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## Legality of the European Union flight ban towards Indonesian airlines

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**Abstract:** One of the most fundamental principles in the field of air law is the principle of State sovereignty over its airspace. Under the principle, States are responsible for the safety oversight within their territories. However, this principle received specific limitations in certain areas. The States are committed to observe the international regulations governing air navigation, as a consequence, the rights of governments to regulate air navigation above their territories are not absolute, but subject to international rules. The European Commission took the initiative in 2004 to reorganise the European airspace by launching the Single European Sky (SES) Programme. To improve aviation safety in Europe, the European Commission decided to ban airlines found to be unsafe from operating in European airspace. By reason that Indonesian airlines did not meet aviation safety standards, EU imposed a flight ban to all Indonesian airlines. This paper argues that EU flight ban is a unilateral act that violates the principle and objectives of the Chicago Convention 1944.

**Keywords:** air law; European airspace; Indonesia; Chicago Convention; Single European Sky; SES; flight ban.

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### 1 Introduction

Aviation has become the most favourable mode of transportation due to its speed, efficiency and comfort. Aviation industry in Indonesia is growing rapidly, with a number of new scheduled or non-scheduled flights emerging to offer their service to the customers. However, amidst the fast growing of this industry, accident tends to occur whether in the territory of Indonesia or suffered by Indonesian airlines. Such accidents