Minister of Transportation Number 89 of 2015 and Law Number 8 of 1999 while in Thailand it is regulated in the Civil Aviation Council Regulation No. 101 and the Consumer Protection Act (B.E. 2522 (1979)). Of the several similarities, the most important is that delays of more than 2 hours in Indonesia and Thailand both provide compensation in the form of free food and drinks for passengers, and the most important difference is that in Thailand for delays of more than 2 hours the airline is required to provide equipment for communication, while in Indonesia it is not required to provide communication equipment such as telephone or email.

This is an open access article under the [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license.



Corresponding Author:

Sulastri
Universitas Muhammadiyah Sumatera Utara
lastr03114@gmail.com

1. INTRODUCTION

The aviation industry is one of the most important sectors to support public mobility and boost economic growth, both at the national and international levels. The importance of this role is evident from the increasing demand for air transportation among the public. Air transportation is the most modern and fastest mode of transport because it has several advantages, namely: 1) high speed because airplanes are equipped with jet engines or propellers that differ from other modes of transport, 2) capable of connecting remote areas such as mountainous regions and outer islands in Indonesia, 3) very efficient for long-distance travel, and 4) has regular flight schedules and frequencies.

Looking at these advantages, the increase in the number of passengers and the dense flight schedules have led to the emergence of several new problems. One of them is flight delays, which are often complained about by passengers. According to the provisions in Article 1 paragraph (30) of Law Number 1 of 2009, a delay can be

defined as the difference between the scheduled departure or arrival time and the actual departure or arrival time.

Flight delays have quite serious impacts. From an economic perspective, these delays cause losses for both the airline and the passengers. Passengers have to wait longer and might miss connecting flights, which makes them feel dissatisfied and could lead them to avoid using that airline again. The negative impact is also felt by the tourism and trade sectors that rely on timely flight schedules. The uncertainty and delays in flights disrupt travel plans and goods shipments, ultimately negatively impacting the local economy.

On-time departure and arrival of flights are important measures to assess the quality of airline service, both in Indonesia and Thailand. In Indonesia, there are several airlines that have significant differences in terms of on-time performance (OTP) and the number of delays, which directly impact passenger satisfaction and trust. The same situation occurs in Thailand, where regulations and oversight of airline performance also affect the level of flight delays. Here is the data regarding OTP and Delays from several airlines in Indonesia and Thailand:

Table 1. Airline Flight Data at Sultan Aji Muhammad Sulaiman Sepinggan International Airport.

No	Airline	Number of Flights	On Time (OTP)	Delay
1.	Garuda Indonesia	575	418	157
2.	Citilink	1809	1444	365
3.	Lion Air	1327	807	520
4.	Batik Air	508	240	268
5.	Super Air Jet	1848	1255	593

Table 2. Airline Flight Data in Thailand

No	Airline	On Time (OTP)	Delay
1.	Thai AirAsia (FD)	84,63%	15,37%
2.	Thai VietJet (VZ)	74,32%	25,68%
3.	Thai Airways International	71,05%	28,95%

Based on the data in Table 1, it shows that five airlines experienced flight schedule delays (delays). Garuda Indonesia recorded 157 delayed flights out of 575 flights, Citilink recorded 365 delayed flights out of 1,444 flights, Lion Air recorded 268 delayed flights out of 508 flights, Batik Air recorded 593 delayed flights out of 1,848 flights, and Super Air Jet recorded 593 delayed flights out of a total of 1,848 flights. Meanwhile, Table 2 shows that airlines in Thailand such as Thai AirAsia, Thai VietJet, and Thai Airways International experienced average delays ranging from 15% to almost 29%. These figures indicate that delays are a real problem that frequently occurs in flight services and directly impact passengers. This situation raises questions about the airline's responsibility for the delays and how the law protects affected passengers.

The responsibility of airlines is an obligation that must be fulfilled by the airline toward passengers and goods transported during the journey. This responsibility begins from the moment passengers are in the airport waiting area, when boarding the plane, until the passengers deboard at their destination. Airlines must ensure the safety, comfort, and satisfaction of passengers during the flight.

"Every soul is responsible for what it has done." (QS. Al-Muddassir: 38).

The verse above teaches that every individual is fully responsible for all their actions and decisions. No one can escape the consequences of their actions. In the case of flight schedule delays, the airline must be held accountable for all consequences of the flight schedule delay by providing compensation to passengers in accordance with applicable regulations.

The airline's liability in aviation law is determined based on three principles, namely: First, the principle of liability based on fault. According to this principle, the airline's liability is determined by the requirement that the aggrieved party must be able to prove the airline's fault. In Indonesian positive law, this principle can utilize Article 1365 of the Civil Code, which regulates unlawful acts.

The second principle is liability based on the presumption of guilt. In this principle, the defendant is always considered guilty unless the defendant can prove that they are not guilty or there is a reason that absolves them from wrongdoing. So the burden of proof is on the defendant to show that he is not at fault. The third principle is strict liability, which means that the party causing the loss must be held responsible regardless of whether there was any fault or who was at fault. However, in aviation law, this principle is not regulated because it is considered unfair to burden airlines with excessive risk.

Indonesia and Thailand have different legal approaches in regulating the responsibility of airlines toward passengers. In Indonesia, the regulations regarding the airline's responsibility for flight schedule delays are governed by Law Number 1 of 2009 on Aviation and the Minister of Transportation Regulation Number 89 of 2015 on Flight Delay Management for Scheduled Commercial Air Transport Enterprises in Indonesia, as well

as Law Number 8 of 1999 on Consumer Protection, which emphasizes the consumer's right to comfort, safety, security, and the right to obtain accurate information.

Meanwhile, in Thailand, it is regulated by Civil Aviation Authority Regulation No. 101, which governs Actions to Protect Passenger Rights in Air Travel and the Consumer Protection Act (B.E. 2522 (1979)). The differences in regulations serve as an important foundation for conducting research aimed at understanding the legal rules and the implementation of airline responsibilities in the event of flight delays in both Indonesia and Thailand. Based on the explanation in the background. The following is the formulation of the problem that serves as the basis for the study in this research, namely how national law in Indonesia and Thailand regulates airline responsibility in the event of flight schedule delays and how the similarities and differences between the legal provisions in Indonesia and Thailand regarding airline responsibility for flight schedule delays. Based on the above problem formulation, the objective of this research is to understand how national law in Indonesia and Thailand regulates airline responsibility in the event of flight schedule delays and to identify the similarities and differences between the legal provisions in Indonesia and Thailand regarding airline responsibility for flight schedule delays.

2. RESEARCH METHODS

This research uses a normative juridical type of research, which focuses on examining law as norms, rules, legal principles, legal doctrines, legal theories, and other literature to address the legal issues being studied. Its nature is descriptive-analytical, which not only describes or presents the existing legal conditions comprehensively but also analyzes the data in depth. This research uses the Statute Approach and the Comparative Approach, which involves comparing the laws of one country with the laws of another country that regulate similar matters. Data sources include divine revelation data (QS. Al-Mudassir:38) and secondary data using primary, secondary, and tertiary legal materials. Data collection thru offline and online literature studies. Analysis is conducted qualitatively, focusing on explanations using theories and rules for in-depth understanding.

3. RESULT AND ANALYSIS

National Legal Regulations in Indonesia and Thailand Regarding Airline Liability in Case of Flight Schedule Delays

Regulations regarding the responsibility of airlines for flight schedule delays are an important part of national aviation law, as they are directly related to the protection of passenger rights as consumers of air transportation services. Both Indonesia and Thailand have national legal instruments that specifically regulate the obligations of airlines in the event of flight delays.

Regulation of Airline Responsibility for Flight Schedule Delays in Indonesia

In Indonesia, the provisions regarding the responsibility of airlines related to flight delays are regulated by Law Number 1 of 2009 concerning Aviation, and Law Number 8 of 1999 concerning Consumer Protection as the basis for passenger rights protection. These provisions are further clarified thru the Minister of Transportation Regulation Number 89 of 2015 concerning Flight Delay Management. Law Number 1 of 2009 concerning Aviation emphasizes that airlines have a legal obligation to provide adequate service to passengers. Flight delays due to the negligence or fault of the airline essentially create legal liability for passenger losses. This provision is in line with and reinforced by Law Number 8 of 1999 on Consumer Protection, particularly Article 4, which guaranties consumers' rights to quality service, and Article 19, which states that businesses, in this case, airlines, are responsible for losses, pollution, and/or consumer losses when using goods/services. This can serve as a basis for compensation from the business to the consumer in the event of a flight schedule delay.

If there is a flight schedule delay, the Air Transport Business Entity is obliged to provide information about the flight delay. This is regulated in Article 7 of the Minister of Transportation Regulation Number 89 of 2015 concerning Flight Delay Management (Delay Management), namely:

- a. The airline is required to inform the staff in the waiting area that the flight is delayed and explain it to the passengers.
- b. The staff must coordinate with the airline, airport staff, and other parties involved in handling the delay.
- c. The information provided to passengers must be clear, including:
 - 1) Information provided to passengers must be clear and announced at least 45 minutes before the scheduled departure.
 - 2) The information conveyed must clearly explain the reason for the delay and provide information regarding the certainty of the departure schedule at least 7 days before the flight schedule, either thru phone calls or text messages.
 - 3) There must be clear information regarding schedule changes.

Article 3 of the Minister of Transportation Regulation Number 89 of 2015 explains several categories of flight delays as follows:

- a. Category 1, delays of more than 30 minutes up to 60 minutes
- b. Category 2, delays of more than 61 minutes up to 120 minutes
- c. Category 3, delays of more than 121 minutes up to 180 minutes
- d. Category 4, delays of more than 181 minutes up to 240 minutes
- e. Category 5, delays of more than 240 minutes
- f. Category 6, flight cancellations

This regulation not only classifies the level of delays but also determines the form of compensation that airlines are required to provide to passengers as stipulated in Article 9, which includes:

- a. Category 1 delay, compensation in the form of a soft drink
- b. Category 2 delay, compensation in the form of a drink and a snack box
- c. Category 3 delay, compensation in the form of a drink and a heavy meal
- d. Category 4 delay, compensation in the form of a drink, a snack box, and a heavy meal
- e. Category 5 delay, compensation in the form of a refund of Rp.3,000,000.00
- f. Category 6 delay, the airline is required to transfer to the next flight or refund the entire ticket cost
- g. Category 2 to 5 delay, passengers can be transferred to the next flight or refunded the entire ticket cost.

The responsibility of airlines in Indonesia adheres to the principle of presumption of liability.

The responsibility of airlines in Indonesia adheres to the principle of presumption of liability. This means that airlines are considered responsible for flight delays, unless they can prove that the delay was caused by factors beyond their control, such as extreme weather. Thus, the burden of proof lies with the airline, not the passenger.

Regulations on Airline Responsibility for Flight Schedule Delays in Thailand

Regulations regarding the responsibilities of airlines toward passengers in Thailand are detailed in the Civil Aviation Council Regulation No. 101 on Measures to Protect Passenger Rights. This regulation is issued under the authority of the Thai Air Navigation Act and aims to provide clear legal protection for passengers in case of denial of boarding, transportation, flight cancellation, flight delays, and baggage issues. This is in line with Article 4 of the Consumer Protection Act B.E. 2522 (1979), which states that consumers have the right to protection in the form of the right to receive accurate information, the right to enjoy the freedom to choose goods/services, the right to expect safety in the use of goods/services, the right to receive a fair contract, and the right to receive compensation for losses.

Specifically, for scheduled domestic flights, the provisions regarding the airline's responsibility for flight schedule delays are detailed in Article 11 of the Civil Aviation Board Regulation Number 101 on Measures to Protect Passenger Rights, namely:

- a. During a period of more than two hours, the carrier is obliged to treat passengers as follows:
 - 1) Provide food and beverages or food and beverage vouchers to passengers according to the waiting time at no charge.
 - 2) Provide communication facilities for passengers, such as telephone, email, etc., at no charge.
 - 3) If the passenger does not wish to continue their journey, the airline must immediately offer a full refund of the ticket and any other charges incurred.
- b. During a period of three hours, the carrier is obliged to treat passengers as follows:
 - 1) Provide food and beverages or food and beverage vouchers to passengers according to the waiting time at no charge.
 - 2) Provide communication facilities for passengers, such as telephone, email, etc., at no charge.
 - 3) If the passenger does not wish to continue their journey, the carrier must immediately offer all alternatives for the passenger to consider, including:
 - a) Accepting a full refund of the fare and charges paid, either in full or for the untraveled portion of the journey, or other compensation such as miles or travel vouchers, provided that the airline must explain the terms and conditions of use and obtain the passenger's approval first.
 - b) Change the flight to the destination listed on the ticket or to another destination close to the original destination as soon as possible on the same day, the next day, or another day at the passenger's discretion and based on seat availability without additional charges. However, if the flight change has a lower fare and other costs than the total fare and costs paid by the passenger, the airline is obliged to refund the difference. If the airline changes the flight to another airport close to the original destination, the airline is also required to cover the travel costs from the new airport to the passenger's original destination, or

- c) If the airline can provide alternative transportation, the airline is required to offer suitable replacement transportation to the ticket destination or another destination close to the original destination as requested by the passenger as soon as possible without additional charges. However, if the fare for the alternative transportation is lower than what has been paid, the airline is required to refund the difference to the passenger.
- c. During the five-hour period, the carrier is obligated to treat passengers as follows:
 - 1) Provide food and beverages or food and beverage vouchers to passengers according to the waiting time without any charge.
 - 2) Provide communication facilities for passengers, such as phone, email, etc., without any charge.
 - 3) If passengers do not wish to continue their journey, the carrier must immediately offer all alternatives that can be considered, including:
 - a) Accepting a full refund of the fare and fees paid, either in full or for the part of the journey not yet traveled, or other compensation such as miles or travel vouchers, provided that the airline must explain the terms and conditions of use and obtain the passenger's approval beforehand.
 - b) Change the flight to the destination listed on the ticket or to another destination close to the original destination as soon as possible on the same day, the next day, or another day at the passenger's discretion and based on seat availability without additional charges. However, if the flight change has a lower fare and other costs than the amount paid by the passenger, the airline is obliged to refund the difference. If the airline changes the flight to another airport close to the original destination, the airline is also obliged to cover the travel costs from the new airport to the passenger's original destination airport, or
 - c) If the airline can provide alternative transportation, the airline is obliged to offer suitable replacement transportation to the ticket destination or another destination close to the original destination at the passenger's request as soon as possible without additional charges. However, if the fare for the alternative transportation is lower than what has been paid, the airline is obliged to refund the difference to the passenger.
- d. Pay compensation in cash amounting to 1,200 baht, or shell credit for the next trip, or travel vouchers, or miles based on the mileage program, or other substitutes with a value not less than the cash compensation, immediately after the flight is delayed. The airline must inform passengers of the terms and conditions of its use and obtain prior approval. Ticket refunds or payment differences are carried out according to the methods and timeframes of clauses 18 or 19.

This regulation also stipulates that airlines are exempt from the obligation to pay compensation if they can prove that the flight schedule delay was caused by extraordinary circumstances that could not be anticipated and avoided, even tho the airline had taken reasonable measures. This provision indicates that the airline liability system in Thailand fundamentally adheres to the principle of liability with certain exceptions based on proof by the airline.

Similarities and Differences in Legal Provisions in Indonesia and Thailand Regarding Airlines' Responsibility for Flight Schedule Delays

Indonesia and Thailand adhere to different national legal systems and aviation regulations, but both share fundamental similarities in regulating airline responsibilities regarding flight delays. This similarity reflects the same legal objective, namely protecting passengers as consumers of air transportation services.

Here are some legal similarities in Indonesia and Thailand regarding the Airline's Responsibility for Domestic Flight Delays:

- a. Article 11 of the Civil Aviation Board Regulation Number 101 states that if there is a delay of two hours or more, the flight operator is required to provide free food and beverages to passengers. This is similar to Article 9 of the Minister of Transportation Regulation Number 49 of 2015, where in category 2 (delays of 60 minutes to 120 minutes), the flight operator is required to provide drinks and food (snack boxes) to affected passengers.
- b. In Indonesia, flight passengers who experience a delay in category 5 (more than 240 minutes) are entitled to financial compensation, as stipulated in Article 9 paragraph (1) letter e of the Minister of Transportation Regulation Number 49 of 2015 concerning flight delay management (Delay Management). This is in line with the provisions in Thailand, where a delay of 5 hours also grants passengers the right to financial compensation, according to Article 11 of the Civil Aviation Board Regulation Number 101.
- c. In Article 9 regarding flight delay management in Indonesia (Delay Management), it is stated that for delays categorized as 2-5 (61 minutes to more than 240 minutes), passengers can receive a full ticket refund. Similarly, in Article 11 in Thailand, if a flight is delayed for five hours (more than 300 minutes), passengers are entitled to a full refund of the fare and other fees they have paid.

Although Indonesia and Thailand both regulate the airlines' responsibilities for flight delays, there are several fundamental differences in the technical aspects of their regulations. These differences are influenced by national policies in the aviation sector and the country's approach to providing passenger protection.

Among the many differences in legal regulations in each country, here are some differences in legal provisions between Indonesia and Thailand regarding airline liability for flight delays:

- a. Delays exceeding two hours (more than 120 minutes) according to Article 11 of the Civil Aviation Board Regulation No. 101 state that the responsible party must provide equipment for passengers to use for communication in any manner, such as phone, email, etc., as necessary and appropriate, free of charge. Meanwhile, Article 9 of the Minister of Transportation Regulation No. 49 of 2015, in the category of delay 3 (121 minutes to 180 minutes), the responsible party is not required to provide communication equipment such as phones or emails.
- b. Article 9 of the Minister of Transportation Regulation No. 49 of 2015 in category 1 (30 minutes to 60 minutes) entitles passengers to compensation in the form of soft drinks, whereas in Thailand, Article 11 of the Civil Aviation Board Regulation No. 101, compensation in the form of food and beverages is only provided after a delay of more than 2 hours (more than 120 minutes).
- c. Delays in category 5 (more than 240 minutes) according to Article 9 of the Minister of Transportation Regulation Number 49 of 2015 state that passengers are entitled to receive compensation of 300,000 rupiah without the option of a travel voucher, whereas in Thailand, according to Article 11 of the Civil Aviation Board Regulation Number 101, it states that if there is a delay of 5 hours (300 minutes), passengers are entitled to receive compensation in cash amounting to 1,200 baht or equivalent to 647,400 rupiah (exchange rate January 28, 2026) with the option of a travel voucher.

4. CONCLUSION

National laws in Indonesia and Thailand both stipulate that airlines must be held accountable in the event of flight delays, and passengers are entitled to protection, clear information, and compensation for the losses incurred. In Indonesia, these provisions are regulated by the Aviation Law, the Consumer Protection Law, and the Minister of Transportation Regulation Number 89 of 2015, which uses the principle of presumed liability and divides compensation based on the category of delay duration. Meanwhile, in Thailand, the regulations are found in the Civil Aviation Authority Regulation Number 101 and the Consumer Protection Act B.E. 2522 (1979), which require airlines to provide food, beverages, communication facilities, options for route changes or full refunds, as well as financial compensation.

The similarities in regulations between Indonesia and Thailand are evident in the recognition that flight delays create a legal obligation for airlines to provide services and compensation, including: the provision of food and beverages after a delay reaches a certain time limit, financial compensation for significant delays, and the option for passengers to receive refunds or flight transfers. Meanwhile, the differences in regulations between the two countries are evident in the categories of delay time, forms and amounts of compensation, and additional obligations imposed on airlines. Thailand provides more detailed regulations on free communication facilities, alternative transportation, and compensation options (cash, vouchers, miles), while Indonesia emphasizes tiered compensation and specific value reimbursements without expanding non-cash compensation forms.

5. REFERENCES

- [1] Eka N.A.M Sihombing & Chynthia Hadita, 2022, *Penelitian Hukum*, Malang: Setara Press.
- [2] Misnar Syam, 2023, *Pembalikan Beban Pembuktian Dalam Penyelesaian Sengketa Konsumen*, Depok: PT RajaGrafindo Persada.
- [3] Muhaimin, 2020, *Metode Penelitian Hukum*, Mataram: Mataram University Press.
- [4] Ramlan, Tengku Erwinsyahbana & Surya Perdana, 2023, *Metode Penelitian Hukum Dalam Pembuatan Karya Ilmiah*, Medan: Umsu Press.
- [5] Sigit Sapto Nugroho & Hilman Syahril Haq, 2019, *Hukum Pengangkutan Indonesia*, Solo: Pustaka Iltizam.
- [6] Penumpang yang Mengalami Pembatalan Penerbangan Secara Sepihak Oleh Maskapai”. *Jurnal Notarius*, Vol 2, No. 2, Juli-Desember 2023.
- [7] Ayi Meidyana Sany, et.al. “Evaluasi Implementasi Regulasi Hak Penumpang dalam Menghadapi Keterlambatan Penerbangan di Indonesia: Studi Kasus Garuda Indonesia GA 4202”. *Jurnal Begawan Abioso*, Vol. 15, No. 2, Desember 2024.
- [8] Dedy Fahrizal, Darwis Anatami & Siti Nurkhotijah. “Analisis Yuridis Tanggung Jawab Pelaku Usaha Terhadap Konsumen Akibat Keterlambatan Penerbangan”. *Jurnal Ilmiah Hukumdan Hak Asasi Manusia (JIHAM)*, Vol. 2, No. 1, 2022.
- [9] Diana Mora Jambak, Nabilla Zaskia Putri, & Lilawati Ginting. “Perlindungan Hukum Konsumen Atas Pembatalan Tiket Pesawat”. *Jurnal Multidisiplin Ilmu*, Vol. 1, No. 4, 2022.
- [10] Hutri Lien Vanny & Desiana Rachmawati. “Penanganan keterlambatan (Delay) Pada Maskapai Lion Air di Bandar Udara Internasional Yogyakarta”. *Jurnal Ilmiah Mahasiswa*, Vol. 1, No. 5, 2023.
- [11] Undang-Undang Nomor 1 Tahun 2009 tentang Penerbangan
- [12] Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen (UUPK)
- [13] Undang-Undang Perlindungan Konsumen, B.E. 2522 (1979)
- [14] Peraturan Menteri Perhubungan Nomor 89 Tahun 2015 Penanganan Keterlambatan Penerbangan (Delay Management).
- [15] Peraturan Dewan Penerbangan Sipil No. 101 tentang Tindakan Untuk Melindungi Hak-Hak Penumpang Dalam Penerbangan
- [16] DetikTravel. “Daftar Maskapai Paling Tepat Waktu Di ASEAN, Garuda Nomor 2”. <https://travel.detik.com/travel-news/d-8013375/daftar-maskapai-paling-tepat-waktu-di-asean-garuda-nomor-2>. (diakses Pada 09 September 2025).
- [17] Singapore airlines. “Hak Peraturan Penumpang”. https://www.singaporeair.com/in_ID/id/travel-info/customer-commitment/passenger-rights-and-regulations-thailand/. (diakses pada 09 September 2025).