LEGAL VIEW ABOUT THE USE OF COMMUNICATION TOOL IN AIRPLANE THAT CAUSES THE PROBLEM OF AIR COMMUNICATION FREQUENCY SYSTEM RELATEDTO LAW NUMBER 1 YEAR 2009 ABOUT AVIATION JUNCTO LAW NUMBER 11 YEAR 2008 ABOUT INFORMATION AND ELECTRONIC TRANSACTION

ABSTRACT

HERIS SADELLA

Nowadays civilization is characterized with the advancement of information technology and globalizations that is occurring in almost every sector life. Besides that, knowledge has produced transportations facility, and one of those facilities is airplane, where by using airplane, every one can travel anywhere face and efficiently, different from the other transportation facility. Nowadays not only a crime appears, but also there are many problem that appears caused by the advancement of technology. One the biggest problem is the used of cellular phone in the airplane. In fact, in the law event the used of communications tool and be categorized as a crime because every crime is an activity of lawbreaker. Therefore, the from of lawbreaker about the used of telecommunications tool in the airplane that caused the problem of air communications frequency system needs to be analyzed. The positive law in Indonesia is article 54 letters F law number 1 years 2009 about aviations and article 33 law number 11 years 2008 about electronic information and transaction, it is one of the regulation that can be applied in the used of communication tool in the airplane. Therefore the problem appears in law number 1 years 2009 about aviations and article 33 law number 11 years 2008 about electronic information and transaction on the rules of using communication tool in the airplane and law action that can be conducted towards the user of telecommunication in the airplane.

The study employs descriptive analysis with normative juridical approach. The data is analyzed through juridical qualitative, this one law to another does not contradict, consider the law hierarchy in reaching law decision that law regulation is truly carried out by the government.

Beside on the study results, it can be concluded that the violation carried out by the user of telecommunication tool in the airplane has a subjective and objective component from article 54 letters F law number 1 years 2009 about aviations and article 33 law number 11 years 2008 about electronic information and transaction such as intentional action disturbing the electronic system and/or caused the electronic system to not function well. There as, law action that can be conducted upon the user of communication tool in the airplane is preventive law, and also repressive or law action. The verification of crime using communication tool in the airplane in the session court can use evidence system and the proof based on article 184 of the criminal code (KUHP).