



Responsibility of Transport Entrepreneurs for the Risk of Damaged Shipped Goods (Study at CV. Maharani Travel)

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Abstract: This research aims to investigate the responsibility of transport entrepreneurs for damaged goods based on Law no. 22 of 2009 concerning Road Traffic and Transportation, with a focus on the CV case study. Maharani Travel. The method used is empirical juridical research by collecting primary data through observation and interviews, as well as secondary data from legal materials and related literature. Based on this research, it can be concluded that transportatiXCZon entrepreneurs, such as CV. Maharani Travel, has clear and firm responsibilities regarding damage to shipped goods as regulated in Article 191 of Law no. 22 of 2009 concerning Road Traffic and Transportation. Transport operators are required to provide compensation for damage to goods that occurs during transportation, unless it can be proven that the damage was not due to their fault or negligence. This research shows that CV. Maharani Travel has implemented quite good claims handling procedures, although there are still several obstacles in the verification and compensation payment process. Therefore, improving administrative efficiency and staff training are essential to ensure consumer satisfaction and compliance with legal requirements.

Keywords: Liability, Transport Operator, Shipment of Goods

1. Introduction

Transportation, also known as freight, is a very vital field of activity in the lives of Indonesian people. However, in the process of sending consignments, the risk of damage to goods is often a challenge that must be faced (Karim et al., 2023) (Serlika Aprita, Rio Adhitya, & SH, 2020). Damage to goods is not only detrimental to the owner of the goods, but can also have an economic and reputational impact on the carrier company, as obser5ved in CV. Maharani Travel. Transportation entrepreneurs such as CV. Maharani Travel has significant legal responsibility for the security and integrity of the shipments they serve. However, even though it is regulated in the law, there are still incidents where shipped goods are damaged during the delivery process (Juwitasari, Sediati, Junaidi, & Soegianto, 2021). This shows the complexity in carrying out the responsibility of transport operators for damaged consignments (Farkhan, 2021).

In addition to Law No. 22 of 2009 on Road Traffic and Transportation, there are other regulations and provisions that govern the responsibility of freight companies for damaged goods. One such regulation is Government Regulation No. 74 of 2014 on Road Transportation, which addresses technical and operational aspects of freight transport, including the company's liability for damage or loss of goods during shipment. Additionally, freight companies must comply with the Commercial Code (KUHD) related to freight agreements, as well as specific regulations issued by relevant authorities such as the Ministry of Transportation. Despite these clear regulations,

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challenges in implementation persist, as evidenced by cases like CV. Maharani Travel, where damage to goods still occurs even though the company adheres to existing regulations. This highlights the complexity of enforcing transportation operators' responsibilities for damaged consignments during the delivery process (Widodo et al., 2020).

It should be understood that determining a transport operator's responsibility for damaged shipments involves various factors, including legal regulations, company policies, and perceptions of risk in the transport industry. Therefore, research regarding the responsibility of transport operators for damage to goods is relevant. Study of the responsibility of transport entrepreneurs for damaged goods, especially CVs. Maharani Travel, can provide valuable insight into how business practices are implemented in the freight transport industry at the local level. By understanding the practices and policies implemented by CV. Maharani Travel, in dealing with damage to shipped goods, can provide a more comprehensive picture of the dynamics and challenges faced by the goods transportation industry in general.

Likewise, the obligations and responsibilities of entrepreneurs transporting goods sent to CV. Maharani Travel is limited in accordance with the provisions of Article 191 of Law Number 22 of 2009 concerning Road Traffic and Transportation. The article states that "Public Transport Companies are responsible for losses caused by all actions taken by people employed in transport operations." (Government " . , Law No.22 of 2009.pdf," 2009.).

CV. Maharani Travel has specific provisions regarding the delivery and handling of packages as outlined in their goods delivery receipt. First, the company disclaims responsibility for any issues with the delivered packages if no complaint is lodged within 24 hours of receipt. Additionally, if the entrusted goods are not securely wrapped or packaged, any resulting damage will not be the company's liability, and claims for compensation will not be entertained. In the event of damage or loss, the company will offer reimbursement up to 10 times the shipping costs. Furthermore, shipments that are not collected within one month are not covered by the company's responsibility for damage or loss. Finally, it is important to note that entrusted items will not be checked by the company's officers. (Amiruddin, 2019)

Liability is an absolute obligation for the transportation company towards the sender. However, although the company has an obligation to the carrier stipulates that the shipper must prove fault on the part of the carrier and the previous company before being liable. This is done to ensure that responsibility is not given haphazardly without concrete evidence. Transport operators are responsible for safety, delays, damage and loss of goods transported, so that their legal position is equal to that of the transporter (Wihapsoro, 2019).

A valid transportation agreement binds both the carrier and the shipper, and establishes a relationship that establishes the obligations and rights that are enforced during the transportation process and payment of shipping costs. The responsibility of the carrier, as explained in Article 1236 and Article 1246 of the Civil Code, refers to the obligation to bear or compensate for losses arising from the implementation of transportation or agreements made (Marzuki, 2020). This responsibility is an integral part

of the implementation of agreed agreements. In determining transportation rates, there are no regulations that regulate the exact amount of transportation costs. Transport companies determine transportation costs based on the weight and number of goods sent as well as the risks accepted by the company. If negligence occurs which results in losses to service users, whether by employees or delivery vehicle drivers, the company is responsible in accordance with Article 1367 of the Civil Code which confirms that every person is responsible for losses caused by the actions of people under their responsibility. "(Ashikin, 2020).

A carriage agreement is a two-way agreement in which the carrier promises to operate the transportation of people from one location to a destination safely, while the passenger is responsible for paying the transportation costs. According to the law, Public Transport Companies are responsible for losses arising from actions taken by employees they employ in organizing transport (Government ". N.). Furthermore, Public Transport Companies (PAU) are responsible for losses experienced by passengers as a result of transport operations, unless the losses are caused by unforeseen events or the passengers' own fault. This provision is regulated in Article 191 of Law Number 22 of 2009 concerning Road Traffic and Transportation, which confirms PAU's responsibility for losses resulting from employee actions in transportation operations. (Septiani, 2023).

Likewise, PAU's responsibility for losses suffered by goods senders is regulated in Article 193 of the same Law. This article confirms that PAU is responsible for losses arising from transportation management, unless caused by unforeseen events or the sender's error. The responsibilities of goods transport entrepreneurs, such as CV Maharani Travel, are also regulated in Article 1235 of the Civil Code which mandates transporters to take good care of goods.

Apart from that, public transportation operators usually ask for the recipient's data to be filled in after pick-up, including receipt number, date, name, telephone number, address and recipient's signature. This is done for reporting purposes and as proof of taking the goods.

Based on the author's observations, one of the problems or phenomena that emerged in this research was the gap between the responsibilities regulated in legal regulations and company policies and the practices that occur in the field, especially at CV. Maharani Travel. Although the law states that transport operators are responsible for damage to shipped goods, its implementation often does not meet the expectations of the sender or recipient of the goods. This can include a discrepancy between the requirements for compensation for losses in delivery receipts and the standards set out in law, as well as a lack of transparency or clear communication from the transport operator to customers regarding the rights and obligations related to damage to shipped goods. By understanding this phenomenon, research can dig deeper into the causes and impacts of the gap between legal regulations and field practice, and find solutions to increase compliance with transport operators' responsibilities for damaged shipments.

Based on the background above, there are two problem formulations that are the focus of this research. First, what is the responsibility of transport operators for damaged goods according to the law? This question is important to understand the legal basis that regulates the obligations of transport companies in dealing with the risk of damage to

goods. Second, what form of compensation will be given if there is damage to the goods sent to CV. Maharani Travel? This question aims to identify the real practices carried out by companies in handling goods damage claims from consumers.

The aim of this research is to answer the two problems that have been formulated. Thus, the first aim of this research is to find out how responsible transport operators are for the risk of damaged goods shipped. This research will explore the extent to which these responsibilities are regulated and implemented in the legal and daily operational context. The second objective is to find out the methods and forms of compensation given to passengers or consumers if there is damage to the shipped goods. Through this analysis, it is hoped that practical solutions can be found that can improve service quality and consumer trust in transportation companies, especially CV. Maharani Travel.

Based on this context, the author is interested in researching further about legal incidents involving accidents experienced by transport entrepreneurs at CV Maharani Travel Medan, with the research title "Responsibility of Transport Entrepreneurs for the Risk of Damaged Shipped Goods (Study at CV. Maharani Travel)".

2. Materials and Methods

Legal research is the process of recognizing legal regulations, legal principles and legal doctrines with the aim of solving legal problems that arise. The main aim of legal research is to find solutions to problems that arise in the legal realm, so this research is considered an integral part of knowledge and understanding in the legal field. The results of this research are in the form of scientific articles which provide a significant contribution in resolving existing legal problems. In this study, the author uses empirical juridical research methods to understand how law operates in real contexts in society. This method relies on field data as the main source of information, with two main techniques used, namely observation and interviews. Observation allows researchers to directly observe certain processes or objects to gain an in-depth understanding of the legal phenomenon being studied, while interviews involve direct questions and answers with respondents in the field to obtain accurate verbal data. This empirical juridical research combines a juridical approach with empirical methods, with the aim of analyzing the application of law in society, identifying problems in law enforcement, and providing recommendations for improving the legal system (Darwis, 2020).

The population for this research comprises individuals and entities directly involved in or affected by the legal issues under investigation. Specifically, it includes legal practitioners, such as lawyers and judges, as well as individuals and organizations that interact with or are impacted by legal regulations and enforcement. The choice of research location is critical as it provides a relevant and practical context for understanding the real-world application of legal principles. In this study, the research is conducted in areas where the legal phenomena being studied are prevalent, offering a representative sample of the broader population affected by the legal issues. This location was selected due to its high relevance to the research topic, its diverse population, and the availability of pertinent data sources. By focusing on this location,

the research aims to gain a comprehensive and nuanced understanding of how legal regulations are implemented and how they affect various stakeholders in practice.

The data used in this research is divided into three types: primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials are direct information from the field or first data obtained through observations and interviews, as well as official legal sources such as the Civil Code and Law Number 22 of 2009 concerning Road Traffic and Transportation. Secondary legal materials include textbooks written by legal experts, legal journals, legal cases, jurisprudence, and results from recent symposiums that are relevant to the research topic. Tertiary legal materials refer to sources that provide guidance or explanations regarding primary and secondary legal materials, such as legal dictionaries and encyclopedias. It is hoped that the combination of these three types of legal material can provide a strong and comprehensive foundation for analysis and recommendations in scientific articles resulting from this research.

3. Results and Discussion

Transportation entrepreneurs have an important role in ensuring that in the legal context, the responsibility of transportation entrepreneurs for damage to shipped goods is clearly regulated in the applicable laws and regulations. The Civil Code (KUHP) through Article 1365 emphasizes that every violation of the law which results in loss to another party requires the perpetrator to compensate for the loss. Thus, if the shipped goods are damaged due to the negligence of the transport operator, then the entrepreneur is responsible for providing compensation to the party who suffered the loss.

Furthermore, Article 191 of Law Number 22 of 2009 concerning Road Traffic and Transportation emphasizes the responsibility of transportation entrepreneurs for damage to goods during the transportation process. This article stipulates that transport operators are obliged to compensate for damages in the event of damage to the shipped goods. loss of damaged goods, unless it can be proven that the damage occurred not due to their fault or negligence. This provision provides a clear legal basis that transport operators must provide compensation in cases of damage to shipped goods, except in cases of force majeure or errors on the part of the sender or recipient of the goods. In practice, CV. Maharani Travel must ensure that every claim for damage to goods is processed in accordance with the provisions of this law, to protect consumer rights and maintain the company's reputation (Sahrudin, 2023).

3.1 Liability of Transport Entrepreneurs for Shipped Goods that are Damaged according to the Law

Based on an analysis of the Civil Code (KUHP) and Law no. 22 of 2009 concerning Road Traffic and Transportation, the responsibility of transport entrepreneurs for damage to shipped goods is clearly outlined. According to Article 1365 of the Civil Code, every action that violates the law and causes loss to another party requires the perpetrator to compensate for the loss. Therefore, if the shipped goods are damaged due

to the negligence of the transport operator, the entrepreneur must be responsible for providing compensation.

CV transportation entrepreneur. Maharani Travel has a responsibility that is strictly regulated by law for goods that are damaged during the delivery process. As stated by Mr. AH as a goods transportation entrepreneur in an interview conducted in May 2024, he stated that, "CV. Maharani Travel is fully responsible for damage to shipped goods during the delivery process. So, CV. Maharani Travel follows applicable legal provisions and is committed to complying with related regulations. CV. Maharani Travel follows government standards and regulations regarding the protection of shipped goods through supervision and staff training."

According to applicable law, transport operators are fully responsible for damage to shipped goods unless it can be proven that the damage was caused by unavoidable circumstances (force majeure) or negligence on the part of the sender. This confirms that CV. Maharani Travel is obliged to provide compensation or compensation in accordance with the value of the loss suffered by the damaged shipment. This was conveyed by Mr. AH as a goods transportation entrepreneur in an interview conducted in May 2024, that,

"CV. Maharani Travel is committed to processing compensation claims within a reasonable time, usually within a few working days after complete documents are received. However, CV. Maharani Travel is not responsible for damage caused by force majeure or customer negligence."

CV. Maharani Travel implements a clear compensation claim procedure for customers who experience damage to shipped goods. Customers who encounter this situation are asked to submit a claim by providing the company with proof of damage, value of the item, and original proof of delivery.

This was also conveyed by Mr AH that,

"Yes, CV. Maharani Travel provides a guarantee for damaged shipped goods. The claim mechanism will be adjusted to applicable regulations. Documents required include proof of damage, value of the item, and proof of original delivery." This was also conveyed by Mrs. IR as a consumer that, "I submitted a report via the claim form provided by CV. Maharani Travel". However, the compensation claim process takes approximately 7 working days after all complete documents are submitted."

CV. Maharani Travel is committed to processing these claims within a reasonable time, usually several working days after complete documents are received. The amount of compensation given will be determined based on the value of the damaged goods in accordance with the evidence submitted by the customer, thereby providing fairness in the loss compensation process.

This is also in line with what was stated by Mrs. IR that, "Yes, I was clearly informed about the liability policy and compensation claim procedures before using their services" To ensure that all policies and procedures related to goods delivery responsibilities are well understood by customers, CV. Maharani Travel actively informs this through various communication channels. Information is available on the company's official website, in brochures provided to customers, and is explained directly during goods delivery transactions. Thus, CV. Maharani Travel not only complies with applicable

legal requirements, but also strives to provide a transparent and trustworthy service experience for customers.

3.2 Form of compensation for damaged goods sent to CV. Maharani Travel

Results of observations and interviews at CV. Maharani Travel CV. Maharani Travel has developed standard procedures for handling claims for damage to shipped goods to comply with the provisions of Article 191 of Law no. 22 of 2009. This procedure involves submitting a claim by the consumer by including proof of damage and the value of the damaged goods. Next, CV. Maharani Travel verifies the claim to ensure its validity and determine the appropriate amount of compensation. The form of compensation provided by the company varies, depending on the level of damage and value of the goods, including replacing damaged goods with equivalent new goods or financial compensation equivalent to the value of the damaged goods.

As stated by Mr AH that, "If it's on CV. Maharani Travel in terms of compensation, so, we have to submit a claim with proof of damage and the value of the damaged goods. After that, they verify it first to make sure everything is valid. Sometimes the process takes a long time, but the results are okay. The compensation also varies, some are replaced with new items, some receive monetary compensation. The important thing is, we just follow the procedure so it's not complicated."

Mrs. IR also conveyed another thing in the process of claiming compensation. IR's mother in her interview said that, "Actually, it's quite smooth, but it does require patience. First, we have to prepare proof of the damage and the value of the goods. Then, they will first check whether it's true or not. The verification process sometimes takes time, but in the end it works out. The form of compensation can be new goods. or money, depending on the damage. Anyway, as long as we follow their rules, everything can be resolved well."

The results of this research show that the majority of consumers who submit claims are satisfied with the handling and settlement of claims by CV. Maharani Travel. However, several consumers expressed delays in the verification process and payment of compensation. This obstacle is largely caused by internal administrative processes that need to be improved. This research recommends that CV. Maharani Travel increases the efficiency of the claims process by improving internal documentation and communication systems, as well as providing additional training to staff regarding claims handling. In this way, companies can increase consumer satisfaction and comply with applicable legal provisions more effectively.

Furthermore, this research reveals that the use of compensation claims for transportation goods by CV. Maharani Travel can help reduce the company's financial burden in providing compensation. The use of compensation claims not only provides additional protection for companies, but also ensures that consumers receive timely compensation commensurate with the value of the losses they have experienced. Therefore, integrating efficient claims procedures with insurance protection can increase consumer confidence and strengthen CV's position. Maharani Travel as a reliable transportation service provider.

4. Conclusions

Based on this research, it can be concluded that transportation entrepreneurs, such as CV. Maharani Travel, has clear and firm responsibilities regarding damage to shipped goods as regulated in Article 191 of Law no. 22 of 2009 concerning Road Traffic and Transportation. Transport operators are required to provide compensation for damage to goods that occurs during transportation, unless it can be proven that the damage was not due to their fault or negligence. This research shows that CV. Maharani Travel has implemented quite good claims handling procedures, although there are still several obstacles in the verification and compensation payment process. Therefore, improving administrative efficiency and staff training are essential to ensure consumer satisfaction and compliance with legal requirements.

To enhance administrative efficiency and staff training, CV. Maharani Travel should implement several concrete measures. First, streamlining administrative processes through the adoption of advanced digital systems for managing claims can reduce errors and processing times. Implementing a centralized database for tracking claims and their statuses would enable better coordination and quicker resolution of issues. Second, regular staff training programs should be established to ensure that all employees are well-versed in the latest legal requirements and best practices for handling claims and compensations. This training should focus on improving knowledge of legal obligations, enhancing customer service skills, and familiarizing staff with efficient claims processing procedures. Additionally, establishing a feedback mechanism where staff can report challenges and suggest improvements will help in continuously refining the administrative processes. By integrating these strategies, CV. Maharani Travel can not only enhance its operational efficiency but also strengthen its reputation for reliability and customer service, leading to greater consumer satisfaction and business success.

Furthermore, the use of freight compensation claims has proven to be a strategic step that can help companies reduce the financial burden related to compensation and ensure consumers receive timely compensation. With the integration of efficient claims procedures and protection, CV. Maharani Travel can increase consumer trust and loyalty. Ultimately, compliance with Article 191 of Law no. 22 of 2009 not only provides legal protection for consumers but also contributes to the company's reputation and business sustainability in the transportation industry.

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