

REVIEW OF MINIMUM AGE REQUIREMENT FOR IN-FLIGHT PASSENGERS

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Abstract

The issue related to passenger age requirement on airplanes has emerged as a significant concern. There have been numerous instances of young passengers boarding incorrect flights, highlighting the critical need for attention. Additionally, the potential risk of aircraft accidents poses a grave danger to children onboard. The criteria and regulations surrounding minimum passenger age requirements vary widely. This study focuses on the necessity of establishing a minimum age for airline passengers and the criteria for determining passenger age in alignment with legal standards. This normative juridical research reviewed and analyzed the regulations concerning minimum age requirements and age policies adopted by airline companies. The result showed that minimum age requirement for passenger differs across various legal systems and policies implemented by countries and airlines.

Keywords: Accidents, Aviation Industry, Passengers, Minimum Age

Introduction

The minimum age requirement for airline passengers is a concern as it relates to the risks of accidents and other operational necessities. However, no specific global regulation on this issue [1]. Singapore Airlines does not permit children under the age of 5 to fly, while those aged 5 to 12 years must be accompanied by an adult [2].

Garuda Indonesia allows children aged 8 to 12 years to fly unaccompanied. Children aged 6 to 7 years are also allowed to travel unaccompanied only in direct flights. Garuda Indonesia also mandates that unaccompanied minor passengers must be in good health, possess all necessary travel documents, and have a designated person to pick them up at the destination terminal [3].

On the contrary, France mandates a companion for passengers under 18 years, subject to approval. Italy has specific requirements for minors under 14 years traveling to and from the country, necessitating consent from their parents and local police. South Africa requires additional documents for passengers under 18 years. Vietnam insists that children under 14 must be accompanied by their parents or guardians, and if the accompanying adult is not the parent or guardian, parental consent is required [2].

There have been notable incidents involving minors. A 9-year-old child managed to sneak onto a plane undetected [4], and another incident involved a 6-year-old traveling from Philadelphia to Florida, ending up 260 km away from the intended destination in Orlando [5]. The child was traveling alone to visit their grandmother, marking their first solo flight [6].

The airline passenger age requirements contradict to Indonesian Law No. 1 of 1974 concerning Marriage, which sets the minimum marriage age at 19 for men and 16 for women [7]. Law 4 of 1979 stipulates that individuals over the age of 21 are considered adults [8]. It is also regulated that married person below the ages of 19 and 16 are also considered as adults [9] [10].

This study is distinctive in its focus on the varying minimum passenger age requirements across different airlines and countries, shedding light on the disparate policies and regulations, including those within Indonesia, and the implications for child safety and protection in air travel. Several research questions were proposed in this research as follows.

1. What is the age policy in various policy regulations in Indonesia?
2. Why is age policy important in the aviation industry?

3. What is the definition of age in aviation transactions in Indonesia?
4. What are the effects of minimum age requirement in aviation industry?

Method

This study employed a normative juridical research methodology, grounded on the investigation's background, the phenomena observed, and the research questions that were posed. The normative juridical approach focused on analyzing library materials or secondary research materials, providing a foundation for addressing research problems. This method encompassed the examination of norms and principles, systematic analysis, and the evaluation of vertical and horizontal synchronization between laws and regulations, particularly those relating to age definitions and legal implications.

The legal materials utilized in this research were categorized into primary, secondary, and tertiary sources. Primary sources consisted of the laws and regulations directly relevant to the study, such as the 1945 Constitution of the Republic of Indonesia and other pertinent legal documents. Secondary sources included literature reviews from a variety of publications, such as journals, scientific books, theories, and the proceedings of symposia or seminars, as well as scientific articles. Tertiary sources were those that elucidated the primary and secondary materials, providing additional context and interpretation.

Comprehensive data were retrieved from various sources, including applicable laws and regulations, and information pertaining to the legal definition of adulthood. The research adopted a statutory regulations approach, meticulously reviewing all relevant statutory regulations to ensure a thorough understanding and analysis. This approach emphasized the importance of statutory regulations in the normative juridical method, facilitating the examination, identification, and adaptation to related laws and regulations.

Normative juridical research is characterized by the use of primary and secondary research materials, along with other supporting materials, to conduct an in-depth analysis. This qualitative research focused on the multifaceted aspects of age definitions. The results of this research contribute valuable insights into the legal frameworks surrounding age requirements for various societal and legal contexts [11], including but not limited to, airline passenger regulations, marriage laws, and child protection legislation [12].

Discussion

Age Policy in Indonesian Regulations

In Indonesia, the definition of adulthood varies across different laws and regulations. The minimum legal age for marriage is set at 19 years for males and 16 years for females. On the other hand, the Child Protection Law (Law No. 23 of 2002) considers individuals 18 years or older as adults. In contrast, Civil Law stipulates that a person reaches adulthood at 21 years, provided they are unmarried.

Several laws state the legal age is 18 years, namely Law no. 13 of 2003 concerning employment [13], Law no. 11 of 2012 concerning the criminal justice system [14] and Law no. 12 of 2006 concerning citizenship [15]. Meanwhile, according to Law no. 7 of 2017, someone aged 17 years or more is considered politically mature [16].

The discrepancy in legal age definitions, such as the 21-year threshold according to Civil Law, presents challenges, especially in contexts involving individuals under 21 years, including airline passenger management. The age of the passenger is very crucial, if an accident occurs related to an insurance claim.

The Importance of Age Policy in Aviation Industry

Age policy holds significant importance within the aviation industry, primarily due to the unique needs and vulnerabilities of child passengers. These younger travelers require diligent supervision to mitigate risks such as ending up at an incorrect destination or engaging in prohibited activities on

board. Moreover, children necessitate guidance and support during the boarding process, a need that becomes even more pronounced on long-haul flights, underscoring the essential role of adult accompaniment for minors.

The concern extends beyond mere logistics; the developmental stage of minors often means they might not possess the maturity and attention to detail required for navigating the complexities of air travel independently, such as accurately identifying flight details and destinations. While age serves as a practical proxy for assessing maturity in this context, it is recognized that chronological age does not always perfectly align with an individual's level of maturity. Nonetheless, in the interest of safety and operational practicality, age remains a critical criterion for delineating responsibilities and expectations for young passengers within the aviation sector.

The Significance of Age Definition in Transaction within the Aviation Industry

In Indonesian laws and regulations, there is currently no stipulated minimum age requirement or a defined age that categorizes an individual as an adult passenger on airplanes. Passengers are allowed to present various forms of personal identification, including student cards, as alternatives to a residence card. There is a pressing need to establish clear guidelines for underage passengers to ensure the applicability of contract terms as outlined in Article 1320 of the Civil Code.

The legal competency or the specific age at which an individual is permitted to fly unaccompanied remains unspecified. This lack of regulation is crucial concerning the accountability of airlines towards their passengers, particularly in situations involving accidents or other losses.

The treatment of underage passengers lacks uniformity across airlines, and there are no existing guidelines to address this issue. Establishing clear regulations for the handling of underage passengers, akin to the policies for pregnant women boarding airplanes, is essential. Such regulations would ensure legal clarity for both passengers and airline companies, aiming to prevent situations that could potentially harm either party as outlined in their flight contracts.

Aviation contracts are detailed and encompass numerous obligations that may not be fully comprehensible to underage passengers. Therefore, the role of a guardian or a responsible party for these passengers is deemed crucial for their safety and compliance with contractual terms.

Minimum Age Requirement for Airplane Passengers

Possessing a passport enables individuals to take international flights, regardless of their fitness to fly, encompassing both minors and adults. Many airlines permit underage passengers to travel independently, yet according to Article 1320 of the Civil Code, these passengers are legally incompetent to enter into contracts, including those involving air travel. This encompasses the entire process from ticket purchase and check-in to boarding and disembarking from the aircraft. The issue of compensating minors in the event of airplane accidents further complicates matters. It raises questions about the legal maturity of minors to pursue claims for any losses incurred.

Setting a minimum age for passengers is critical for safety and liability reasons. This importance is magnified by the responsibilities airlines hold towards their passengers, especially in ensuring their well-being during flights and transits. Minors, due to their inexperience, might face difficulties in navigating airports, potentially causing delays and logistical challenges that could impact themselves and others.

Therefore, establishing a minimum age for airline passengers is not only about the maturity required for the flight but also crucial for operational efficiency and in handling compensation and legal responsibilities in case of accidents. Ensuring adequate assistance and clear regulations for underage passengers are essential steps towards safeguarding their interests and those of the airlines.

Conclusion

Legislation governing flight operations and transactions needs to be updated to incorporate clear definitions of who qualifies as an adult passenger or is capable of flying unaccompanied. Airlines should establish more comprehensive regulations concerning underage passengers, aligning these policies with standard regulations prevalent in Indonesia. Setting a minimum age requirement for passengers is essential, ensuring the safety and well-being of all involved and satisfying the contractual stipulations outlined in Article 1320 of the Civil Code.

This research has a limitation related to the use of a normative approach to discuss the topic. Future quantitative research would enrich understanding and contribute valuable insights into the regulation of underage passengers and the implications for flight operations.

Suggestion

The discourse on age-related considerations should be broadened to encompass not just the legal definition of adulthood as it pertains to airline passengers but also how it affects the regulation of e-commerce transactions. To further enrich our understanding, field surveys could be conducted to gather data on the prevalence of underage passengers on flights, thereby offering more insights into this area of study.

Reference

- [1] D. F. Akbar and I. F. Susilowati, "Analisis Yuridis Batasan Usia Anak Sebagai Penumpang Tanpa Pendamping Dalam Pengangkutan Udara Niaga," *J. Novum*, vol. 5, no. 3, pp. 207–221, 2018.
- [2] S. Airlines, "No Request is Too Big. Especially when It Comes To You." .
- [3] Garuda Indonesia, "Anak-anak Tanpa Pendamping." Garuda Indonesia, Jakarta, 2023.
- [4] I. Hasan, "Bocah 9 Tahun Ini Menyelinap ke Dalam Pesawat Tanpa Ketahuan, Bikin Heran." 2022.
- [5] BBC New Indonesia, "'Home Alone' versi kisah nyata: Bocah enam tahun salah naik pesawat dan terbang sendirian ke Orlando." 2023.
- [6] T. Amalia, "Mirip Cerita Film! Anak 6 Tahun Ini Salah Naik Pesawat, Malah Nyasar ke Kota Lain." 2023.
- [7] Presiden Republik Indonesia, *Undang Undang Republik Indonesia No. 1 Tahun 1974 tentang Perkawinan*. 1974.
- [8] Presiden Republik Indonesia, *Undang Undang Republik Indonesia No. 35 Tahun 2014 tentang Perubahan atas Undang Undang No.. 23 Tahun 2002 tentang Perlindungan Anak*, vol. 35. 2014.
- [9] B. A. Y. Imtihan, "Tinjauan Yuridis Terhadap Pernikahan Dini Pasca Disahkannya Undang Undang Nomor 6 Tahun 2019," *Fak. Hukum, Univrsitas Mataram*, pp. 1–18, 2020.
- [10] S. D. Judiasih, S. S. Dajaan, and B. D. Nugroho, "Kontradiksi Antara Dispensasi Kawin Dengan Upaya Meminimalisir Perkawinan Bawah Umur Di Indonesia," *J. Ilmu Huk. Kenotariatan Fak. Huk. Unpad*, vol. 3, no. 2, pp. 203–222, 2020.
- [11] S. Johan, "Sanksi Administratif Denda Pendekatan Laporan Keuangan Atas Pelanggaran Persaingan Usaha Tidak Sehat," *Masal. Huk.*, vol. 51, no. 1, pp. 20–28, 2022.
- [12] S. Johan, "Pelaksanaan Eksekusi Jaminan Pribadi Pada Transaksi Pembiayaan Ritel Oleh Lembaga Keuangan Berdasarkan Undang Undang," *Masal. Masal. Huk.*, vol. 52, no. 1, pp. 64–73, 2023.
- [13] U. U. R. Indonesia, *Undang Undang Tentang Ketenagakerjaan*, no. 13. 2003.
- [14] Presiden Republik Indonesia, "Undang Undang No. 11 Tahun 2012 tentang Sistem Pradilan Pidana Anak," vol. 11, 2012.
- [15] L. Suryatni, "Undang – Undang Nomor 12 Tahun 2006 Tentang Kewarganegaraan Republik Indonesia Dalam Melindungi Hak Perempuan Dan Anak (Perspektif: Perkawinan Antara Warga Negara Indonesia Dan Warga Negara Asing)," *J. Ilm. Huk. Dirgant.*, vol. 10, no. 2, pp. 52–66, 2020.
- [16] Presiden Republik Indonesia, "Undang Undang No. 7 Tahun 2017 tentang Pemilihan Umum," vol. 7, 2017.