
**REQUIREMENTS THAT HAVE TO BE OWNED BY THE FLIGHT COMPANY
IF PASSING THEIR ARMY ACCORDING TO INDONESIAN AIR LAWS**

Evert Maximiliaan Tentua

Faculty of Law, Universitas 17 Agustus 1945 Semarang

Email: evertmaximiliaantentua@gmail.com

ABSTRACT : Every airline that flies its fleet in Indonesian airspace must meet several requirements, such as nationality mark and registration number and have obtained diplomatic clearance. security clearance or flight approval.

Keywords : Every airline, must meet several requirements

INTRODUCTION

Means of transportation have an important role for human life, and with the increasing number of people on this earth, it is necessary to have mass transportation means of transportation that can transport passengers and or goods in large quantities, and the demands of society lately require tools fast transportation to the destination, and such transportation means an airplane which is a means of transportation that is fast, not tedious and in a short time can get to the destination.

Aircraft from time to time also experienced a development that used to use a propeller (propeller) and to become fast the way has now been switched to using a jet engine.

The definition of aircraft in the 1944 Chicago Convention is regulated in Annexes 6, 7 and 8 which mention :

"Aircraft is a device that can lift from the atmosphere from the reaction of air that is not from the ground".

Whereas in Indonesia it is regulated in Article 1 paragraph 3 of Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 concerning Aviation, which states :

"Aircraft is any machine or device that can fly in the atmosphere because of the lift from the reaction of the air, but not because of the reaction of the air to the earth's surface used for flight".

Article 2 of the 1944 Chicago Convention states that aircraft can be divided into two groups, namely civil aircraft and state aircraft.

¹ Ian Thomas. Sejarah Alat-Alat Transportasi, (Jakarta : Rosda Jayaputra 1989), pp. 5-10.

Civil aircraft is an aircraft used to carry passengers and / or goods, and is owned by a legal entity or individual. Meanwhile, according to Article 1 paragraph 8 Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 concerning Aviation, it states :

"Civil Aircraft is an aircraft used for commercial and non-commercial air transport purposes".

State aircraft is an aircraft used by the armed forces or the government which is given the function and authority to enforce the law in accordance with the prevailing laws and regulations. Meanwhile, according to Article 1 paragraph 7 Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 concerning Aviation, it states:

"State Aircraft is an aircraft used by the Indonesian National Army, the Republic of Indonesia Police, customs, and other government agencies to carry out law enforcement functions and authorities as well as other tasks in accordance with statutory regulations".

Based on Article 2 of the 1944 Chicago Convention, it is stated that state aircraft can be further divided into 2 functional groups, namely :

1. Military aircraft :
 - a. Army aircraft.
 - b. Navy aircraft.
 - c. Air Force aircraft.
 - d. Militaryized aircraft.
2. State or government aircraft :
 - a. Customs aircraft.
 - b. Coast Guard aircraft.
 - c. Foresti aircraft.
 - d. Police aircraft.
 - e. Presidential or Ministry aircraft.

Many airlines in the world switch their fleet which used to use propellers with jet-engined airplanes, and this is caused as described above, which is much in demand by many people, especially those who need speed and accuracy of time to their destination.

It is not easy for an airline to fly its fleet, because there are a number of requirements that must be met in advance both those that have been regulated in international air law and national air law of a country.

PROBLEM

The main issue to be discussed in this article is what are the requirements that must be had by an airline if flying its fleet according to Indonesian air law ?

DISCUSSION

In accordance with Article 1 Convention on International Civil Aviation which states that every country has complete and exclusive sovereignty of the airspace above its sovereign territory, and from this article provides a view that the embodiment of full and exclusive sovereignty over the airspace above the territorial area is :

1. Every country has the right to fully and fully manage and control its national air space.
2. None of the activities or businesses in the national air space without obtaining prior permission or as stipulated in an air agreement between the country and other countries both bilaterally and multilaterally.

He admitted that every country has sovereignty in the airspace above it, and to maintain sovereignty in the airspace, many countries in the world, including Indonesia, make legal regulations on air law, including examples such as :

1. United States of America with Federal a
2. The Netherlands with Netherland Aviation Act 1958.
3. France with Franch Aviation Act 1959.
4. The State of Indonesia with Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 about Flights.

The purpose of the state to regulate the airspace above it is to remember to avoid accidents between airplanes flying over the country, so it is natural for each country to regulate the airspace above it.

In the world of aviation, specifically about air traffic, there are the terms FIR and UIR, and as for what is meant by FIR (Flight Information Region), namely the provision of services for flights that only fly as high as 20,000 feet , while what is meant by UIR (Upper Flight Information Region) i.e. providing services for flights over 20,000 feet.²

To find out that a flight that gets FIR or UIR services is from the type of aircraft used because there are several types of aircraft that can fly below an altitude of 20,000 feet and some are able to fly above 20,000 feet, and also see the intended distance if the distance for near destinations such as Semarang - Jakarta, then the airplane simply flies at the limit of 20,000 feet (feet), but the distance to the destination is very far, the airplane will fly above 20,000 feet (feet), for example like flights from Jakarta - Amsterdam or Jakarta - London or Jakarta - Los Angeles.

Airplanes that will fly in the air space of a country must also fulfilling several other requirements including :

1. Have a nationality mark and registration number.
2. Having a flight permit from the state government to be traversed.

² Frans Likadja., *Masalah Lintas Di Ruang Udara*, tk : Binacipta, 1987, p. 31

And things like the above are in accordance with Annex 7 Convention on International Civil Aviation that each aircraft must have a nationality mark and registration number, which means that each aircraft must be registered first, and after being registered, the aircraft shall obtain a registration number and nationality mark. The importance of registering and getting the register number is to find out which country and which owner or company, for example an aircraft registered in Indonesia will definitely get a PK (Pay Kolonie) register number and a third letter in general the first letter of the company the flight, for example Garuda Indonesia company must have PK-Gxx register number, Lion Air company must have PK-Lxx register number, or Pelita Air airline must have PK-Pxx register number to be placed on the wing and the fuselage, while the sign nationality is the national flag of the country where the aircraft is registered, and will be placed on the upright tail of the aircraft and the fuselage.

So every registered aircraft will get a register number and must be clearly placed on the fuselage, namely the rear of the fuselage and wings.

The purpose is required every aircraft to have nationality mark and registration mark namely because it has a very important role for a flight, among others, as follows³:

1. Can make a special landing or emergency landing at another airport (non-destination).
2. Obtain special flight routes by the countries below.
3. Make it easy in terms of customs arrangements.
4. Obtain legal protection from the country where the aircraft is registered.
5. Make it easy to determine the jurisdiction (state law) that applies in the aircraft.
6. Facilitating the third country to know the nationality of the aircraft in the event of an interception or interception.
7. Facilitating a third country to provide information to the country if the aircraft registered in the country suffered an accident.
8. Make it easy to conduct collaborative investigations into aircraft accidents with countries where the aircraft is registered.

Other requirements that must be possessed by aircraft that fly over the airspace of a country (for example the country of Indonesia) are that they must have a flight permit from the Indonesian government, and the forms of licenses issued by the Indonesian government may be as follows⁴:

1. Diplomatic Clearance.
2. Security Clearance.
3. Flight Approval.

³ Evert Maximiliaan Tentua., *Perkembangan Hukum Udara & Ruang Angkasa Beserta Permasalahannya*, Semarang : FH. Untag, 2015, pp. 59-60.

⁴ Pasal 10 ayat 1 dan ayat 2 Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning the Safeguarding of the Republic of Indonesia's Airspace.

As for what is meant by Diplomatic Clearance namely the approval of flight from the minister who held government affairs in the field of foreign affairs (Ministry of Foreign Affairs of the Republic of Indonesia)⁵ and what is meant by Security Clearance namely the approval of flight from the minister who held government affairs in the field of defense (Ministry of Defense of the Republic of Indonesia)⁶, while what is meant by Flight Approval is from the minister who carries out government affairs in the field of transportation (the Ministry of Transportation of the Republic of Indonesia)⁷, and aircraft that do not have one of these permits can be said to be a violation.

An airline that will be able to operate its aircraft to or from or in another country must first have entered into an agreement with the destination country, because the airspace is the sovereignty of the lower country, the one who makes the agreement to open flight routes is the country with the country and not the airline company. with the destination country.

Agreements to open flight routes between countries are generally bilateral as regulated in I.A.T.A., and this is as regulated in Article 87 of Law of the Republic of Indonesia Number 1 of 2009 concerning Aviation which states that the determination of international flight networks and routes is regulated by the government based on agreements between countries.

Bilateral agreements regarding the opening of international flight routes or commonly referred to as B.A.T.A. (Bilateral Air Transport Agreement) is regulated and prepared based on international standards consisting of the rights and obligations that must be carried out by the two countries, namely including :

1. Appointment of the airline that will serve the route.
2. Total passenger capacity that can be transported.
3. The type of aircraft to be used.
4. The agreed air freight rates.
5. The airport designated as the end point.
6. Time of departure.

In general, B.A.T.A. signed on commercial considerations, namely to earn foreign exchange for the state while still observing the principle of mutual benefit, but in certain cases B.A.T.A. can be signed for other considerations such as :

⁵ Pasal 1 ayat 10 Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning the Safeguarding of the Republic of Indonesia's Airspace.

⁶ Pasal 1 ayat 9 Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning the Safeguarding of the Republic of Indonesia's Airspace.

⁷ Pasal 1 ayat 8 Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning the Safeguarding of the Republic of Indonesia's Airspace.

1. State security, namely to avoid suspicion of being a spy flight.
Example: The agreement between the Indonesian state and the Soviet Union (Russia) states that every Indonesian aircraft crossing the Russian sovereign airspace is required to land at the airport determined by the Russian state.
2. Due to debt, namely due to very large debt, the B.A.T.A. is signed as payment for the debt. which is beneficial for the party (country) that gives credit.
Example: The Bermuda I Agreement (1946) between the United Kingdom and the United States, because the British state owes the United States a huge debt for the development of the country which was destroyed by World War II with the payment of more rights to the United Kingdom to the United States of America. .
3. Trade, namely the granting of flight rights to other countries so that trade can continue.
Example: European countries agree to threaten to cancel the purchase of aircraft made in the United States if the United States requests a reduction in flight frequency from airlines in European countries, especially the K.L.M. (Netherlands).
4. Prestige, namely to show identity to the international community of its existence as a newly independent country.
Example: As was done by the Indonesian state in 1950, namely by making international flights to Singapore using a Convair CV-440 aircraft, while other countries only had DC-3 Dakota aircraft from World War II.
5. Politics, namely to show a sense of solidarity between countries.
Example: The opening of a flight route between Jakarta (Indonesia) - Saigon (Vietnam), from an economic point of view, is not profitable because the number of passengers carried with operational costs is not balanced.

In the current era of globalization, B.A.T.A. little by little will be abandoned, and this will happen to the A.S.E.A.N. Community (A.S.E.A.N. Community 2015) demanding airspace in member states of the U.S.E.A.N. open to flights to airlines of the A.S.E.A.N. member country. known as A.S.E.A.N. Open Sky.

To make A.S.E.A.N. The Open Sky has been agreed upon by member countries of the U.S.E.A.N. not to use B.A.T.A. as an agreement to open flight routes between member countries of the U.S.E.A.N. but will use M.A.T.A. (Multilateral Air Transport Agreement) with restrictions.

What is meant by restriction is that each member country will determine its international airport that can be landed by aircraft belonging to member countries of the U.S.E.A.N.

Example: The State of Indonesia determines 5 international airports that can be landed, namely Muara Namu Medan International Airport, Soekarno Hatta Cengkareng International Airport, Surabaya Djuanda International Airport, Denpasar Ngurah Rai International Airport and Makassar Hassanudin International Airport.

The purpose of this restriction is not to kill the national airline in the face of air transportation competition.

The other requirements are based on Article 5 and Article 6 of the 1944 Chicago Convention, which states that every aircraft flying across the airspace of a lower country is obliged to go through a flight route that has been determined by the lower country.

The regulation regarding the determination of the flight path is submitted to the national laws of each country and not to the 1944 Chicago Convention, and this is because it is based on Article 12 of the 1944 Chicago Convention which states that national laws governing the issue of aircraft maneuvering and thus determining the flight path. must comply with the provisions of the convention.

The flight paths determined by the lower countries must be reported and submitted to I.C.A.O (International Civil Airline Organization). to be announced and disseminated to international airlines.

Lower countries can define a closed air area (zone), and this is done in the interest of aviation safety or lower country security.

In Article 27 paragraph 1 Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safeguarding the Airspace of the Republic of Indonesia, it is stated that the aircraft that infringe as referred to in Article 10 paragraph 3, Article 12 paragraph 4, Article 18, Article 23, Article 24, Article 25 , and Article 26 paragraph 3 shall be carried out by the act of visual recognition, imagery, obstruction, and / or coercion of landing by the TNI Air Force (Indonesian National Army).

What is meant by a violation of Article 10 paragraph 3 Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safekeeping of the Republic of Indonesia's Airspace namely :

"Aircraft as referred to in paragraph (1) and paragraph (2) that fly without permission are a violation".

What is meant in this article is aircraft that do not have any diplomatic clearance or security clearance or flight approval.

What is meant by a violation of Article 12 paragraph 4 Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safekeeping of the Republic of Indonesia's Airspace namely :

"The use of Indonesian Civil Aircraft without flight approval as referred to in paragraph (1) and security clearance as referred to in paragraph (2) is a violation".

As for what is meant by violation of Article 18 of Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safekeeping of the Republic of Indonesia's Airspace namely:

- 1) "The use of aircraft through prohibited airspace as referred to in Article 16 is a violation.
- 2) The use of civil aircraft through a restricted airspace (restructured area) without flight approval and flight security as referred to in Article 17 is a violation".

What is meant by a violation of Article 23 of Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safeguarding the Republic of Indonesia's Airspace namely :

"Foreign State Aircraft and Foreign Civil Airplanes flying over the air route over the Archipelago Sea Channel are not in accordance with the provisions referred to in Article 19, Article 20, Article 21, and Article 22 are violations".

What is meant in this article is that every foreign airplane the right of air traffic must be in accordance with the routes established by the Indonesian state and must notify the minister who carries out government affairs in the foreign sector and the Commander of the Indonesian National Army regarding flight plans (flight plans) and communicating with the Air Traffic Control Unit (ATC) and also having diplomatic clearance and security clearance and are subject to legal regulations issued by the Indonesian government and the Civil Aviation Organization International or ICAO O (International Civil Airline Organization). for the benefit of aviation safety.

What is meant by a violation of Article 24 of Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safeguarding the Republic of Indonesia's Airspace namely :

- 1) "Foreign State Aircraft and Foreign Civil Airplanes flying in the Airspace are prohibited from transporting biological, chemical and radioactive materials that contribute to weapons of mass destruction.
- 2) Everyone who violates the provisions referred to in paragraph (1) shall be subject to sanctions in accordance with the provisions of the legislation".

What is meant by a violation of Article 25 of Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning the Safeguard of the Republic of Indonesia's Airspace, namely :

"The use of aircraft that is not in accordance with the provisions of aircraft navigation is a violation".

What is meant by a violation of Article 26 paragraph 3 of Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safekeeping of the Republic of Indonesia's Airspace namely :

"Foreign aircraft that do not meet the provisions referred to in paragraph (2) constitute a violation".

In order to comply with the provisions regarding flight paths or permanent closed zones by aircraft in flight, the lower countries are given the right to intercept aircraft that violate the provisions as mentioned above, and this has been regulated in Article 3 bis Chicago Convention 1944.

In carrying out law enforcement on aircraft that violate the applicable legal provisions as mentioned above, the Indonesian government can conduct ambushade or interception.

What is meant by interception is the act of aircraft of the Indonesian National Armed Forces to carry out the process of identifying aircraft which are considered to have committed acts of violation of the provisions of the legislation.⁸

Article 33 Paragraph 1 Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018⁸ concerning the Safeguard of the Republic of Indonesia's Airspace states that TNI aircraft in carrying out visual recognition, imagery, obstruction, and / or coercion of landing are carried out in accordance with the provisions of the International Civil Aviation Convention.

As for what is meant by imagery is an act of observation carried out by an TNI aircraft on the movements of foreign aircraft or violators, and what is meant by obstruction is an action carried out to force the aircraft out of the airspace and airspace jurisdiction and or return to the flight route supposedly, while meant by forcing to land, is an action taken to force an airplane to land at the selected Air Base or Airport.⁹

The method of interception has been regulated in Article 3 of the 1944 Chicago Convention bus which regulates the procedures for intercepting civil aircraft that enter the sovereign territory of another country without having a permit while taking into account the principle of prioritizing the safety of civilian passengers on the aircraft, so each interception must pay attention to the safety of passengers, flight crew, the goods transported and the airplane.¹⁰

The 1944 Chicago Convention, namely Article 3 bis, contains the following provisions:

1. States parties guarantee not to use weapons on civilian aircraft, as in the case of an interception (stop, intercept or force to stop) must not result in the safety of the lives of passengers and the aircraft.
2. Each participating country can determine which airport can be landed by aircraft entering the territory of another country without permission.

⁸ Pasal 1 ayat 7 Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safekeeping of the Republic of Indonesia's Airspace.

⁹ Penjelasan Pasal 28 Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safekeeping of the Republic of Indonesia's Airspace

¹⁰ Chicago Convention 1944 Annex 2 Lampiran A concerning Civil Aircraft Inetrcption.

3. It is the obligation of the participating states to establish applicable provisions, such as criminal provisions to provide severe penalties for the offender.
4. Obligate States parties to take the necessary measures to organize their civilian aircraft according to their purpose.

Therefore, Article 3 bus of the 1944 Chicago Convention is only an appeal for participating countries not to commit violence against aircraft that are carrying out civilian flights and also not to use civil aviation for purposes that are inconsistent with the objectives stipulated in Article 4. Chicago Convention 1944.

Annex 12 of the 1944 Chicago Convention mentions ways to conduct interceptions :

1. Must give a signal (notification) to the violating aircraft to immediately return to the predetermined path.
2. Chased and led to return to the path that has been determined.
3. Forced to land at a certain airport.

The Indonesian state in conducting the interception will be based on Article 8 of Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 concerning Aviation. which says :

- 1) "Aircraft violating the sovereign territory of the Unitary State of the Republic of Indonesia as referred to in Article 5 are warned and ordered to leave the area by flight traffic control personnel.
- 2) Aircraft that will and have entered the restricted and restricted airspace as referred to in Article 7 paragraph (2) and paragraph (4) shall be warned and ordered to leave the area by flight traffic control personnel.
- 3) Air traffic control personnel are required to inform aircraft violating the sovereignty and restricted and restricted airspace as referred to in paragraph (1) and paragraph (2) to the apparatus whose task and responsibility is in the field of state defense.
- 4) In the event that the warnings and orders as intended in paragraphs (1) and (2) are not obeyed, the state aircraft will take forceful action to leave the Unitary State of the Republic of Indonesia or restricted and restricted airspace or to land at an air base or airport. within the territory of the Republic of Indonesia.
- 5) Aircraft personnel, aircraft and all their cargo violating the provisions referred to in paragraph (1) and paragraph (2), shall be examined and investigated in accordance with statutory provisions".

In conducting an interception, it must be based on the provisions stipulated in Article 3 bis Chicago Convention 1944 which has also been regulated in Government Regulation of the Republic of Indonesia Number 4 of 2018 concerning Security of the Airspace of the Republic of Indonesia, as in:

1. Article 34 paragraph 2 of Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safeguarding the Republic of Indonesia's Airspace which states :
"The instructions referred to in paragraph (1) must consider flight safety".
2. Article 36 Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safeguarding the Republic of Indonesia's Airspace which states :
 - 1) "In forcing a landing on a violating aircraft, the interceptor aircraft pilot must pay attention to:
 - a. The selected aerodrome is one that allows an aircraft to land safely according to its type, especially on an aerodrome that is not normally landed by civil aircraft;
 - b. natural conditions allow the aircraft to make the landing process safely;
 - c. The intercepted aircraft still has enough fuel to reach the selected Aerodrome; and
 - d. if possible, the selected Aerodrome is the one that is explained in full at the Aeronautical Information Publication (AIP).
 - 2) In the event that a civil aircraft must land on an unknown aerodrome, the civil aircraft pilot is given sufficient time to prepare his landing.
 - 3) Pilots of civil aircraft as referred to in paragraph (2) can assess the safety level of the landing in relation to the runway length and limitation of the aircraft.
 - 4) In the case that the Aerodrome as referred to in paragraph (2) does not correspond to the level of Aviation Safety, the Interceptor Airplane pilot redirects to the appropriate Aerodrome”.

What is meant by Aerodrome in Article 36 of Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safeguarding the Republic of Indonesia's Airspace as mentioned above, namely the area on land and or waters with certain limits which are only used as a place for aircraft to land and take off.

In the case of being forced to land, the coercing state must also pay attention to the rights of the passengers to be able to continue their journey to the destination, while for pilots or airplanes sometimes detained, in this case the airline company is obliged to do the following :

1. Send a pilot if the pilot is detained only while the aircraft is not being held.
2. Send pilots and aircraft if the pilot and airplane are being detained.

Before an airline company sends its pilots and / or aircraft, it must first ask permission from the country that detains the pilot and / or the aircraft so that they are allowed to carry their passengers to continue the flight to their destination.

Thus it can be concluded that in conducting an interception, you must pay attention to the safety of the passengers and the aircraft.

¹¹ Pasal 1 ayat 47 Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 about Flights, Pasal 1 ayat 6 Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2018 concerning Safeguarding the Republic of Indonesia's Airspace.

Whereas sanctions that can be imposed on violators are regulated in Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 concerning Aviation, such as:

1. Article 401 Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 concerning Aviation which states :

"Every person who operates an Indonesian aircraft or foreign aircraft entering a restricted airspace as referred to in Article 7 paragraph (2) shall be liable to a maximum imprisonment of 8 (eight) years and a maximum fine of Rp.500,000,000.00 (five hundred million rupiah)".

2. Article 402 of Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 concerning Aviation which states:

"Every person who operates an Indonesian aircraft or foreign aircraft entering a restricted airspace as referred to in Article 7 paragraph (4) shall be liable to a maximum imprisonment of 3 (three) years or a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah)".

3. Article 404 of Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 concerning Aviation which states:

"Every person who operates an aircraft that does not have a registration mark as referred to in Article 24 shall be sentenced to a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)".

4. Article 405 of Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 concerning Aviation which states:

"Every person who gives signs or changes the registration identity in such a way as to obscure registration, nationality and flags on the aircraft as referred to in Article 28 shall be liable to a maximum imprisonment of 1 (one) year or a maximum fine of Rp. 250,000,000.00 (two hundred and fifty million rupiah)".

5. Article 414 of Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 concerning Aviation which states:

"Every person who operates a foreign aircraft in the territory of the Unitary Republic of Indonesia without the permission of the Minister as referred to in Article 63 paragraph (2) shall be liable to a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah)".

6. Article 418 of Undang-Undang Republik Indonesia Nomor 1 Tahun 2009 concerning Aviation which states:

"Every person who conducts unscheduled commercial air transport activities abroad without flight approval from the Minister as referred to in Article 93 paragraph (1) shall be liable to a maximum imprisonment of 1 (one) year or a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah)".

From the descriptions above, it can be seen that the Indonesian state has the authority to regulate all types of flights that conduct flights in the airspace above it.

CONCLUSION

From the descriptions as mentioned above, it can be concluded that every airline that flies its fleet in Indonesian airspace must meet several requirements, namely having a nationality mark, registration mark, having a flight permit from the government of the country to be passed in the form of a diplomatic clearance, Security clearance or flight approval and the existence of an agreement with the destination country, is obliged to go through a flight path that has been determined by the lower country, and if it does not meet the requirements as mentioned above, it is considered to have committed a violation and may be subject to criminal sanctions which can be in the form of a fine. and or imprisonment.

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