

Tanggung jawab perusahaan manufaktur pesawat terhadap korban kecelakaan penerbangan sipil internasional menurut hukum internasional: studi kasus kecelakaan pesawat udara Malaysia Airlines MH370 = Liabilities of aircraft manufacturing companies towards the victim of international civil aviation accidents according to international law: case study aircraft accident of Malaysia Airlines MH370

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Abstrak

Tesis ini membahas bagaimana pertanggungjawaban The Boeing Company terhadap penumpang korban kecelakaan Pesawat Malaysia Airlines (MAS) Penerbangan MH370 rute Kuala Lumpur-Beijing yang terjatuh di Samudera Hindia. Metode penelitian yang digunakan dalam tesis ini adalah metode yuridis normatif dengan pendekatan statute approach dan case approach. Selain itu, tesis ini bersifat preskriptif dan menggunakan data yang sifatnya primer (konvensi-konvensi internasional terkait hukum udara privat internasional, preseden pengadilan asing (Amerika Serikat), Uniform Commercial Code, dan Restatement (second) of torts dan sekunder (buku-buku, jurnal, dan kamus hukum). Hasil penelitian ini adalah bahwasannya The Boeing Company dapat dibebankan dua jenis tanggung jawab. Pertama yaitu secara tidak langsung, melalui mekanisme Konvensi Montreal 1999 tentang Unifikasi Aturan-Aturan tertentu Tentang Angkutan Udara Internasional dan kedua, secara langsung, melalui mekanisme tanggung jawab produk mutlak yang terdapat di Restatement (Second) of Torts Section § 402A.

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This study discusses how the liability of The Boeing Company for passengers who were victims of the Malaysia Airlines (MAS) Flight MH370 Kuala Lumpur-Beijing flight crashed in the Indian Ocean on March 8, 2014. The research method used in this study is a normative juridical method using statute and case approaches. In addition, this study is prescriptive and uses primary data (International conventions related to international private air law, precedent of foreign courts (United States), Uniform Commercial Code, and Restatement (second) of torts) and secondary data (books, journals, and legal dictionaries). The results of this study are that the Boeing Company can be charged with two types of liabilities. First, indirect liability, through the 1999 Montreal Convention mechanism on Unification of certain Rules concerning International Air Transport and Second, direct liability, through strict product liability mechanisms contained in the Restatement (Second ) of Torts Section § 402A.