

Analysis of Baggage Restriction and Surcharge Policy in the Aviation Industry in Indonesia with a Review of Consumer Protection Law Compliance

1st Asman Siagian
Dept. of Law,

Universitas Pembangunan Panca Budi
Medan, Indonesia
asmansiagian75@dosen.pancabudi.ac.id

2nd Rahmadany
Dept. of Law

Universitas Amir Hamzah
Medan, Indonesia
danyrahma993@gmail.com

3rd Suci Ramadani
Dept. of Legal Sciences

Universita Pembangunan Panca Budi
Medan, Indonesia
suciramadani@dosen.pancabudi.ac.id

Abstract—This study aims to analyze baggage restriction and surcharge policies implemented by the aviation industry in Indonesia, focusing on compliance with consumer protection laws. The method used in this study is a critical review of existing regulations, as well as an analysis of aviation industry practices and their impact on consumers. Research has found that while there are regulations governing baggage restrictions, their implementation is often inconsistent and potentially detrimental to consumers. The additional fees charged by airlines are often not transparent, making it difficult for consumers to make informed decisions. These findings demonstrate the importance of stricter law enforcement and increased transparency in aviation policies to protect consumer rights. Recommendations were also given for the development of policies that are more equitable and responsive to consumer needs, as well as the need to increase awareness of consumer rights in the aviation sector.

Keywords— *baggage restrictions, surcharges, aviation industry, legal compliance, consumer protection.*

I. INTRODUCTION

The aviation industry in Indonesia has experienced rapid growth in recent years, along with the increasing demand for air travel for both business and leisure purposes. However, along with this growth, various challenges have arisen, especially related to baggage restriction policies and surcharges imposed by airlines. This policy often causes confusion and dissatisfaction among consumers, who feel that they are not getting clear and transparent information about their rights [1], [2].

In the legal context, consumer protection is regulated by various regulations, including Law Number 8 of 1999 concerning Consumer Protection. Although these regulations aim to protect consumer rights, practice on the ground often shows that there is a discrepancy between the policies established and their implementation. Airlines sometimes impose unexpected surcharges,

such as baggage fees, which can burden consumers financially [3].

This study aims to conduct a critical analysis of baggage restriction and surcharge policies in the aviation industry in Indonesia, focusing on compliance with consumer protection laws. Using a critical review approach, this study will evaluate the extent to which existing policies meet consumer protection legal standards and provide recommendations for improvement [4], [5], [6], [7].

Through this research, it is hoped that it can provide a better understanding of the dynamics between aviation policy and consumer rights, as well as encourage the development of fairer and more transparent regulations. Thus, this research is expected to contribute to improving the quality of services in the aviation industry and better protection for consumers [8], [9].

This research has high urgency in the context of the development of the aviation industry in Indonesia and consumer protection. Here are some points that explain the urgency of this research:

1. **Growth of the Aviation Industry:** With the rapid growth in the number of passengers and airlines, baggage restriction policies and surcharges are becoming important issues affecting the consumer experience. Understanding these policies is critical to ensuring that the industry continues to function efficiently and fairly.
2. **Consumer Protection Legal Compliance:** While there are regulations governing consumer protection, there is often a gap between the policies implemented by airlines and the rights of consumers protected by law. This study aims



to evaluate the extent to which legal compliance is applied in practice.

3. **Transparency and Fairness:** Often unexpected additional costs can be detrimental to consumers and create dissatisfaction. This research is important to encourage transparency in cost policies, so that consumers can make better decisions when using flight services.
4. **Consumer Rights Advocacy:** The results of this study can be used as a basis for consumer rights advocacy in the aviation sector. By being aware of potential violations and injustices, consumer protection organizations can take the necessary steps to protect the interests of the public.
5. **Policy Recommendations:** This research not only aims to analyze but also provide recommendations to improve existing policies. By providing constructive input, this research can assist policymakers in formulating regulations that are more responsive to consumer needs.
6. **Legal and Practice Developments:** Given the ever-changing dynamics of law and practice in the aviation industry, this study is important to provide an in-depth understanding of how existing policies can be adapted to meet new challenges that arise.

II. RESEARCH METHODS

This study uses a critical review method, which aims to evaluate and analyze baggage restriction and surcharge policies in the aviation industry in Indonesia from the perspective of consumer protection law [10], [11], [12], [13]. The following are the steps that will be taken in this research method:

A. Data Collection and Literature

1. **Literature Study:**
Collect and analyze relevant literature, including books, journal articles, and legal documents that discuss aviation policy, consumer protection, and related regulations.
2. **Related Regulations:**
Identify and collect laws and regulations governing baggage restrictions and surcharges, as well as consumer protection laws in Indonesia.

B. Policy Analysis

1. **Policy Evaluation:** Analyzes baggage restriction policies and surcharges implemented by airlines, including looking at

aspects of transparency, fairness, and compliance with the law.

2. **Comparison:** Compare existing policies in Indonesia with best practices in other countries, to identify weaknesses and potential improvements.

C. Legal Compliance Analysis

1. **Compliance Evaluation:** Examines the extent to which airlines comply with consumer protection laws, as well as how existing policies affect consumer rights.
2. **Case Studies:** If possible, conduct analysis of specific cases that reflect consumer violations or dissatisfaction regarding baggage policies and surcharges.

D. Synthesis of Findings

1. **Classification of Findings:** Classifies findings from policy analysis and legal compliance to provide a clearer picture of the issues at hand.
2. **Preparation of Recommendations:** Based on the findings obtained, make recommendations for policy improvement, as well as steps that need to be taken to improve consumer protection.

E. Results

1. **Summarize the results of the analysis and discuss the implications of the findings on aviation policy and consumer protection in Indonesia.**
2. **Present conclusions that can contribute to the development of regulations and better practices in the aviation industry.**

III. RESULTS AND DISCUSSION

A. results

The results of this study show several important findings related to baggage restriction policies and surcharges in the aviation industry in Indonesia, by linking them to existing regulations, especially Law Number 8 of 1999 concerning Consumer Protection.

1. Baggage Restriction Policy

- a. **Variation and Uncertainty:** Research found that variations in baggage restriction policies between airlines create uncertainty for consumers. This is contrary to Article 4 paragraph (1) letter c of the Consumer Protection Law, which emphasizes that consumers have the right to obtain clear information about goods and services.

- b. Lack of Information: Many airlines do not provide adequate information regarding baggage restriction policies, which is contrary to Article 7 of the Law which regulates the obligation of business actors to provide correct and clear information.

2. Additional Fees

- a. Non-Transparent Fees: Research shows that additional fees are often not transparently informed, resulting in consumers being surprised at check-in. This violates Article 4 paragraph (1) letter g of the Consumer Protection Law, which states that consumers have the right to good and non-discriminatory treatment and services.
- b. Impact on Consumer Rights: Ambiguity regarding these costs may be considered a violation of the consumer's right to obtain sufficient information to make a rational decision, in accordance with the provisions of Article 8.

3. Legal Compliance

- a. Gap between Regulation and Practice: Despite regulations governing consumer protection, research has found that many airlines do not comply with these provisions. This shows that there is a gap between law and practice that takes place in the field.
- b. Weak Law Enforcement: The study notes that law enforcement mechanisms related to consumer rights violations in the aviation sector are still weak. This can refer to Article 62 of the Consumer Protection Law, which provides sanctions for violations, but its implementation is inconsistent.

4. Policy Recommendations

- a. Increased Transparency: Measures are needed to increase transparency in baggage restriction and surcharge policies, to be in line with the principles set out in the Consumer Protection Act.
- b. Policy Standardization: Governments are advised to establish clear and comprehensive guidelines on baggage restrictions and surcharges, so that all airlines can comply with the same regulations.
- c. Stronger Law Enforcement: Improving law enforcement mechanisms to ensure that airlines comply with consumer protection laws.

The results of this study show that baggage restriction policies and surcharges in the aviation

industry in Indonesia still have many loopholes that are detrimental to consumers. By linking these findings to the Consumer Protection Law, it is clear that there is an urgent need to improve regulatory implementation and raise awareness of consumer rights. These measures are essential to create a fairer and more transparent aviation industry.

B. Discussion

In this study, the discussion focuses on the analysis of baggage restriction and surcharge policies in the aviation industry in Indonesia, as well as their relation to applicable consumer protection regulations. Here are the main points in the discussion:

1. Baggage Restriction Policy

- a. Variability Between Airlines: Research shows that baggage restriction policies vary between airlines, creating confusion for consumers. This is contrary to Article 4 of Law Number 8 of 1999 which affirms the right of consumers to obtain clear and correct information about goods and services.
- b. Impact on Consumers: Ambiguities in these policies can cause consumers to have a bad experience while traveling, potentially harming them financially and emotionally. The public has the right to receive treatment or be served correctly and honestly in accordance with Article 4 paragraph (1) letter g of the Consumer Protection Law.

2. Additional Fees

- a. Non-Transparent Fees: Research found that additional fees are often not clearly informed before purchasing tickets, in violation of Article 7 of the Law which requires business actors to provide sufficient information. This can cause consumers to feel disadvantaged when costs appear suddenly.
- b. Compliance with Consumer Rights: Ambiguity regarding additional costs can be considered a violation of the consumer's right to make an appropriate decision, as stipulated in Article 8 which guarantees the right to legal protection against prohibited business actors' actions.

3. Legal Compliance

- a. Gap Between Regulation and Practice: Although the Consumer Protection Act provides a clear legal framework, many airlines do not comply with these provisions. This gap highlights the need for increased oversight and law enforcement.

- b. **Weak Law Enforcement:** Research notes that despite the sanctions provided for in Article 62, the implementation of those sanctions is still weak. This creates uncertainty for consumers regarding the protection of their rights.

4. Recommendations for Improvement

- a. **Policy Standardization:** Stricter guidelines from the government are needed to establish consistent baggage restrictions and surcharge policies across all airlines, in order to comply with the principles set out in the Consumer Protection Act.
- b. **Increased Transparency:** Airlines are advised to increase transparency in communication with consumers, including clearly explaining baggage policies and surcharges.
- c. **Strong Enforcement Mechanisms:** Law enforcement should be strengthened so that airlines that violate regulations can be subject to appropriate sanctions, thus creating a deterrent effect.

This discussion emphasized that although there are regulations that protect consumer rights, practices in the field still have many loopholes that are detrimental to consumers. By linking the findings to the Consumer Protection Law, this study shows the need for concrete steps to improve policies and law enforcement in the aviation industry, in order to create a fairer and more transparent environment for all parties.

IV. CONCLUSION

This study provides an in-depth analysis of baggage restriction and surcharge policies in the aviation industry in Indonesia, as well as compliance with consumer protection laws. Based on the results of the analysis, several conclusions can be drawn:

1. **Policy Variability:** Baggage allowance policies that vary between airlines create confusion and uncertainty for consumers. This is contrary to Article 4 of Law Number 8 of 1999, which guarantees the right of consumers to obtain clear and correct information.
2. **Lack of Transparency:** Research found that many airlines are not transparent in applying surcharges, which is detrimental to consumers. This practice violates Article 7, which requires business actors to provide sufficient information to consumers and subsequently in Article 8 concerning the prohibition for business actors who if violated, will receive sanctions.

3. **Low Legal Compliance:** Despite the regulations governing consumer protection, many airlines do not comply with these provisions. This gap shows the need for increased law enforcement, as provided for in Article 62, which provides for sanctions for violations.

4. **Recommendations for Improvement:** Research recommends that governments develop clearer guidelines regarding baggage restriction policies and surcharges. Increased transparency and stronger law enforcement mechanisms are also urgently needed to protect consumer rights.

Overall, the study emphasizes that to create a fairer and more transparent aviation industry, collaboration between governments, airlines, and consumer protection organizations is needed. These measures will help ensure that consumer rights are protected in accordance with the principles set out in the Consumer Protection Act.

Based on the results and discussion of this study, several suggestions can be made to improve baggage restriction and surcharge policies in the aviation industry in Indonesia, as well as improve compliance with consumer protection laws:

1. **Policy Standardization:**
The government needs to develop clear and comprehensive guidelines regarding baggage restrictions and surcharges. This will help create consistency among all airlines, in accordance with Article 4 of Law Number 8 of 1999, which emphasizes the right of consumers to be clearly informed.
2. **Increased Transparency:**
Airlines should be required to provide clear information about baggage restriction policies and surcharges in all promotional materials and at the time of booking. This is in line with Article 7, which requires business actors to provide accurate and non-misleading information.
3. **Consumer Education:**
Educational campaigns are needed to raise consumer awareness of their rights, including the right to adequate information. This education can be done by the government or consumer protection organizations.
4. **Law Enforcement Strengthening:**
Law enforcement should be strengthened to ensure that airlines that violate the Consumer Protection Act are subject to appropriate sanctions. This includes the implementation of Article 62, which provides sanctions for violations, to make airlines more responsible.
5. **Improved Complaint Mechanism:**

The government needs to provide a more effective complaint channel for consumers who feel aggrieved by airline policies. This mechanism must be easily accessible and provide a quick response to consumer complaints.

6. Collaboration Between Stakeholders:

Collaboration between governments, airlines, and consumer protection organizations is needed to formulate policies that are more responsive to the needs and rights of consumers. Discussion forums or regular meetings can help reach a better deal.

With these measures, it is hoped that the aviation industry in Indonesia can develop more fairly and transparently, as well as provide better protection for consumers in accordance with the principles stipulated in the Consumer Protection Law.

REFERENCES

- [1] S. Ramadani, "Protection Of Human Rights Against Female Commercial Sex Workers as Victims of Trafficking in Person Under law Number 21 of 2007 Concerning The Crime of Trafficking in Persons," in *Proceeding International Seminar and Conference on Islamic Studies (ISCIS)*, 2023.
- [2] S. H. Syahrannuddin and S. H. Suci Ramadani, "CRIMINAL LAW POLICIES IN OVERCOMING CYBER CRIME IN INDONESIA," in *Proceedings of The International Conference on Multi-Disciplines Approaches for The Sustainable Development*, 2023, pp. 738–742.
- [3] S. Wahyuni, "Implementation of Data Mining to Analyze Drug Cases Using C4.5 Decision Tree," *J Phys Conf Ser*, vol. 970, no. 1, 2018, doi: 10.1088/1742-6596/970/1/012030.
- [4] A. Zalukhu, B. Fitrianto, and S. Nurhayati, "JURIDICAL REVIEW OF INHERITANCE PROPERTY DISPUTES REVIEWED FROM NIAS CUSTOMARY LAW CASE STUDY: GUNUNGSITOLI STATE COURT RULING NO. 84/PDT. G/2021/PN GST," *Journal of International Islamic Law, Human Right and Public Policy*, vol. 2, no. 2, pp. 415–424, 2024.
- [5] S. Nurhayati, O. Medaline, and A. K. Sari, "PENATAAN ASET DAN AKSES DALAM MENINGKATKAN KESEJAHTERAAN MASYARAKAT MELALUI PENDAFTARAN LAHAN SISTEMIK LENGKAP," *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana*, vol. 4, no. 2, pp. 282–291, 2022.
- [6] S. Nurhayati, E. Wakhyuni, and S. A. Hasibuan, "Enforcement of Labor Wages Below the Minimum Standard Reviewed from Government Regulation (PP) Number 36 of 2021 Concerning Wages and Islamic Law," *Paragraph*, vol. 1, p. 36, 2021.
- [7] F. Rafianti, S. Nurhayati, E. Wakhyuni, and M. Andafi, "The Challenges of Implementing the Online Single Submission (OSS) System in Business Licensing (NIB) and Halal Certification Processes," *Pena Justisia: Media Komunikasi dan Kajian Hukum*, vol. 23, no. 3, pp. 586–599, 2024.
- [8] N. Elisa, J. Damanik, A. Suhada, and A. Siagian, "Sosialisasi Pentingnya Kepemilikan Sertifikat Tanah Untuk Menjamin Kepastian Hukum Di Kampung Tangguh Kelurahan Cengkeh Turi Kecamatan Binjai Utara," *Jurnal Pengabdian Kontribusi Unhamzah*, vol. 3, no. 1, pp. 47–50, 2023.
- [9] A. Siagian, R. Rahmadany, and S. Istiawati, "ANALISIS REGULASI PINJOL PADA SENGKETA KONSUMEN YANG BERBASIS KEADILAN," *Jurnal Perspektif Hukum*, vol. 5, no. 2, pp. 36–46, 2024.
- [10] R. Hartati, "Perlindungan Hukum Konsumen Nasabah Pinjaman Online Ilegal (Pinjol Ilegal)," *Jurnal Hukum Kenotariatan Otentik's*, vol. 4, no. 2, pp. 167–185, 2022.
- [11] E. N. Agustin, S. A. Maghfiroh, S. R. Annisa, and N. D. Istanti, "Analisis Kebijakan Perlindungan Hukum Korban Malpraktek Profesi Medis: A Literature Review," *Jurnal Ilmiah Kedokteran Dan Kesehatan*, vol. 2, no. 1, pp. 53–64, 2023.
- [12] Y. Triana, I. Setianari, M. Mahendra, and F. Akbar, "Perlindungan Hukum Terhadap Pasien Atas Kelalaian Medis Oleh Tenaga Kesehatan Di Rumah Sakit," *Jurnal Pendidikan dan Konseling (JPDK)*, vol. 5, no. 1, pp. 1046–1052, 2023.
- [13] G. Naurah and M. Simarmata, "Implementasi Undang-Undang Kesehatan Jiwa Dalam Menjamin Perlindungan Masyarakat Dengan Gangguan Kejiwaan," *Judge: Jurnal Hukum*, vol. 5, no. 04, pp. 65–71, 2024.