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UNRULY PASSENGERS IN AIR TRANSPORT: EXPERT PERCEPTIONS AND REGULATORY CHALLENGES

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ABSTRACT

Unruly or disruptive passengers exhibit non-compliant or aggressive behavior on board aircraft, undermining safety, order, and service regularity. Such conduct encompasses refusal to follow crew instructions, verbal or physical aggression, intoxication, sexual harassment, and other forms of misconduct that compromise flight security. The growing incidence of these events has intensified the demand for more effective regulatory and operational responses. In Brazil, the issue acquired particular relevance with the enactment of Law No. 14,368/2022, which amended the Brazilian Aeronautical Code to establish the legal basis for an administrative sanctioning regime, while leaving important regulatory challenges unresolved. This study employs a qualitative, exploratory approach and applies the Delphi method with experts from diverse sectors of civil aviation, with the objective of identifying regulatory gaps and formulating guidelines for prevention and incident management. The findings demonstrate strong consensus on measures such as denying boarding to visibly intoxicated individuals and the temporary inclusion of offenders in shared no-fly lists, both recognized as effective preventive strategies. Broad agreement was also observed regarding the establishment of centralized information-sharing mechanisms and the adoption of supervisory and review procedures to ensure proportionality, transparency, and legal certainty. Divergences persist concerning the monetary level of administrative fines and the scope of cost-recovery obligations imposed on passengers. By consolidating expert perceptions into structured recommendations, the study provides empirical evidence to support evidence-based regulatory development and to promote greater consistency in addressing unruly passenger behavior.

Keywords: Unruly Passenger; Air Transport; Regulation; Safety; Delphi Method.

GENERATIVE AI USAGE STATEMENT

The authors declare that the use of generative AI tools was restricted to technical support activities, without compromising the originality, analysis, and conclusions presented in the work. All information obtained through these resources was carefully evaluated and integrated into the study, ensuring methodological rigor and academic integrity. The ChatGPT tool was used for text revision.

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1 INTRODUCTION

Unruly passenger behavior remains a persistent challenge for civil aviation, ranging from verbal disputes to aggression against crew, fellow passengers, or even damage to aircraft systems. Such events compromise flight safety and order while generating substantial operational and financial costs, including delays, diversions, and crew repositioning, which may exceed €7,000 for regional flights and reach more than €70,000 for intercontinental diversions. On a global scale, IATA (2023b) reported nearly 10,000 cases in 2016, or one incident per 1,424 flights. The FAA registered a peak of 5,973 cases in 2021, which led to the adoption of a Zero Tolerance policy with fines of up to USD 37,000 per infraction (United States, 2023). Although numbers declined thereafter, over 2,000 incidents were still recorded in 2023, confirming the persistence of the problem. In Brazil, ABEAR reported 979 disruptive incidents in 2024—an 87% increase compared with 2023—reflecting both the recovery of air travel and persistent psychosocial stressors (ABEAR, 2024). This surge prompted the enactment of Law No. 14.368/2022, amending the Brazilian Aeronautical Code (Article 232) to establish an administrative sanctioning regime and granting ANAC authority to regulate responses such as boarding denial, fines, and suspension of ticket sales (Honorato, 2023).

Against this backdrop, the present study employs a qualitative, exploratory approach through the Delphi method to synthesize expert perceptions of the effectiveness of Brazil's regulatory and operational measures. Instead of pursuing a legal-dogmatic analysis, the research adopts the new regulatory framework as contextual background for structuring questionnaire axes. This enables the assessment of consensus and divergence among specialists on issues such as proportionality of sanctions, information sharing, passenger education campaigns, and cost recovery. By consolidating these perceptions, the study provides empirical evidence to support sub-regulatory improvements and strengthen ANAC's capacity to preserve order and safety in air transport.

2 STRUCTURED AND CRITICAL REVIEW

The literature frames unruly passenger behavior as a multifactorial phenomenon triggered by intoxication, frustration with the travel experience, mental health crises, interpersonal conflicts, and unrelated emotional stressors (Coyle et al., 2021; IATA, 2023b). While no universal classification exists, the four-level threat taxonomy of ICAO Doc 9811 and IATA is widely adopted, ranging from verbal disruption (Level 1) to flight deck breach attempts (Level 4), providing a graduated framework to distinguish administrative violations from criminal acts (Timmis, Budd & Ison, 2018). Incidents can occur at any stage of the journey, highlighting the role of early detection by ground staff (Cheng-Hua & Chang, 2012) and the influence of environmental stressors such as queuing and crowding (DeCelles et al., 2019). Operational consequences include delays, diversions, crew changes, and reputational damage, with frequent triggers such as non-compliance with safety instructions, intoxication, and smoking violations, alongside rising verbal and physical assaults (IATA, 2023b; EASA, 2024).

These insights informed the Delphi design, which prioritized preventive measures (e.g., boarding denial for intoxicated passengers), sanction calibration through severity-based classifications, information-sharing to prevent operator shopping, passenger education campaigns, and cost recovery mechanisms. In Brazil, the legal framework has shifted from reliance on criminal prosecution under Penal Code Article 261 to an administrative regime established by Law No. 14,368/2022, empowering ANAC to regulate unruly passenger handling via RBAC 108 and a forthcoming resolution (Honorato, 2023). This aligns with international standards by combining

preventive authority, proportional sanctions, and due process. Yet, gaps remain—such as a fully operational shared no-fly list, harmonized sanction levels, and structured education policies—which were tested in the Delphi. Results showed strong consensus on integrated preventive-repressive measures with safeguards of proportionality, transparency, and appeal rights, while divergences pointed to areas still requiring regulatory and operational refinement.

3 REGULATORY CONTEXT

Situations involving passengers who engage in verbal or physical aggression, disobey crew instructions, tamper with safety equipment, or attempt to access the flight deck have become increasingly frequent worldwide, requiring coordinated responses from regulators and operators (IATA, 2023a; Coyle et al., 2021). The literature and international rules employ terms such as unruly passenger, disruptive passenger, and air rage to define this behavior. The ICAO Aviation Security Manual (2017) distinguishes conduct that merely disturbs order from that which directly threatens flight safety, echoing the Tokyo Convention (1963), which grants the aircraft commander authority to maintain order and establishes the jurisdiction of the State of registration (Mendelson, 1967). Triggers include intoxication, dissatisfaction with services, anxiety, interpersonal conflicts, and emotional instability (Coyle et al., 2021), while ICAO and IATA have advanced a four-level typology to guide proportional responses and distinguish administrative infractions from criminal or terrorism-related acts (Timmis, Budd & Ison, 2018). Ground staff play a vital role in early detection and containment, as proper training and support help manage stressors like queuing and crowding (Cheng-Hua & Chang, 2012; DeCelles et al., 2019).

Globally, the scale of the phenomenon is reflected in official statistics. In the United States, the FAA reported 5,973 incidents in 2021, prompting the "Zero Tolerance" policy with civil fines up to USD 37,000 (United States, 2023). Despite later reductions, more than 2,000 cases were still recorded in 2023. In Europe, EASA (2024) estimates that disruptive events affect at least one flight every three hours and has launched awareness initiatives such as #NotOnMyFlight. Countries like Australia, the United Kingdom, and India have adopted measures including fines, boarding denial, offender training, restrictions on alcohol, and temporary bans. In Brazil, incidents followed a similar growth pattern, with ABEAR (2024) reporting 735 cases in 2023, the highest figure in the series, reflecting both post-pandemic recovery and enduring psychosocial stressors (Flaherty & Nasir, 2020). Figure 1 illustrates the historical evolution of unruly passenger incidents in Brazil between 2019 and 2023, highlighting the pandemic's initial dampening effect, followed by accelerated post-pandemic growth.

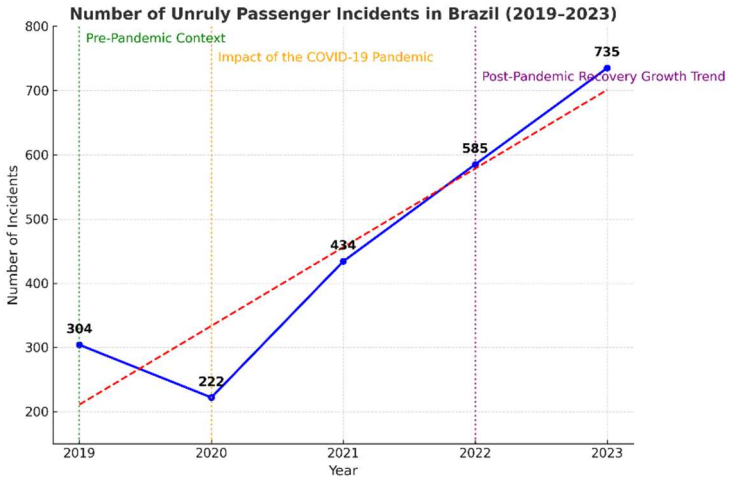


Figure 1: Incidents Involving Unruly Passengers in Brazil (2019–2023).

Historically, Brazil addressed unruly passenger incidents mainly through criminal prosecution under Article 261 of the Penal Code, which required proof of concrete risk to flight safety — a standard that often limited accountability for lower-risk or unintentional conduct (Greco, 2017; Honorato, 2023). This gap was partially addressed by Law No. 14.368/2022, which amended Article 232 of the Brazilian Aeronautical Code to establish an administrative sanctioning regime and empower ANAC to regulate proportional measures. In practice, ANAC updated RBAC 108 via Amendment 06/2024 to include boarding denial, mandatory notification of security authorities, and severity-based classifications of conduct. Public Consultation No. 9/2024 advanced this framework by proposing a resolution with a detailed list of infractions, a graduated system of sanctions (including fines and suspension of contracts), and a mechanism for a shared no-fly list with guaranteed due process and appeal rights.

Compared with international benchmarks, Brazil's framework converges with global best practices by granting preventive powers to operators and creating an administrative regime akin to the FAA's civil penalties and Europe's immediate measures. Like the FAA's Zero Tolerance approach, it emphasizes deterrence through fines and expedited procedures, while also adopting severity-based classifications aligned with EASA guidelines. Its distinctive feature is the reliance on ANAC's centralized authority, combining regulation, enforcement, and oversight in a single channel — in contrast to the fragmented enforcement systems in the United States and European Union. Remaining gaps include the operationalization of a shared no-fly list, harmonization of fines to balance deterrence and fairness, and the implementation of systematic educational campaigns. These gaps were reflected in the Delphi findings, where experts supported centralized restrictions, information sharing, and preventive initiatives, provided they respect legal safeguards of transparency, proportionality, and appeal rights.

4 METHODOLOGY

This study employs a qualitative, exploratory design with a deductive approach, aiming to capture expert perceptions on the effectiveness of regulatory and operational measures in Brazil for handling unruly passengers. The Delphi method served as the primary strategy, using two successive questionnaire rounds with iterative analysis to identify convergences and divergences of opinion. The Brazilian regulatory framework — notably Law No. 14.368/2022 and ANAC's recent initiatives — was used as contextual background for defining questionnaire axes, ensuring that the discussion reflected real sectoral challenges rather than a direct legal analysis. Anonymity was preserved to minimize authority bias and promote free expression, and the two-round design followed evidence supporting reduced rounds when response stability is achieved (Diamond et al., 2014).

Panel composition followed a purposive sampling strategy to ensure institutional diversity and practical expertise, consistent with best practices for Delphi studies. Eligibility criteria included at least one year of professional experience in regulation, operations, law enforcement, or airline management of unruly passengers, and academic or technical qualifications in areas such as civil aviation, safety, law, or public administration. Invitations were sent via institutional channels, professional networks, and targeted nominations, leading to 25 confirmed participants (65.8% of 38 invited) who completed both rounds, yielding a 100% response rate. The final panel included 8 representatives from ANAC (32%), 5 from law enforcement (20%), 4 from airlines (16%), 3 legal professionals (12%), 3 from international organizations (12%), and 2 from airport authorities (8%). Professional experience varied, with 40% having more than 10 years in the field, 28% up to 10 years, and 32% up to 5 years, ensuring both institutional and experiential breadth.

While the diversity of the panel enhanced the robustness of the consensus process, a potential bias emerged from the predominance of ANAC representatives (32%) and the largely Brazilian composition of the sample. This may have reinforced perspectives more closely aligned with the domestic regulatory framework, thus limiting the direct generalizability of findings to other

jurisdictions. Nonetheless, the participation of international experts (12%) partially offset this limitation by introducing external benchmarks and situating the results within a broader global context. Figure 2 presents the Delphi flowchart, evidencing the sequential and iterative nature of the process. The structured design ensured transparency, minimized authority bias, and enabled the progressive refinement of expert views, consistent with methodological recommendations for achieving stability and validity (Diamond et al., 2014).

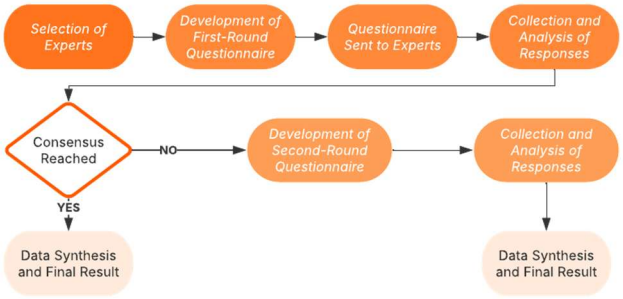


Figure 2: Delphi Method Application Flowchart in This Study (2025).

The study adopted a 75% consensus threshold following Diamond et al. (2014), while items with a coefficient of variation above 30% were deemed highly heterogeneous and reformulated in the second Delphi round. Surveys were grounded in regulatory review and theoretical foundations, covering the air transport contract, risk factors, administrative measures, the impacts of Law No. 14.368/2022, and ongoing proposals, with the first round structured into five thematic axes and the second targeting the most controversial issues. After two rounds, descriptive statistics (mean, median, standard deviation, interquartile range, and coefficient of variation) demonstrated stability, with only marginal variations in central tendency and systematic reductions in dispersion measures, indicating convergence. Consequently, the process was concluded after two rounds to avoid fatigue and attrition, consistent with methodological recommendations by Diamond et al. (2014), ensuring both the validity of the consensus and efficient use of expert resources.

Table 1 - Delphi Study Transparency: Thematic Axes, Round 1 and Round 2 Propositions, and Likert Scale Anchors

Thematic Axis	**Round 1 Proposition** (1 = Strongly disagree / 7 = Strongly agree)	**Round 2 Proposition**
Contract & Passenger Journey	The air transport contract is clear and informs passengers of obligations.	The inclusion of explicit clauses on unruly conduct in the air transport contract made available at ticket purchase contributes to prevention (1 = Strongly disagree / 7 = Strongly agree).
	Denying boarding to intoxicated passengers preserves safety.	–
	Early identification of at-risk behavior prevents incidents.	–
	Crew training is sufficient for standardized incident management.	–
Regulatory Framework	ANAC has adequate legal basis to regulate unruly passenger handling.	Regulation should list infractions by severity and provide appeal mechanisms. Regulation should allow risk-based enforcement, even without concrete harm (1 = Strongly disagree / 7 = Strongly agree).
	Penal approach alone is insufficient; administrative measures are needed.	
	Cooperation between ANAC and security agencies is effective.	–
Sanctions & Enforcement	No-fly lists and reinforced protocols mitigate unruly behavior.	Centralized restrictions and information-sharing mechanisms should prevent operator shopping (1 = Strongly disagree / 7 = Strongly agree).

	Boarding restrictions must be based on evidence and respect due process.	–
	Administrative fines and cost recovery are effective deterrents.	High-value fines and cost recovery should be applied (1 = Not effective / 7 = Extremely effective).
	Airlines should be able to suspend ticket sales up to 12 months for severe cases.	Temporary inclusion in a shared no-fly list is effective (1 = Not effective / 7 = Extremely effective).
Contributing Factors	Factors such as higher passenger density and perceived decline in service quality contribute to the rise in unruly passenger incidents.	Cabin density, ancillary fees, poor communication, and overbooking contribute to incidents (1 = No Contribution / 7 = Extremely significant contribution).
		Excessive alcohol consumption is a major driver of incidents (1 = No Contribution / 7 = Extremely signif-icant contribution).
Awareness & Prevention	Awareness campaigns by ANAC have shown positive results.	Campaigns by ANAC and by airlines are effective for prevention (1 = Not effective / 7 = Extremely effective).

5 RESULTS

The comparison among expert groups revealed strong consensus on preventive measures to mitigate operational risks—such as denying boarding to intoxicated passengers, restricting repeat offenders, and promoting early identification of risk behaviors—as well as agreement on the need for objective criteria to classify conduct, apply sanctions, and deny ticket sales in severe cases, aligning with Honorato (2023) on the importance of regulatory typification and procedural standardization. However, analysis of first-round responses showed notable divergences among subgroups on issues including contractual clarity, evidentiary requirements for boarding restrictions, civil liability, and the proportionality of severe sanctions. Figure 3 illustrates these differences by comparing the mean Likert scores across the four expert subgroups, highlighting the areas where interpretive divergence was most pronounced.

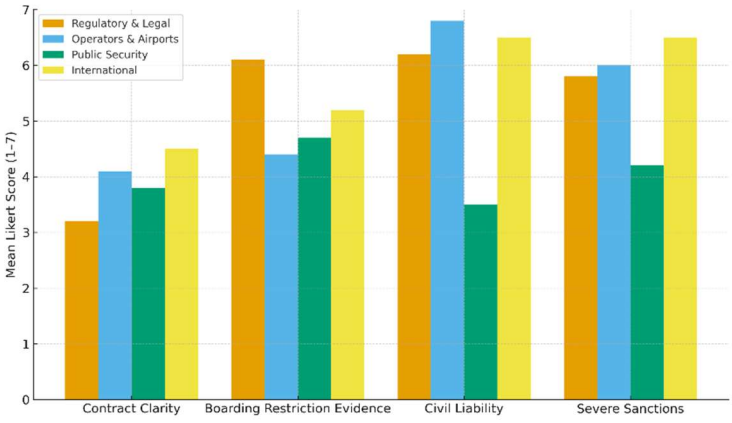


Figure 3 - Comparison of Expert Subgroups – Selected Propositions

The legal and regulatory groups adopted a more cautious stance on sanctions, stressing due process and normative precision before applying restrictive measures (Greco, 2017; Santander, 2018). In contrast, operators and public security representatives prioritized rapid containment of incidents, even when full legal formalities were not yet met. This divergence was especially visible in Q17, where legal experts emphasized robust documentation to justify boarding restrictions, while operational actors feared delays that could compromise flight regularity—a classic tension between legal safeguards and regulatory efficacy also noted by Abeyratne (2019). International experts demonstrated above-average support for contractual reinforcement, severe sanctions, and preventive restrictions, likely reflecting familiarity with more consolidated frameworks. Such divergences do not undermine the method's validity but enrich the analysis, as highlighted by Beiderbeck et al. (2021), by exposing interpretive and operational tensions that must be addressed in regulatory design.

The quantitative analysis of the first round revealed strong consensus for containment strategies such as boarding denial and the early identification of risk behaviors, particularly when linked to psychoactive substance use, echoing findings in the literature. Figure 4 presents mean scores and coefficients of variation for all first-round items, showing which topics displayed the greatest heterogeneity and thus shaped the second-round design. Figure 5 replicates this analysis for the second round, demonstrating reduced dispersion and greater convergence of expert views. Together, these figures illustrate how the iterative refinement of the Delphi method fostered alignment among participants while maintaining visibility of underlying divergences.



Figure 4: Mean and CV of First-Round Responses

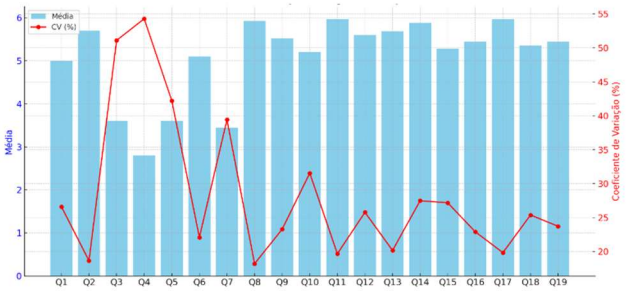


Figure 5: Mean and CV of Second-Round Responses

Experts emphasized the importance of regulating boarding denial as a preventive measure (Honorato, 2023), while substance consumption was consistently identified as a major trigger of incidents (IATA, 2023a). At the same time, criticisms were raised about the lack of contractual clarity regarding the legal consequences of misconduct and the inadequate handling of passengers with mental health disorders — gaps that, according to Mendelson (1967) and Schwab (2001), continue to undermine predictability and the effectiveness of regulatory responses.

Regarding regulatory and institutional performance, there was strong support for standardizing classification criteria across airlines and adopting formal typologies of unruly conduct (e.g., minor, serious, very serious). Experts also highlighted the insufficiency of relying exclusively on criminal prosecution, reinforcing the role of administrative instruments. Greco (2017) advocates administrative sanctioning law as a more suitable approach for less severe cases, while Santander (2018) stresses the proportionality and deterrent effectiveness of administrative sanctions. By contrast, awareness campaigns were evaluated with some skepticism concerning their practical impact.

Support was also expressed for new sanctioning measures under the amended CBA, including boarding restriction lists, high-value financial penalties, and denial of ticket sales for severe infractions. These findings reflect recognition of the legitimacy of proportional, graduated measures when accompanied by due process guarantees, consistent with the principle of reasonableness. Santander (2018) underscores the deterrent effect of financial sanctions, while Honorato (2023) notes that the new Article 232 provides the legal basis for restrictive measures within a framework of legal safeguards. Collectively, these results suggest growing acceptance of a more robust and integrated regulatory system to deter and suppress unruly behavior.

The second Delphi round was structured around topics that showed the greatest disagreement in the first, with four thematic axes prioritized: contractual clarity, operational factors, the legal basis of regulatory authority, and the effectiveness of sanctions. Reformulated questions explored the inclusion of explicit behavioral clauses in air transport contracts, which experts viewed positively for preventive purposes but questioned in terms of enforceability. Many highlighted difficulties with comprehension due to technical language and digital formats, echoing feedback in ANAC's Public Consultation No. 09/2024 (ANAC, 2024). Concerns were also expressed about the practical impact of Law No. 14.368/2022 in the absence of detailed regulations.

Finally, experts attributed high relevance to operational failures—such as delays and poor communication—as key triggers of disruptive behavior, consistent with Coyle et al. (2021). Alcohol consumption was the most strongly recognized factor, with high mean scores and minimal variance, confirming its disruptive potential. By contrast, factors like overcrowding and ancillary fees generated dispersed responses, suggesting less consensus despite literature linking discomfort and perceived unfairness to conflict escalation (DeCelles et al., 2019). Experts also endorsed Article 232's guidelines, supporting severity-based classifications, centralized restrictions, and information-sharing among operators, aligned with ICAO Doc 10117. No-fly lists, cost reimbursement, and high-value fines received strong backing as deterrents, while awareness campaigns by authorities and airlines were seen as complementary measures to foster a culture of safety (IATA, 2023a).

6 CONCLUSIONS

The rise in unruly behavior in air transport has generated growing concern in Brazil and worldwide, especially after the COVID-19 pandemic, which heightened stress and tension on board. These incidents compromise operational safety and demand coordinated institutional responses. The exclusively criminal approach historically adopted in Brazil has proven limited due to the evidentiary requirements of Article 261 of the Penal Code and the low effectiveness of the sanctions applied. The enactment of Law No. 14.368/2022 represented progress by granting ANAC the authority to regulate the matter, enabling the adoption of faster, proportional, and more effective administrative sanctions. At the international level, overcoming the limitations of the 1963 Tokyo Convention relies on adherence to the 2014 Montreal Protocol, which expands accountability possibilities and harmonizes legal responses among States. This context reinforces the need for an integrated regulatory framework, based on preventive measures, proportional sanctions, and appropriate procedural safeguards.

The empirical research conducted with experts enabled the collection of technical perceptions on measures aimed at addressing unruly behavior. The results indicate consensus among specialists on the need to improve the institutional handling of such cases through a balanced combination of preventive, repressive, and educational measures. The current predominantly criminal approach is viewed as limited, and there is consistent support for adopting administrative mechanisms that are faster and proportionally calibrated. This perception aligns with the new regulatory orientation introduced by Law No. 14.368/2022, which grants ANAC authority to regulate the issue at the sub-regulatory level.

Among the evaluated measures, the possibility of denying ticket sales to repeat offenders, imposing financial penalties, and reimbursing operational costs stood out positively. These proposals were well-received by experts, particularly when accompanied by objective criteria, procedural safeguards, and mechanisms for administrative review. The creation of restrictive lists and the sharing of information among airlines also achieved high levels of agreement, reinforcing the perception that coordinated and integrated responses are more effective in mitigating recurrence. These measures demonstrated increasing acceptance across successive rounds, indicating opinion stability and the strengthening of technical consensus.

Normative instruments that provide greater predictability and fairness to the sanctioning process were also valued, such as the standardization of conduct classification and the centralization of decisions on boarding restrictions. These guidelines were associated with the need to ensure regulatory uniformity and prevent arbitrariness. Conversely, initiatives such as educational campaigns and informational contractual clauses were recognized as relevant but perceived as insufficient in isolation, reaffirming the importance of more robust structural and institutional measures.

Although the results do not allow for statistical generalization due to the qualitative and exploratory nature of the study, the collected evidence offers concrete support for the ongoing regulatory debate. By gathering the opinions of experts directly involved in the legal, operational, and institutional fields of civil aviation, this research contributes to the development of public policies

more closely aligned with the sector's specificities. It is expected that the findings will not only guide regulatory action but also foster academic discussion on passenger behavior regulation, promoting normative advances grounded in technical evidence.

From a practical standpoint, the results support a set of prioritized recommendations for regulators and operators. ANAC should define objective, transparent criteria for classifying infractions, applying boarding restrictions, and determining the duration of ticket-sale prohibitions, supported by centralized decision-making and administrative review mechanisms. Operators, in turn, should implement harmonized pre-boarding risk-assessment protocols, including systematic denial of boarding to intoxicated passengers and efficient documentation procedures that balance legal robustness with operational feasibility. In parallel, both regulators and airlines should develop coordinated awareness campaigns to inform passengers of expected conduct and potential sanctions, reinforcing the preventive effect of regulation. These measures, if implemented jointly, can enhance deterrence, promote consistency, and ensure that the protection of fundamental rights is preserved alongside operational safety.

7 LIMITATIONS

Despite the methodological rigor adopted, this study is subject to limitations that must be acknowledged. The Delphi panel was intentionally composed of 25 experts, ensuring institutional diversity but inevitably constraining the statistical generalizability of the findings. The predominance of Brazilian respondents and the use of the national regulatory framework as the primary reference may also limit the external validity of the conclusions for other jurisdictions. In addition, the study was restricted to two Delphi rounds due to time constraints, which, while sufficient to achieve stability indicators and convergence in several key items, may have curtailed the potential for deeper iterative refinement of expert judgments. No external validation or robustness tests — such as triangulation with operational data or replication with independent expert panels — were performed, which may affect the reproducibility of the results. Future research could mitigate these limitations by expanding the panel size and international representation, conducting additional Delphi rounds until full saturation is reached, and complementing the qualitative findings with quantitative modeling and cross-validation techniques to strengthen the robustness and applicability of the recommendations.

Owing to the strict space constraints of the journal's guidelines, it was not possible to include the complete questionnaire, coding materials, and anonymized aggregated results within the article. Although these resources are essential for transparency and reproducibility, their length would exceed the permitted limits; therefore, they are referenced as supplementary materials available upon request or for future extended publications.

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