

Aviation Safety Regulations (CASR) tentang kewajiban pre-flight medical check pada operator penerbangan sipil = The implementation of civil Aviation Safety Regulations (CASR) regarding obligations of pre-flight medical check on civil aviation operators

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Abstrak

Campur tangan negara dalam penyelenggaraan keselamatan penerbangan sipil dimaktubkan dalam berbagai peraturan perundang-undangan. Negara mempunyai kewajiban untuk menyediakan pelayanan kesehatan sebagaimana yang diamanatkan oleh Undang-Undang Dasar NRI, termasuk kesehatan penerbangan. Sebelum terbang, sebagaimana telah diatur dalam Civil Aviation Safety Regulations (CASR) 121.535 (a) dan (b) dan CASR 135.537, pilot in command, co-pilot, awak kabin, dan flight engineer wajib untuk dilakukan pengecekan kesehatannya sebelum terbang. Hal ini disebut dengan pre-flight medical check. Namun, kejadian berupa penerbangan yang terganggu akibat kesehatan pilot yang kurang baik kerap kali terjadi. Penulis melakukan penelitian untuk menganalisis penerapan kewajiban tersebut di bandar udara terbesar di Indonesia, Bandara Internasional Soekarno-Hatta. Metode penelitian yang digunakan dalam melakukan penelitian ini adalah metode penelitian yuridis-normatif, dengan hasil bahwa penerapan Civil Aviation Safety Regulations (CASR) mengenai kewajiban pre-flight medical check pada operator penerbangan sipil di Bandara Soekarno Hatta sudah dijalankan pada sebagian maskapai, walaupun tidak semua maskapai mempunyai fasilitas kesehatan sendiri berupa unit kesehatan penerbangan. Terdapat beberapa peraturan yang menyebabkan kurang jelasnya pembebanan tanggung jawab atas kewajiban tersebut. Tidak ada pula peraturan yang mengatur mengenai sanksi terhadap operator penerbangan yang tidak melaksanakan ketentuan-ketentuan ini. Maskapai-maskapai yang masih lalai dalam mematuhi peraturan pre-flight medical check harus segera melaksanakannya. Kementerian Perhubungan dan Kementerian Kesehatan Republik Indonesia harus membuat aturan yang lebih jelas mengenai pre-flight medical check serta pengadaan fasilitas kesehatan penerbangan, sehingga tidak menimbulkan ambiguitas mengenai pihak mana yang harus hadir dalam penyediaan upaya pelayanan kesehatan tersebut.

.....Indonesia State intervention in the enforcement of civil aviation safety is stipulated in various laws and regulations. The state has an obligation to provide health services as mandated by the Constitution, including aviation health. Before flying, as stipulated in Civil Aviation Safety Regulations (CASR) 121.535 (a) and (b) and CASR 135.537, pilots in command, co-pilots, cabin crew and flight engineers are required to have their health checked before flying. This is called "pre-flight medical check". However, incidents in the form of disrupted flights due to poor pilot health often occur. The author conducted research to analyze the implementation of these obligations at the largest airport in Indonesia, Soekarno-Hatta International Airport. The research method used in conducting this research is the juridical-normative research method, with the result that the implementation of the Civil Aviation Safety Regulations (CASR) regarding the obligation of pre-flight medical check on civil aviation operators at Soekarno Hatta Airport has been carried out on some airlines, although not all airlines have their own health facilities in the form of an aviation health unit. There are several regulations that cause the imposition of responsibility for these obligations is unclear. There are also no regulations governing sanctions against airline operators who do not implement these provisions.

Airlines that are still negligent in complying with the pre-flight medical check regulations must immediately carry it out. The Ministry of Transportation and The Ministry of Health Republic of Indonesia must make clearer rules regarding pre-flight medical checks and the procurement of aviation health facilities, so as not to cause ambiguity about which parties should be present in providing these health service efforts.