

Tinjauan yuridis perlindungan konsumen penumpang penyandang disabilitas pada penyelenggaraan angkutan udara: studi kasus putusan nomor 846/Pdt.G/2016/Jkt.Sel = Juridicial review of konsumen protection on disability persons in management of air transport: case study verdict court number 846/Pdt.G/2016/PN.Jkt.Sel

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Abstrak

ABSTRACT

Penumpang penyandang disabilitas selayaknya mendapatkan hak-hak sebagaimana mestinya dalam penyelenggaraan angkutan udara, namun seorang penumpang penyandang disabilitas bernama Dwi Ariyani diturunkan dari maskapai Etihad Airways akibat tidak bersama pendamping selama penerbangan. Permasalahan yang timbul adalah apakah ada peraturan terkait kewajiban pendamping bagi penumpang disabilitas pada penyelenggaraan angkutan udara baik nasional maupun Internasional, bagaimana perbandingan pada 4 maskapai penerbangan terkait syarat pengangkutan kewajiban pendamping bagi penumpang disabilitas, dan apakah putusan Nomor 846/Pdt.G/2016/Jkt.Sel sudah tepat. Hasil penelitian saya adalah peraturan yang mengatur kewajiban pendamping bagi penumpang penyandang disabilitas terdapat dalam Peraturan Menteri Perhubungan PM Nomor 61 Tahun 2015, sedangkan standar acuan internasional terdapat dalam dokumen 9984 yang dikeluarkan International Civil Aviation Organization dan dalam resolusi 700 yang dikeluarkan International Air Transport Association. Pada perbandingan syarat pengangkutan 4 maskapai penerbangan menyatakan bahwa maskapai Etihad Airways tidak menyebutkan ketentuan kewajiban pendamping bagi penumpang penyandang disabilitas. Perihal putusan pengadilan, penulis sependapat dengan Majelis Hakim, namun Majelis Hakim tidak lengkap dalam pertimbangannya yang mana Majelis Hakim tidak mempertimbangkan tandar acuan pada IATA dan Majelis Hakim tdiak mempertimbangkan hak-hak konsumen yang diatur dalam Undang-undang Perlindungan Konsumen.

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ABSTRACT

Passengers with disabilities should get the rights as they should in the operation of air transportation, but a passenger with a disability named Dwi Ariyani was dropped from Etihad Airways as a result of not being with a companion during the flight. The problem that arises is whether there are regulations related to the obligation of supporting disability passengers on the implementation of air transport both nationally and internationally, how is the comparison of the 4 airlines related to the terms of transportation of the companion obligation for disability passengers, and whether the decision Number 846/Pdt.G/2016/Jkt.Sel is right. The results of my research are that regulations governing companion obligations for persons with disabilities are included in Minister of Transportation Regulation PM 61 of 2015, while international reference standards are contained in document 9984 issued by the International Civil Aviation Organization and in resolution 700 issued by the International Air Transport Association. On the comparison of the terms of transport, 4 airlines stated that Etihad Airways did not mention the conditions for companion obligations for passengers with disabilities. Regarding the court's decision, the author agrees with the Panel of Judges, but the Panel of Judges is incomplete in its consideration where the Panel of Judges does not consider the

reference standard on IATA and the Panel of Judges does not consider consumer rights stipulated in the Consumer Protection Act.