

Functionalization of Criminal Sanctions Against Negligence in Aircraft Inspection in The Lion Air JT610 Case

Sulaiman Hadaya Ilham¹ Ade Adhari^{1,*}

¹ Faculty of Law, Universitas Tarumanagara, Jakarta, Indonesia

*Corresponding author, Email: adea@fh.untar.ac.id

ABSTRACT

One of the factors resulting from an airplane accident can be caused by the negligence of aircraft personnel in carrying out their duties. Negligence/omission (culpa) in criminal law is an action that should be done carefully but does not do it or lacks attention to the consequences that arise. If aircraft personnel commit negligence in the inspection of aircraft that results in a fatal accident then they must obtain a penalty by existing regulations. In particular, criminal sanctions related to aircraft are regulated in Undang-Undang Nomor 1 Tahun 2009 Bab XXII Pasal 401 to Pasal 443 and Kitab Undang-Undang Hukum Pidana (hereinafter referred to as the KUHP) Bab XXIX A concerning Aviation Crimes and Crimes Against Facilities Pasal 479a-Pasal 479r. Based on the supporting facts (contributing factors), one of the causes of the crash of the Boeing 737-MAX registration PK-LQP with flight number JT-610 belonging to Lion Air crashed in the Java Sea was an AOA miscalibration of 21 ° (twenty-one degrees). The results of the NTSC investigation also found that the replacement AOA sensor installed on the JT 610 aircraft experienced a calibration error due to inadequate repairs carried out in Florida, resulting in miscalibration. Based on this incident, Lion Air ensured compensation for the victims of the JT 610 plane crash by the Regulation of the Minister of Transportation Number 77 of 2011 concerning the Responsibilities of Air Transport Carriers. In Pasal 3 PM 77/2011, it is stated that passengers who died on the plane due to accidents or events that are solely related to air transportation will be compensated for Rp 1.25 billion per passenger.

Keywords: *Lion JT 610, Aircraft, Airplane accident*

1. INTRODUCTION

Airplane accidents are never caused by a single factor that stands alone. A cause that stands alone does not mean anything, but when these causal factors are combined with various other causal factors, it can cause fatal aircraft accidents and can result in the death of people. There are various factors in the aircraft accident, such as the human factor (man), the aircraft itself (machine), the environment (environment), the use of the aircraft (mission), and management (management). Humans (man) as the cause are usually the pilot captain, when in fact this is not the case, because the human consists of every person or personnel who are directly involved in flight operations. They are aircraft technicians, aircraft crew, flight officers (briefing office), flight operations officers, all of which include humans who can play a role in airplane accidents.

One of the most important flight personnel is flight technician. Based on the Regulation of the Minister of Transportation Number 64 of 2011 concerning the Criteria, Duties and Authorities of Aviation Technicians, an aircraft technician is someone who is given full duties, responsibilities, authorities and rights by the authorized

official to carry out the duties/activities of operating, maintaining and repairing facilities security, safety and aviation services. One of the factors due to accidents in airplanes can be caused by negligence of aircraft personnel in carrying out their duties. Negligence/omission (culpa) in criminal law is an action that should be done carefully but does not do it or lacks attention to the consequences that arise.

One example of a civil aircraft accident involving negligence is the crash of an Air Asia QZ8501 airplane that crashed in Pangkalan Bun waters, where the victims formed an association called the *Ikatan Perkumpulan Reformasi Penerbangan*, they have 10 statements one of which reads:

"We, the families of the victims, are very surprised and devastated by the KNKT report which stated that the initial factor that caused the plane crash was the failure to detect solder cracks in the electronic mudole on the Rudder Travel Limiter Unit (RTL) which disrupted the RTL system 23 times in 12 months. the last one was in 2014, where the last 3 months the intensity of the disturbance became more frequent".

The negligence committed by flight personnel in the Air Asia plane tragedy above was fatal, it is known that the

cause of the accident was initiated by the negligence of flight personnel in detecting a malfunction in the aircraft which led to the loss of 155 passengers. In the State of Indonesia itself, regarding sanctions involving aircraft are regulated in laws and regulations, as a form of protection for the Indonesian people as mandated in the basis of the Indonesian State as stated in Pasal 28 letter (a) of the 1945 Constitution which reads " Everyone has the right to live and defend life and life. In particular, criminal sanctions related to aircraft are regulated in Law Number 1 Year 2009 Chapter XXII Pasals 401 to 443 and the Criminal Code (hereinafter referred to as the Criminal Code) Chapter XXIX A concerning Aviation Crimes and Crimes Against Facilities. / Aviation Infrastructure Pasal 479a-Pasal 479r.

On Monday, October 29, 2018, at 6.20 am WIB, the Boeing 737-MAX 8 aircraft with registration PK-LQP and Lion Air as the Operator, took off from Soekarno-Hatta Airport Jakarta, headed for Pangkal Pinang Airport which was scheduled to arrive at 7.20 am WIB, but the plane lost contact at 6.31 WIB at an altitude of 1,112.5 meters with a speed of 638.94 km/hour. The plane carried 189 including 8 crew members and 181 passengers. The plane crashed and crashed in the Tanjung Karawang Sea. Based on AFML (Aircraft Flight Maintenance Log) data, this aircraft has had problems since October 26, 2018. Reporting from the official Lion Air website, the 737-8 MAX aircraft with registration number PKP-LQP is made in 2018 and has only been operated by Lion Air since 15 August 2018.

Based on the supporting facts (contributing factors), one of the causes of the crash of the Boeing 737-MAX registration PK-LQP with flight number JT-610 belonging to Lion Air crashed in the Java Sea was an AOA miscalibration of 21 ° (twenty-one degrees). The results of the NTSC investigation also found that the replacement AOA sensor installed on the JT 610 aircraft experienced a calibration error due to inadequate repairs carried out in Florida, resulting in miscalibration. On October 28, 2018, in Denpasar, Lion Air used the improperly calibrated AOA sensor on the downed plane, they only checked the documentation of the sensor results and did not record the sensor results that were miscalibrated and used an alternative method to install the AOA sensor without performing the detailed inspection. From the information we got from the results of the NTSC report on the Lion Air tragedy, this error was the cause that triggered the accident, should be subject to criminal sanctions by Pasal 479g of the Criminal Code because the incident that befell the plane with flight JT610 caused a very fatal loss, namely the plane crash into the sea and the deaths of 188 people, then there should be very strict sanction. On Monday, October 29, 2018, at 6.20 am WIB, the Boeing 737-MAX 8 aircraft with registration PK-LQP and Lion Air as the Operator, took off from Soekarno-Hatta Airport Jakarta, headed for Pangkal Pinang Airport which was scheduled to arrive at 7.20 am WIB, but the plane lost contact at 6.31 WIB at an altitude of 1,112.5 meters with a speed of 638.94 km/hour. The plane carried 189 including 8 crew members and 181 passengers. The plane crashed and crashed in the Tanjung Karawang Sea. Based on AFML (Aircraft Flight Maintenance Log) data, this aircraft has had problems since

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If an airplane crash is seen from the perspective of civil liability, indeed the heirs of the victim receive compensation of Rp. 1.25 billion based on Law Number 1 of 2009 concerning Aviation and Ministerial Regulation 77 of 2011, but according to Martono, compensation for accident victims this aircraft is as compensation, not compensation or replacement for lost lives. In reality, the case of an airplane accident that killed passengers in Indonesia only revolves around civil liability, only paying a certain amount of compensation and insurance to the heirs, no criminal sanctions are given to the responsible party. An example of the previous case was in the crash of the Sriwijaya Air plane in 2020 that passengers received the right to compensation and anti-loss. Regulations regarding sanctions for negligence that cause aircraft to be destroyed and cause fatalities are already contained in Pasal 479g of the Criminal Code. but in practice, the application of this criminal law has not been determined and only applies civil law by providing compensation rights. Based on these reasons, the title of this research was appointed "Functionalization of Criminal Sanctions Against Negligent Actions in Aircraft Inspection in the Lion Air JT610 Case".

1.1. Methodology

1.1.1 Type of Research

The type of research used to examine this problem is normative or doctrinal legal research, carried out by researching library materials or secondary data as the basis for research by conducting a search on regulations related to the issues discussed.

Researchers chose the type of normative legal research because in the discussion of this thesis using legal theory and positive legal regulations in order to find out how the functionalization of criminal sanctions against acts of negligence in aircraft inspection in the case of Lion Air JT610.

1.1.2. Research Specification

Specifications This research is a descriptive analytical research that is taking problems or focusing on problems as they are when the research is carried out, the research results are then processed and analyzed to draw conclusions. This study tries to accurately describe the provisions, especially those relating to the functionalization of criminal sanctions that apply to negligent acts in aircraft inspections.

1.1.3. Types and Techniques of Data Collection

The data collection technique used in this study is library research, according to M. Nazir, literature study is a data collection technique by conducting a review study of books, literature, notes, and reports that have to do with the problem being solved, in In this study, the problem to be solved is how to functionalize criminal sanctions against negligent acts in aircraft inspections that result in aircraft accidents. The type of data used in this research is secondary data. In the legal field, secondary data can be divided into:

- a) Primary legal materials, namely primary legal materials consisting of basic norms, namely other laws and regulations related to the object of research, such as:
 1. The Undang-undang 1945 of the Republic of Indonesia
 2. The Criminal Code
 3. Law Number 1 Year 2009 concerning Aviation
- b) Secondary legal materials, namely legal materials that can provide an explanation of primary legal materials. Secondary legal materials are mainly legal books including theses, theses, legal dissertations, and legal journals. In addition, there are also legal dictionaries, and comments on court decisions. Secondary legal materials that will be used in this research include research results, books, scientific journals, newspapers, and internet news.
- c) Tertiary legal materials are legal materials that can help and explain primary and tertiary legal materials, such as dictionaries, encyclopedias, and others. In this study, tertiary legal materials are used to assist in finding information about aviation law and criminal law.

1.1.4. Research Approach

In conducting this research, the author uses a statutory approach which is carried out by reviewing all laws and regulations related to the legal issues being handled, namely the functionalization of criminal sanctions against negligent acts in aircraft inspections.

1.1.5. Data Analysis Techniques

The data analysis technique used is the deductive method, which is used to discuss a problem in general and then leads to a specific discussion. Saifuddin Azwar defines deduction as an attempt to conclude a previously invisible relationship based on existing generalizations. The deductive method is a method that narrows from something general in nature, then it is concluded through existing materials into something more specific. Amiruddin and Zainal Asikin explain that the logic of deduction in law departs from the identification of the rule of law.

This study uses deductive techniques to discuss transportation and crime in general to find answers to the problems discussed.

2. RESULTS AND DISCUSSIONS

2.1. Functionalization of Criminal Sanctions Against Negligent Actions in Inspection of Lion Air JT610 Airplane

In the following, $Dist(V)$ is defined as the set of all discrete The State of Indonesia is one of the International Civil Aviation Organization (ICAO), concerning Law No. 2 of 1976 concerning the Ratification of the 1963 Tokyo Convention, The Hague Convention 1970 and the 1971 Montreal Convention, drafting and enacting Laws Number 4 of 1976 concerning Amendment and Addition of several Pasals in the Criminal Code relating to the Expansion of the Applicability of Provisions for Criminal Laws, Aviation Crimes, and Crimes Against Aviation Facilities or Infrastructure which took effect on April 26, 1976, and added a new chapter after Chapter XXIX in the Criminal Code, namely Chapter XXX which regulates matters relating to aviation crimes and crimes against aviation facilities or infrastructure. In that chapter, it consists of 18 Pasals that state prohibited, harmful, and also dangerous actions in the realm of aviation.

With the Indonesian government converting international regulations and including chapters on aviation crimes and crimes against aviation facilities or infrastructure in the Criminal Code, giving rise to a new term in criminal acts, namely aviation crimes, where every action that meets the formulation of the Pasal contained in Chapter XXX or Pasal 479 letter a to Pasal 479 letter r of the Criminal Code is stated as a form of aviation crime. In the problem regarding the Lion Air JT-610 accident, there are 9 supporting factors that caused this plane to crash in the waters of Tanjung Karawang. The following factors are:

1. Assumed Pilot response to damage.
2. Associated with the MCAS (Maneuver Characteristic Augmented System) sensor.
3. Sensor AOA (Angle Of Attack).
4. Lack of detailed MCAS or trim guidance.
5. AOA Disagree Warning.
6. Miscalibrated AOA replacement sensor.
7. Test the installation of the AOA sensor.

8. Lack of Documentation.
9. Communication with ATC did not run smoothly and was ineffective.

Previously in his presentation, according to the Chairman of the Aviation Investigation Sub-Committee, Nurcahyo Utomo, emphasized that the 9 contributing factors that caused the Lion Air PK-LQP plane crash were interrelated with each other. According to him, if one of the factors did not occur, then the accident on October 29, 2018 may not have occurred. At the press conference held, he said:

"So the nine we found were nine things that happened that day that resulted in accidents. If any of these nine didn't happen, maybe the accident didn't happen. These nine are related."

One of the fatal factors in the Lion Air JT610 crash was related to the MCAS feature and the AOA sensor. On this Boeing 737 MAX-8 aircraft, the MCAS feature is an automatic feature that is useful for protecting the aircraft from dangerous maneuvers, if the nose of the aircraft is in a position that is too high, the MCAS feature will automatically lower the nose of the aircraft back to its normal position. Based on the final report on the results of the NTSC investigation, these 9 factors were supporting factors that caused the accident to occur. Regarding the installed AOA sensor, there was a calibration error when the sensor was in America, which was then sent to

Indonesia to be used on the downed 737 MAX 8 PK-LQP.

Explained that the position of the AOA sensor on the SMYD computer was not recorded by the BAT (Batam Aero Technic) technician, even though the existing procedure required recording the test results of the AOA sensor to be installed. During the accident investigation process, the technicians in charge of installing and inspecting were asked to provide information in the form of pictures as evidence that the installation and checking of the AOA sensor was successful. But in fact, the images provided are not the result of installation photos on the plane that crashed. The photo fails and is rejected as proof that the installation went smoothly. The results of these trials prove that the miscalibrated AOA sensor should not pass and is not feasible to be installed on the aircraft.

Based on the explanation and data above, an error in the installation during the inspection was a very fatal thing, because it was one of the factors that caused the plane to crash and killed 189 people. The photos/pictures that were supposed to be evidence for the installation turned out to be not from the plane that had an accident, but they gave NTSB and Boeing the results of photo evidence of other aircraft. If they realize and note that there is a miscalibration/deviation of the AOA sensor that appears on the SMYD computer, then the MCAS sensor will run smoothly and no accidents will occur. These actions must be subject to sanctions in accordance with the applicable criminal provisions in accordance with the Act. because the action was negligence/negligence that caused the accident to occur.

The regulations or laws regarding criminal acts in Indonesia do not provide an understanding of acts of negligence (culpa), but this understanding is in the Explanation Minutes of the Draft Dutch Criminal Code. said that in

general, wet crimes require that the defendant's will be directed at actions that are prohibited and are punishable by punishment. Except that the prohibited situation may be so dangerous to the general safety of people or property and if it occurs it causes a lot of harm, that wet must also act against those who are not careful, who are careless. Here the mental attitude of the person giving rise to the prohibited conditions is not against the prohibitions; he does not want or approve of the occurrence of a forbidden thing, but his fault, his mistake in his mind when he did something that caused the forbidden thing was that he did not heed the prohibition.

According to the chairman of the KNKT Aviation Accident Subcommittee, Capt. FX Nurcahyo Utomo said: "Because there is already a certification that is already there and it has been approved, the operator only needs to install it. They only check the documentation. It is considered clear. Even if there is a difference, it will not be detected," he said. Previously in his presentation, Chairman of the Aviation Investigation Sub-Committee Nurcahyo Utomo emphasized that the 9 contributing factors that caused the Lion Air PK-LQP plane crash were interrelated with each other. According to him, if one of the factors did not occur, then the accident on October 29, 2018 may not have occurred. Meanwhile, according to the NTSB and Boeing, technicians should have been able to detect a miscalibration error of 21° so that the plane did not use the sensor that had the miscalibration.

This periodic inspection is an obligation for every flight personnel who already has a certificate of proficiency or license in accordance with their respective fields, this is further emphasized in Pasal 223 paragraph (1) of Law Number 1 of 2009. The purpose of periodic inspections of The purpose of the flight personnel is to know for sure regarding matters that can affect the performance of each personnel so that things that can endanger the safety and security of a flight mission can be avoided. Conducting periodic and routine inspections of flight personnel becomes a benchmark or standardization that a flight is not an ordinary field, but requires seriousness and thoroughness in all related aspects, so that if there is a violation of the provisions that have been specifically stipulated Therefore, it can be concluded that the violation can result in a fatal accident.

Indonesian criminal law in accordance with the applicable provisions and contained in Chapter XXX of the Criminal Code, as described previously, has provided special arrangements for matters related to aviation. Regarding the accident of an aircraft, in the provisions of the criminal rules contained in the Criminal Code (KUHP), it is expressly regulated that an act, whether intentionally, against the law, or due to negligence, can cause an aircraft to be injured. (incident), destroyed and cannot be used or damaged (accident), is a criminal event.

It was also concluded that in principle the Criminal Code has fully regulated criminal acts related to aircraft accidents, both pure and impure aircraft accidents. However, there still needs to be improvements in some articles. Then, it was found that there was an obstacle to the functionalization of criminal law in aircraft accidents, including the difficulty of

collecting evidence as referred to in Pasal 184 of the Criminal Procedure Code, the lack or even the absence of experts in the National Police as investigators in charge of this problem, the lack of access between the Police as investigators and the Aircraft Accident Investigation Commission (Aircraft Accident Investigation Commission) often kills all flight crew and passengers on the aircraft and the flight technology is very complicated. The difficulty of collecting accident information and evidence of aircraft accidents is partly due to the lack of openness of the Aircraft Accident Research Committee, both openness in providing a resume of accidents that occurred and openness in submitting evidence. In fact, the international trend lately shows that almost no information is hidden from the public, for example in the Swissair 111 plane crash to Geneva on 2 September 1998 which fell eight kilometers from Peggy's Cove, Nova Scotia which killed 229 people. In fact, transcripts of conversations between flight crews or between flight crews and ATC officers can be accessed via the internet. Thus, the victim and or the victim's family as consumers can get the right to know all the latest developments that can be obtained very quickly. Furthermore, it is suggested the need to improve several articles in the Criminal Code and the Aviation Law. Efforts to functionalize criminal law can be pursued with two alternatives. The first alternative in the Draft Government Regulation that regulates Aircraft Accident Research needs to be regulated by the authority of the Chair of the Commission to be able to provide flight data to the National Police as an investigator (except for reports on the results of the research), then the Police can utilize PPKPT personnel from the Indonesian Air Force PPKPT Team and experts from the Directorate General of Hubud as an expert witness. The second alternative is to improve Law Number 1 of 2009 concerning Aviation, namely by establishing a collateral institution that functions as an investigator and also the Aviation Profession Council in aviation crimes. This collateral investigator consists of elements of the National Police, experts from the Directorate General of Hubud and experts from the Indonesian Air Force, of which Poiri is the coordinator. Furthermore, it is very important to establish the Aviation Profession Council. In this case, it is necessary to immediately think about the existence of this Assembly which is appointed by the President and is responsible to the DPR or at least to the President through the Minister of State Secretariat. This is very much needed in an effort to protect the safety of all modes of transportation and the independence of Investigators other than KNKT.

Air transportation can be categorized as the most risky traffic so that in the application of negligence in criminal law, especially negligence in flight, it can be expanded, so that Article 360 and Article 361 of the Criminal Code can be broadly described in the application of sanctions against technicians. Based on this incident, Lion Air ensured compensation for the victims of the JT 610 plane crash in accordance with the Regulation of the Minister of Transportation Number 77 of 2011 concerning the Responsibilities of Air Transport Carriers. billion. In Article 3 PM 77/2011 it is stated that passengers who die on the plane due to accidents or events that are solely related to air

transportation will be compensated for Rp 1.25 billion per passenger. Then the next point explained, passengers who died due to incidents related to air transportation during the process of leaving the airport waiting room to the plane or during the process of getting off the plane to the arrival hall were given compensation of Rp 500 million. Meanwhile, passengers who experience permanent disability and are declared by a doctor within a period of no later than 60 working days from the accident are compensated Rp 1.25 billion per passenger. Then for passengers who are injured and have to undergo treatment in hospitals, clinics, or treatment centers as inpatients and/or outpatients, is compensated Rp 200 million per passenger.

2.2. Forms of Criminal Liability for Negligence Causing Airplane Accidents

It can be said that there is an error if the maker can be held accountable for his actions. His actions can be 'reproached' against him. This reproach is not an ethical reproach, but a legal reproach. Some acts that are ethically justified can be punished. The rule of law can force our personal ethical beliefs to be put aside. Objective criticism can be accounted for by the maker into subjective criticism. In this case the maker is seen from the perspective of society, he can be blamed because in fact he can do other things if he doesn't want it like that.

Roeslan Saleh once said that "viewed from the community" shows a normative view of his mistakes, in the past people had a psychological view of mistakes as did the Dutch WvS founders, but now they have a normative view. In Indonesian there is only one term that can be used, namely accountability, while in Dutch there are 3 synonyms according to Pompe, namely aansprakelijk, verantwoordelijk, and toerekenbaar. The person who is aansprakelijk or verantwoordelijk, while toerekenbaar is not the person, but an act that is accountable to people. Usually book writers/experts use the term toerekeningvaatbaar. Pompe objected to the use of the last term (toerekeningvatbar), because it was not the person, but the act of toerekeningvaatbaar. Pompe said, as a measure to be accounted for (toerekenbaarheid) most experts/writers use a formula that the maker may think of about the meaning of the action and the thought is directed to the appropriate action.

Criminal liability must be clear in advance who can be accounted for. This means that it must be considered first who is declared as the maker of a criminal act. The question is whether accountability is asked for or what is not important is the policy of the interested parties to decide whether or not they feel the need for such accountability. This problem concerns the subject of criminal acts which are generally by the legislator for the crime in question. But in reality, it is not easy to determine who the maker is because to determine who is guilty it must be in accordance with the existing process, namely the criminal justice system. Thus the responsibility is always there, even though it has never been demanded by interested parties, if the implementation of the role that has been running does not

achieve the desired goals or requirements. Likewise, the problem of the occurrence of criminal acts or offenses, an action that has violated the law that has been done intentionally or not by law which has been declared as an act or action that can be punished.

An act that is against the law is not enough to impose a punishment in addition to behavior against the law there must be a maker (dader) who is responsible for his actions. Van Hamel stated that responsibility is a normal condition and psychological maturity that brings 3 (three) kinds of abilities to:

1. Understand the meaning and consequences of one's own actions.
2. Understand that his actions are not justified or prohibited by society.
3. Determine the ability of those actions so that it can be concluded that accountability (teorekensvatbaarheid) contains the meaning of ability or skill.

Moeljatno stated that criminal responsibility is not enough just by committing a criminal act, but besides that there must be an error, or an inner attitude that can be reproached, it also turns out that in unwritten legal principles there is no penalty if there are no mistakes (green straf zonder schuld, ohne schuld keinestrafe). Based on the opinion of above, it can be seen that the perpetrators can be held legally responsible if they meet the following requirements:

1. There are perpetrators of criminal acts (both individuals and legal entities).
2. There are actions (both active and passive)
3. There is an error (either intentional or culpa).
4. Able to take responsibility (no excuses and no excuses).
5. It is against the law (according to the principle of legality).

A technical log for the previous flight (from Bali to Jakarta) on Sunday (28/10/2018), showed an engine was unreliable and the pilot had to hand over control to the co-pilot, the BBC reported after seeing the note.

"Identified that the CAPT (captain) instrument was unreliable and handed over control to the FO (copilot)," the note said. "Airspeed's NNC is Unreliable and ALT (altitude) is not the same."

Nevertheless, the crew decided to continue their flight and landed safely in Jakarta. However, it turned out that on the way to Pangkal Pinang, the plane ended up crashing. Lion Air Group CEO Edward Srait has admitted that the plane did have a technical problem when flying from Denpasar to Jakarta, but added that the issue had been resolved. He refused to explain what the technical problems were.

"If the plane is damaged, it is impossible to allow the plane to fly from Denpasar." This alleged technical error seems to have resulted in the release of the Technical Director and Lion Air technician staff who handled the flight of the JT-610 plane heading Jakarta-Pangkal Pinang, by the Minister of Transportation (Menhub).

For starters, responsibility for aircraft accidents can actually be imposed on 3 parties, namely the airport manager, the airline, and the crew individually. Articles related to this

problem are found in Article 479g of the Criminal Code which reads:

"Whoever causes the plane to crash or crash due to negligence, will be sentenced to imprisonment for five years and seven years if it results in the death of a person."

The elements of the formulation contained in Article 479g of the Criminal Code above that determine that anyone who due to his negligence caused the aircraft to be damaged, destroyed, unusable or damaged, shall be punished:

1. With imprisonment for a term of five years, if because of the act there is danger to the lives of others; 2
2. By imprisonment for a term of seven years, if for the act resulted in the death of a person.

with elements in the form of:

- a. anyone;
- b. due to forgetfulness;
- c. causing damaged, destroyed, wretched and unusable a aircraft; and endanger or endanger the death of others.

If we look at the problem that occurred in the case of Lion Air JT610, the element "because of forgetfulness" is found in the technician who installed the AOA sensor, we connect it with the theory of negligence, then the element "causes damage, destruction, wreckage, and can no longer be used an aircraft air "that happened to the Lion Air JT610 plane that crashed and destroyed in the waters of Tanjung Karawang, then with the element of" causing danger or death of others "which killed all 189 passengers including the crew. All elements have been met, those who commit such offenses should be subject to criminal sanctions. Because of the duties and authorities performed by the captain/personnel acting on behalf of the corporation or the financial interests of the corporation, at least the corporation also needs to obtain a fine of at least three times the offense violated.

3. CONCLUSION

Based on the description above, it can be concluded that criminal sanctions in the inspection of the Lion Air JT610 aircraft must be functionalized to achieve the realization of the objectives of the criminal law, namely for the welfare of the entire community. The form of criminal liability for negligence that caused the plane crash in the Lion Air JT610 case can be requested from the airline, and the flight crew individually. Due to the duties and authorities carried out by the captain/personnel acting on behalf of the corporation or the financial interests of the corporation, at least the corporation also needs to get a fine of at least three times the wrongdoing that is violated.

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