

ABSTRAK

**DESKRIPSI PENYELESAIAN SENGKETA PENERBANGAN ANTARA
PENUMPANG DAN PT GARUDA INDONESIA (Persero) (Studi Putusan Nomor:
70/Pdt.G/2016/PN. RBI)**

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Penelitian ini membahas tentang penyelesaian sengketa penerbangan antara penumpang dan PT Garuda Indonesia (Persero) (Studi Putusan Nomor: 70/Pdt.G/2016/PN. RBI). Rumusan masalah dalam Penelitian ini adalah Mengapa Hakim Pengadilan Negeri mengabulkan seluruh gugatan penggugat dan Hakim Pengadilan Tinggi, Mahkamah Agung menolak gugatan penggugat. Tujuan penelitian untuk mengetahui alasan Hakim Pengadilan Negeri mengabulkan gugatan dan untuk mengetahui alasan Hakim Pengadilan Tinggi dan Mahkamah Agung menolak gugatan penggugat. Sifat Penelitian bersifat Deskriptif. Jenis variabel bebas adalah alasan hakim pengadilan negeri mengabulkan gugatan penggugat. Variabel terikat adalah putusan hakim terhadap pelaku penantaran oleh maskapai penerbangan.

Hasil penelitian menunjukkan bahwa alasan yaitu. Tergugat melakukan perbuatan melawan hukum, Penggugat mengalami kerugian yang nyata, Jawaban tergugat tidak dapat dibuktikan, Penggugat melakukan pelanggaran terhadap keamanan, keselamatan, dan ketertiban penerbangan, Penggugat dianggap tidak patuh terhadap tata tertib penerbangan, *Judex facti* keliru menerapkan hukum, Tergugat tidak terbukti melakukan perbuatan melawan hukum. Saran yang dapat diberikan PT Garuda Indonesia perlu memperkuat kebijakan internal terkait penanganan penumpang bermasalah dengan tetap mengacu pada undang-undang nomor 1 tahun 2009 tentang penerbangan dan peraturan penurunannya. Setiap tindakan awak pesawat harus berlandaskan standar operasional nasional (SOP) yang jelas, terukur, dan berdokumentasi dengan baik agar tidak menimbulkan sengketa hukum dikemudian hari. Penumpang diharapkan memenuhi seluruh ketentuan keselamatan, keamanan, dan ketertiban penerbangan serta mengikuti instruksi awak pesawat demi keselamatan bersama.

Kata Kunci: Penyelesaian Penerbangan, PT Garuda Indonesia (Persero)

ABSTRACT

DESCRIPTION OF THE SETTLEMENT OF FLIGHT DISPUTES BETWEEN PASSENGERS AND PT GARUDA INDONESIA (Persero) (Study of Decision Number: 70/Pdt.G/2016/PN. RBI)

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This study discusses the settlement of aviation disputes between passengers and PT Garuda Indonesia (Persero) (Study Decision Number: 70/Pdt.G/2016/PN. RBI). The formulation of the problem in this study is why the District Court Judge granted all the plaintiff's lawsuit and the High Court Judge, the Supreme Court rejected the plaintiff's lawsuit. The purpose of the research was to find out the reason why the District Court Judge granted the lawsuit and to find out the reason why the High Court Judge and the Supreme Court rejected the plaintiff's lawsuit. The nature of the research is descriptive. The type of independent variable is the reason why the district court judge granted the plaintiff's lawsuit. The binding variable is the judge's decision against the perpetrator of negligence by the airline. The results of the study show that the reason is. The Defendant committed an unlawful act, the Plaintiff suffered real losses, the defendant's answer could not be proven, the Plaintiff committed a violation of aviation safety, safety, and order, the Plaintiff was considered not to comply with the flight rules, Judex facti erroneously applied the law, the Defendant was not proven to have committed an unlawful act. The suggestions that can be given by PT Garuda Indonesia need to strengthen internal policies related to the handling of problematic passengers while still referring to law number 1 of 2009 concerning aviation and its reduction regulations. Every action of the crew must be based on clear, measurable, and well-documented national operational standards (SOPs) so as not to cause legal disputes in the future. Passengers are expected to comply with all flight safety, security, and order provisions and follow the instructions of the flight crew for mutual safety.

Keywords: Flight Completion, PT Garuda Indonesia (Persero)