

## Legal Aspects of Air Transportations and Environmental Pollution In Indonesia

Dr.Tundjung,<sup>1</sup> Dr.Gunardi,<sup>2</sup> Dr.K.Martono<sup>3</sup>

**Abstract:** This article purposed to describe Indonesian Constitutional Law of 1945 related to aviation and environmental; concept of legal liability such as liability principles, contractual relationship concept and special agreement; Part One regarding legal aspect of civil aviation such as air transport policy, civil aviation act of 2000, regulations of air transportation includes liability of air carriers, legal liability with respect to passengers, cabin baggage, delay, cargo and airport operators, dispute settlement; compensation with respect to the passenger, cargo and goods, delay passengers and third party; time limit of claim; authority of civil servant and criminal provision; Part two regarding legal aspect of environmental pollution: such as legal ground of environmental includes Act No.6 Year 1996, Act No.23 Year 1997, Act No.17 Year 2003, Act No.32 Year 2009 and Presidential Decree No.46 Year 2006, applicability, the class action of lawsuit, compensation, time limit of claim, authority of civil servant, criminal and crime against humanity, finally conclusion and recommendation.

**Keywords:** legal aspect of civil aviation and environmental pollution, compensation, liability

### I Introduction

Indonesia is the world's largest archipelago's State. It consists of 17,508 islands, about 6,000 of which are inhabited. Referring to the 2010 national census, the population of Indonesia was 237, 6 million. In archipelagic State such as Indonesia, air transportation has a major role to play in connecting the islands. It shall provide connectivity for national, regional, international and remote areas and it connects Indonesia to national, regional as well as international destinations. It enables to transport goods, passengers, business travel as civil servant, ketown people, business people, tourism, employment, family visit, friends and family increase to support the national economic development in Indonesia.<sup>4</sup> In addition, air transportation also provides the rapid, efficient, affordable prices, and connections to support national logistic flow of goods, including when necessary government missions for disaster relief. However, sustainable development of air transport and the aviation industry shall be consider and consistently keep an optimum balance between economic, social and global environmental factors comprehensive ability.<sup>5</sup>

The impact of global warming is already evident in Indonesia and it will likely worsen due to further human-induced climate change. The review from the global conservation organizations, climate change in Indonesia affects for human and nature. Highlights that annual rainfall in Indonesia is steady down by 2 to 3 per cent, and the seasons are changing. The combination of high population density and high levels of biodiversity, together with a staggering 80,000 kilometers of coastline and 17,500 island, make Indonesia one of the most vulnerable country to the impacts of climate change.

Shifting weather patterns have made it increasingly difficult for Indonesia's farmers to decide when to plant crops and erratic droughts and rainfall has led to crop failures. A recent study by a local research institute provides that Indonesia had lost 500,000 tons of crop production every year between 1997-2006, three times annual loss in the previous decade. Climate change in Indonesia means millions of Indonesians are also facing harsher weather conditions while dwindling fish stocks affect their income.<sup>6</sup>

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<sup>4</sup> Dr Gunardi, Gunardi and K.Martono, *Legal Aspects, Economic and Airport Water's Modeling: Related to Forest Fire in Indonesia*, Vol.4 (CN) (2006), March 2017.

<sup>5</sup> Dr Gunawan Djajadisa, Dr Ahmad Rudi, and Dr K. Martono, *The Civil Aviation Climate Change Resilience and Legal Aspects of Forest Fire in Indonesia*, Vol.10 (CN) (2016), July 2016.

<sup>6</sup> Ibid.

# Space Transport Liability National And International Aspects

**S Nieto**



## **Space Transport Liability National And International Aspects:**

Launching Space Objects: Issues of Liability and Future Prospects V. Kayser, 2006-04-11 Launch activities performed by private entities deal with a complex legal environment The Space Treaties provide a general liability framework Launch participants are subject to regulatory or institutional control and to domestic liability laws Specific contractual practice has developed due to insurance limitations the inter participants waivers of liability and claims This book synthesizes information on the norms of play to allow the grasp of their relative weight and interactions in the assessment of liability risk for launch activities It reveals a legal framework presently lacking sufficient predictability for an efficient liability risk management the waivers of liability suffer weaknesses as do all such clauses and lack uniformity and reliability and the Space Treaties contain ambiguous terms preventing predictable determination of the States responsible for authorizing and supervising launch activities and for damage compensation and do not reflect the liability of launch operators This book offers suggestions of new approaches for harmonizing waivers of liability to improve their consistency validity and flow down and improving the Space Treaties for their implementation to non governmental launch activities In the launch community the need for lawmaking is less compelling than in fields such as aviation Nevertheless adjustments to the present framework are proposed through model clauses and an international instrument for further thinking and contribution by those sharing the opinion that creative lawmaking is needed now to prepare for tomorrow s endeavors

**Space Insurance: International Legal Aspects** Katarzyna Malinowska, 2017-03-15 Insurance related to outer space activities has been around since the 1960s but has become vastly more significant with the increased commercial use of satellites This book focuses on the legal aspects of space insurance in the contractual context analysing space risk as well as the insurance terms used on the market It offers the first in depth coverage both practical and theoretical of space insurance from an international law perspective Attending throughout to the important and problematic distinction between the space segment upstream and ground segment downstream in space law this book deals comprehensively with such issues and topics as the following the main hazards relating to space activities the impact of new space technologies on the level of risk and insurance the differing types of risks attributable to various entities in the context of insurable interest aspects of the space risk allocation regimes and risk assessment the impact of the five space treaties the Outer Space Treaty the Liability Convention the Rescue Agreement the Registration Convention and the Moon Agreement on the subject and scope of insurance coverage the advent of suborbital flight commercial human space flight and space tourism in the context of emerging insurance risks the problem of space debris contractual aspects of space activities affecting the space insurance risks basic notions such as outer space space object in the context of space activities and related insurance coverage basic insurance principles and their operation in the space insurance and the adjustment of losses and the settlement of disputes in space insurance The author emphasises the need to understand the various insurance risks facing particular types of commercial space activities including pre launch

launch transportation spaceflight satellite communications satellite navigation satellite remote sensing and space station operation Satellites are increasingly a vital part of many daily activities of contemporary society and the Earth's orbit is becoming ever more crowded heightening the risks of collision damage and claims This thoroughly researched book will therefore be extremely useful to lawyers policymakers and academics tasked with defining the scope of insurance coverage that accurately mirrors technological contractual and legal reality Its practical aspect will be of extraordinary value to insurance lawyers underwriters and brokers Space Warfare and Defense Bert Chapman, 2008-03-19 This timely resource provides a history of the development of space weapons and warfare strategies and a comprehensive reference guide to the growing literature on the subject Space Warfare and Defense A Historical Encyclopedia and Research Guide provides comprehensive coverage of the development of space as a possible arena for warfare exploring the military uses of space past present and future and specific details of actual space weapons systems The encyclopedia spans the breadth of U.S. military space policy comparable programs in the Soviet Union China and the European Union and the full array of international agreements designed to regulate the military uses of space In addition the encyclopedia includes an extensive reference guide nearly 40 percent of the book directing readers to the essential literature on space weapons and defense systems produced by the United States other governments research institutions and additional sources At a time when space is becoming an increasingly important place of military competition and potential conflict Space Warfare and Defense dispels the myths and examines the realities of what may become humanity's ultimate battlefield **Launching and Operating Satellites: Legal Issues** R. Bender, 1998-01-01 Discusses the Legal aspects of launching and operating different Satellite systems Direct Broadcasting System Remote Sensing and Military also general responsibility and liability principles

*Cologne Commentary on Space Law* Stephan Hobe, Bernhard Schmidt-Tedd, Kai-Uwe Schrogl, 2017-03-28 The Cologne Commentary on Space Law is a three volume annotation on the written norms of space law as enunciated through the Treaties of the United Nations and its General Assembly Resolutions Volume I focuses on the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space including the Moon and Other Celestial Bodies popularly known as the Outer Space Treaty A broad international authorship of twenty experts addresses the historical overview and provides a provision by provision interpretation of the Outer Space Treaty This Volume also includes insights into the subsequent State practice present day applicability and future perspectives of the Treaty The other four UN Treaties the 1968 Rescue Agreement the 1972 Liability Convention the 1975 Registration Convention and the 1979 Moon Agreement are addressed in Volume II which was published in 2013 Volume III published in 2015 delves into the eight most relevant United Nations General Assembly Resolutions Principles on space activities On the occasion of the 50th anniversary of the Outer Space Treaty Volume I of the Cologne Commentary on Space Law has been translated into Russian Space Transport Liability: National and International Aspects R. Bender, 1995-10-05 Space Transport Liability examines the national

and international space transport liability principles which govern personal injury property damage and cargo losses caused by spacecraft The value of maritime aviation and general transport analogies and law is considered The book then considers the proper parties forums law and precedents available to resolve space transport disputes This book is as much about what space transport law will be as what it is It will interest legislators as well as lawyers It will assist space transport participants to structure their agreements and resolve their disputes The cases described will assist insurers in underwriting space risks and venture capitalists in hedging their bets For students of law it will extend conventional principles to unconventional situations *The George Washington journal of international law and econo* ,1996

**Investigating and Preventing Crime in the Digital Era** Lorena Bachmaier Winter,Stefano Ruggeri,2022-10-07 The aim of this book is to delve into the impact of the Information and Communications Technologies in the criminal prevention and investigation by addressing the state of the art of different measures and its implementation in different legal systems vis vis the protection of human rights Yet this research not only pursues a diagnostic goal but furthermore aims at providing a reconstruction of this problematic area in light of modern human rights oriented notion of criminal justice This broadens the scope of this investigation which encompasses both unprecedented safeguards to traditional or anyway widely recognized individual rights and the emergence of new rights such as the right to informational self determination and the right to information technology privacy The book addresses the problems and potentials in the areas of criminal prevention and criminal investigation taking into account that due to electronic surveillance and the progress in the use of big data for identifying risks the borders between preventive and investigative e measures is not clear cut

**Small Satellites** Irmgard Marboe,2016-03-11 Small Satellites Regulatory Challenges and Chances edited by Irmgard Marboe addresses the booming phenomenon of small satellites The rapid innovation of technology has made it possible to develop launch and operate small satellites at rather low costs Universities start ups and also governments see the chance to access outer space more easily and inexpensively Yet the importance to comply with existing rules and regulations that are in place to ensure that outer space is used and explored in a safe and responsible manner is sometimes overlooked The book addresses this challenge and shows how it can be met The contributors are renowned academics and practitioners from many different countries that share their experiences and insights and suggest practical solutions *International Aerospace Abstracts* ,1999

**European Legal Book Index** ,1994

*Gli accordi bilaterali dell'Italia in materia spaziale* Fausto Pocar,Gabriella Venturini,Marco Pedrazzi,1999

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