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Insurance On The Transportation Of Goods Through Sea Road

Fina Novianti Pratiwi¹, Intan Wiji Lestari², Martina Alvianti Setyoningrum³
^{1,2,3} Faculty of Economics and Business, University of Jember, Indonesia

Abstract

This study aims to examine marine transportation insurance in the process of transportation of goods transportation insurance by sea, the responsibility of the carrier in case of damage due to transportation, and obstacles in fulfilling the rights of the insured. The methodology used in this research is qualitative research with qualitative descriptive analysis. Search data in this study in the form of ScienceDirect and Google Scholar. We found that sea transportation occurred because there was an agreement from both parties, where there was a service user and the service provider of the transportation. When there is damage or loss of the goods carried, it is the responsibility of the carrier which has an impact on the agreement in the transportation between the owner of the goods and the passengers and the carrier. There are obstacles during the settlement of sea freight insurance claims, namely internal and external obstacles. There are parties involved in the process of transporting goods by seas such as the carrier, the sender, and the recipient. The stages of transportation of goods consist of preparation, loading, transportation, unloading, and completion.

Keywords: Responsibility, Claim Settlement, Sea Transportation, Insurance.

Jel Classification: F13, F15, F18

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Introduction

Transportation has an important position to carry out trade processes that occur at home or abroad. This is because the flow of goods can be facilitated by transportation between places. In terms of transportation, Indonesia has experienced developments that show progress with evidence of an industry that uses transportation services. Sea freight is more widely used because it is affordable in terms of cost and can load more goods than other means of transportation. Not only does it have advantages, but sea transportation also has risks such as natural disasters and

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negligence caused by parties involved in sea transportation (Viskesia, Budiarta, and Seputra, 2015). So to minimize the risks faced in sea transportation, they are transferred to IMO (International Maritime Organization), where IMO is part of the United Nations which has responsibility for security and activities in the marine environment (Erwin, 2022).

According to Anantyo and Herman (2012) transportation is a reciprocal agreement between the sender and the carrier, where the sender will be bound to give money for the transportation of goods or people, while the carrier will be bound in carrying out the transportation of goods or people based on a location to the selected destination by safe. To and Lee (2018) explained that transportation has a very important role to smooth the flow of shipping traffic, where transportation can be used as a daily necessity for community activities.

International trade is formed from international supply and demand. In trade, distribution is needed that connects producers to consumers (Viphindrartin, & Bawono, 2021). Consumer needs will be realized if transportation can carry out the flow of commodities from a production area to a consumer area because transportation has an important role in developing and carrying out a trade (Cekyay et al., 2020). The purpose of transportation is to send goods from one location to their destination efficiently (Feo, Espino, & Garcia, 2011).

Sea transportation activities are growing where ships become a form of transportation in transportation that needs in-depth attention. Such attention is like an effort to prevent and repair marine accidents. Because ships are a form of transportation in sea transportation in the form of goods or people, where every transportation there is a risk that cannot be estimated carefully. So it requires legal instruments to regulate the integrity of shipping facilities, safety in shipping, and reduce the risk of accidents at sea (Santos and Soares, 2017). This study aims to examine marine transportation insurance in the process of transportation of goods transportation insurance by sea, the responsibility of the carrier in case of damage due to transportation, and obstacles in fulfilling the rights of the insured.

Literature Review

Anantyo and Herman (2012) explain that sea transportation occurs because there is an agreement from both parties, where there are service users and service providers from the transportation. Through this agreement, it will have an impact on being responsible for cargo carriers for the safety and security of those on board. Moertiono (2019) explains that a carriage agreement is an agreement between a carrier who is bound to transport goods and people between certain locations, where the owner of the goods will be bound to give money to the transporter.

Wicaksono (2020) explained that marine insurance is a link between insurance and ships where the goods sent and the equipment transported from the ship have a risk of damage or loss which is caused by a marine disaster. The purpose of marine insurance is to keep the goods in danger that will befall a cargo on board. Trujillo (2019) explained that marine cargo insurance is an agreement between the insurer who promises to bear the insured loss with an agreement by the insured party. The agreement can also be extended to anticipate unwanted events during shipping at sea or the shipping process.

Ulfa, Bachtiar, and Hasanah (2016) explain that insurance is object protection from dangerous threats which result in losses. Transportation in water is an activity in transporting goods or people using ships. Meanwhile, the law of transportation is a law that regulates the transportation of goods or people by crossing the ocean. Ritonga, Kundori, Sengadji, and dan Ahmad (2021) explained that insurance in the shipping sector is divided into two, namely Marine Cargo Insurance and Hull Insurance. Marine cargo insurance is a form that can claim from total loss and partial loss, where the total loss contains the risk of loss that is guaranteed 100 percent and the partial loss contains the value divided by the cargo owner which is the sum of the damage to the goods or the loss of goods. Meanwhile, hull insurance is insurance that directly relates to the ship, its equipment, and the carrier to ensure the condition of the ship in terms of the engine and hull of the ship.

Ulfa, Bachtiar, and Hasanah (2016) explain that responsibility is a responsibility for actions that are carried out by a person under the law so that a person can be responsible based on punishment for actions that are contrary to the law.

Research Methods

In compiling this journal, we drew on literature reviews through journals at ScienceDirect and Google Scholar. Through the collection of several journal references, we used the literature study method and the research we conducted was qualitative research with qualitative descriptive analysis.

In this study, we determine the theme in understanding transportation insurance by sea, namely the process of transporting goods by sea, the responsibility of the carrier in case of damage that occurs as a result of transportation, and obstacles in fulfilling the insured's rights to insurance on goods transported by sea.

Results and Discussion

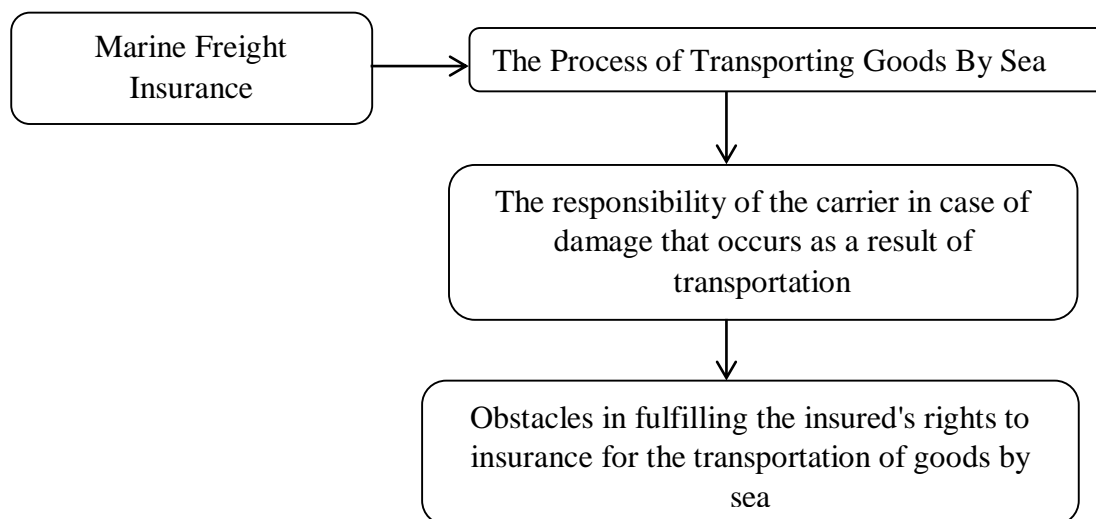


Figure1. The Process of Transporting Goods By Sea Process

In terms of stages, according to Hatta, Mochtar, and Ghufroon (2021), there are five stages in the implementation of transportation, including the first, the preparation stage, in which the sender takes care of the completion of the transportation costs as well as the required transportation documents, then the carrier provides the things needed to ship on time. approved in the published document. Second, the loading stage where the person who sent the goods gave them to the loading and unloading company so that the goods could be loaded into the carrier. Third, is the transportation stage, when the carrier will take people to their destination. Fourth, is the stage of decline or unloading, which is where the goods sent will be unloaded or unloaded to be sent to an approved place. Fifth, the completion stage which in this section is carried out if there are contra in the process such as the sender who has not paid or there is damage to the goods during the delivery process.

Dewi, Saptono, and Njatrijani (2017) discuss the delivery of goods using transportation by sea of course there are risks. Damaged or lost goods are one of the possible risks. So that there is a need for responsibility regarding the risks posed such as physical and document responsibilities. This type of responsibility is the handling carried out from the time the consignment is loaded at the place of cargo until it reaches the port which is carried out properly. The responsibility for the document itself is more to take care of licensing through Customs, trade, and other parties involved in licensing. It is hoped that this accountability method can solve problems that often occur when transporting cargo by sea.

According to Lede (2019) the delivery of goods and passengers by sea in this transportation responsibility, there are two kinds, namely First, from warehouse to warehouse is a responsibility regarding delivery from the initial entry of goods to the shipping company warehouse, the loading port to the shipping company warehouse, the port located in purpose to be handed over to the owner. Second, from tackle to tackle is a responsibility for the delivery of goods and passengers starting from the loading port at the beginning to the destination port.

In the transportation of goods or cargo by sea, there is usually an insurance claim to compensate for losses during the transportation process. According to Handayani and Sarjiyanto (2019), this claim occurs when the customer is dissatisfied with using the delivery service. In addition, it can also be in the form of a written complaint so that it requires a professional resolution from the forwarder. Some errors often arise in the completion of cargo such as goods that arrive incomplete, there are excess goods when received, loss of documents, and so on.

According to Indrati, Saptono, and Prananingtyas (2019), the obstacles that occur in the sea shipping insurance claim process are internal and external. Internal Barriers, when the process for resolving sea freight insurance claims related to rejection when claiming. The refusal occurred because the documents required according to the provisions in the policy were not met and the time used for filing a claim had exceeded the specified time limit. In claiming insurance for the transportation of goods by sea, the documents must comply with the provisions so that there are no barriers to claim rejection. External Barriers, when the process to settle a sea freight insurance claim relates to the insured party. Where the insured party at the time of insurance closing, the insurer has difficulty when obtaining the required documents in full. In addition, there are also

obstacles from the existence of a mismatch between the terms and conditions. So to overcome this obstacle, it is necessary to be reminded again about the documents used for claims to be completed by the insured and to be processed quickly in the claim settlement process.

According to Andita, Mahmudah, and Lestari (2016) when implementing a compensation payment system, one must show a confirmation which is a very long process. Where it takes a long time because obstacles with an incident can be detrimental for a long time. As in the difference in places where the distance from the goods to the starting place and the goods to the destination are far away, the time it takes to communicate is very long. The parties can settle claims for compensation that can be taken in several ways, namely through a legal assembly carried out with a legal system, through arbitration which is an agreement between the parties to immediately resolve the problem, and through deliberation or meetings that can be carried out by the parties to immediately resolve the issue. the application is completed without relating to other parties.

Conclusion

Sea transportation occurs because there is an agreement from both parties, where there is a service user and the service provider of the transportation. When there is damage or loss of goods carried, it is the responsibility of the carrier which has an impact on the agreement in the transportation between the owner of the goods and the passengers and the carrier. It is necessary to have sea transportation insurance because the insurance is the protection of objects from dangerous threats which result in losses and sea transportation occurs because there is an agreement from both parties. There are obstacles during the settlement of sea freight insurance claims, namely internal and external obstacles. There are parties involved in the sea transportation process such as the carrier, the sender, and the recipient. The stages of transportation of goods consist of preparation, loading, transportation, unloading, and completion.

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