

Consumer Protection of Export Transportation Services in the Case of Crime of Goods Theft (Juridical Analysis at PT. Spice Lines International, Sunggal District)

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Abstract. *International trade is an important sector in the Indonesian economy, especially through export activities involving sea transportation services. However, in practice, the process of transporting export goods cannot be separated from various risks, one of which is the crime of theft that causes large losses for business actors. This study aims to analyze the legal responsibility of transportation service providers in the case of theft of export goods, as well as to examine the legal protection of service users, especially PT. Spice Lines International which suffered losses due to theft during sea transportation. The research method used is a normative and empirical juridical approach, with data collection techniques through interviews and documentation studies. The results of the study show that although there are legal provisions governing the responsibility of carriers, their implementation is still weak. Many cases of losses due to theft are not resolved through legal channels due to evidentiary constraints, weak contract clauses, and lack of legal understanding from service users. The legal protection provided by laws and regulations has not been fully effective in guaranteeing the rights of service users to obtain compensation. Therefore, it is necessary to strengthen legal instruments in transportation agreements, improve logistics security systems, and optimize dispute resolution through mediation or arbitration. This study recommends a reformulation of regulations and synergy between stakeholders to create a fairer and more functional legal protection system in the export transportation service sector.*

Keywords: *Legal Protection, Transportation Services, Theft of Export Goods, Carrier Liability, Export Disputes*

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INTRODUCTION

International trade is one of the main pillars in supporting the economic growth of a country, including Indonesia (Matondang et al., 2024). In this global trade scheme, export activities are an important instrument in increasing the country's foreign exchange and the competitiveness of national products in the world market (Wilkinson et al., 2000). Indonesia is known as a country rich in natural resources and export products, such as palm oil, rubber, coffee, and coal (Hariyanto, 2025). These products are exported in large quantities to various countries and become the backbone of the national economy.

Large-scale goods export activities cannot be separated from the existence of transportation services, especially sea transportation, which is the main mode in international trade (Widodo et al., 2021; Haralambides, 2019). However, in practice, the transportation of

export goods by sea cannot be separated from various risks. One of the risks that often occurs is the crime of theft and replacement of goods which can cause great losses for exporters and transportation service companies. These kinds of incidents not only disrupt the smooth flow of goods, but also reduce the confidence of business actors in the available transportation system.

PT. Spice Lines International, located in Sunggal District, Deli Serdang Regency, is one of the companies engaged in export transportation services. This company has experienced several cases of losing export goods during the delivery process. Losses incurred from the crime of theft of export goods at PT. Spice Lines International is not only material, but it also creates legal problems and business partners' trust. In a situation like this, legal protection is very important to provide guarantees to transportation service users (Selina & Darma, 2021; Adama et al., 2025).

The problem that arises lies not only in the theft itself, but also in the extent of the legal responsibility of the transportation service provider in overcoming and preventing losses due to these criminal acts. On the other hand, consumer protection in the field of export goods transportation services is also part of the consumer protection law as stipulated in Law Number 8 of 1999 concerning Consumer Protection (Mansyur & Rahman, 2015).

In this context, business actors such as PT. Spice Lines International also acts as a consumer because they use transportation services from other companies. Therefore, they are also entitled to legal protection as they should. Based on the applicable law in Indonesia, the responsibility of transportation services is regulated in the Civil Code (KUHPer), the Commercial Law Code (KUHD), Law Number 17 of 2008 concerning Shipping, and various other implementing regulations (Lede, 2019).

Although a legal framework has been available, its implementation still faces various obstacles (Akhtar-Schuster et al., 2011; Saliba et al., 2012). One of them is proof of negligence or fault on the part of the carrier in the case of loss of goods. In practice, dispute resolution between service users and transportation service providers does not always run effectively (PRATAMA, n.d.). Lengthy legal processes and high costs are often obstacles in prosecuting consumer rights.

Therefore, effective legal protection includes not only the availability of regulations, but also includes easy access to justice, prompt dispute resolution mechanisms, and adequate understanding of the parties involved. In addition, cases of theft of export goods involving third parties such as robbery or intrusion on sea voyages also add complexity in assessing who should be legally responsible.

In this context, it is important to evaluate the content of the transportation contract used between service users and service providers. Khalef et al. (2021) and Webb (2006) said that, the contract must clearly contain liability clauses, compensation, and loss claim procedures. The criminal law aspect also cannot be separated from this context. Theft is a criminal offense as regulated in Article 362 of the Criminal Code. In this case, the perpetrators of theft of export goods must also be dealt with legally to provide a deterrent effect (Setyadi & Sulchan, 2024).

However, criminal legal proceedings against the perpetrator do not automatically remove civil liability from the transportation service provider if it is proven that there is negligence in maintaining the safety of goods during the transportation process. This research focuses on juridical analysis of the case of theft of export goods at PT. Spice Lines International, with the aim of examining how the provisions of the law govern the carrier's liability as well as the legal protections available to service users.

In addition, this study also wants to find out the extent of the effectiveness of dispute resolution and legal implementation in cases of theft of export goods that befall business actors such as PT. Spice Lines International. Thus, this study is expected to provide a deeper understanding of the legal aspects of the transportation of export goods, as well as provide constructive recommendations in order to strengthen legal protection for business actors in the export and logistics sectors.

METHODS

Research Approach

This study uses an integrated normative juridical and empirical juridical approach. The normative juridical approach is used to examine laws and regulations, legal doctrines, and legal principles related to the responsibility of transportation services and legal protection for service users (Zainuddin & Karina, 2023). Meanwhile, an empirical juridical approach is used to look at the implementation of the law in the field through case studies at PT. Spice Lines International.

Research Location

This research was conducted at PT. Spice Lines International, which is located in Sunggal District, Deli Serdang Regency, North Sumatra. This location was chosen because it is a case study center of the crime of theft of export goods that is being researched.

Data Types and Sources

The types of data used in this study are: (1) Primary data: obtained through direct interviews with internal parties of PT. Spice Lines International, corporate lawyers and related officials in the shipping and ocean freight sectors. (2) Secondary data: includes primary, secondary, and tertiary legal materials, namely: Law No. 8 of 1999 concerning Consumer Protection; Law No. 17 of 2008 concerning Shipping; the Commercial Law Code (KUHD); the Criminal Code (KUHP); Court rulings, scientific articles, journals, and other legal literature.

Data Collection Techniques

Data collection is done in three ways (Jogiyanto Hartono, 2018): (1) Interview, conducted with parties directly related to the problem being researched, such as the logistics manager of PT. Spice Lines International and law enforcement officials; (2) Documentation study, includes review of legal documents, transportation contracts, reports of loss of goods, and minutes of dispute resolution; (3) Library research: is carried out by examining various legal literature, laws and regulations, and relevant textbooks.

Data Analysis Techniques

The data obtained was analyzed using a qualitative descriptive analysis method. This method is used to describe and analyze legal problems systematically, comprehensively, and factually based on applicable legal norms and empirical realities found in the field (Saleh, 2017). The analysis steps include: (1) Data reduction, filtering out important data relevant to the research focus; (2) Data presentation, detailing data in the form of narratives and/or tables; (3) Drawing conclusions, compiling findings to answer the formulation of the problem and provide recommendations.

RESULTS AND DISCUSSION

Responsibilities of Transportation Services in the Case of Theft of Export Goods

Based on the results of the interview with PT. Spice Lines International and a study of legal documents, found that the responsibility of the transportation service is normatively regulated in Articles 468-490 of the Criminal Code and Articles 40-41 of Law No. 17 of 2008 concerning Shipping. In practice, sea freight service providers have not fully carried out their responsibilities professionally, especially related to the safety of goods. The incident of theft of export goods that occurred on the sea transportation route caused great losses to PT. Spice Lines International. Service providers have not been able to demonstrate the existence of an effective security system or SOPs for theft prevention, so legal responsibility becomes blurred.

Table 1. The Number of Cases of Loss of Export Goods at PT. Spice Lines International (2021–2024)

Year	Number of Cases	Types of Lost Items	Loss Value (Rp)
2021	3	Coffee, Cloves	350.000.000
2022	2	Coal	420.000.000
2023	4	Rubber, Palm Kernel	650.000.000
2024	1	Essential Oils	150.000.000
Total	10	–	1.570.000.000

Based on the data above, over the past four years there have been 10 cases of loss of export goods, showing the weak security system in sea transportation. Based on the results of the research, the responsibility of the sea transportation service in the case of theft of export goods at PT. Spice Lines International has not been implemented optimally. Normatively, legal provisions regarding the responsibility of the carrier can be found in the Criminal Code Articles 468–490 of the Civil Code, as well as Articles 58 and 194 of Law No. 17 of 2008 concerning Shipping, which states that the carrier is responsible for the safety of goods to the destination (Yusuf, 2023). However, in practice, many transportation service companies do not have adequate security standards, so theft of goods often occurs without clear accountability.

In this context, the theory of legal liability as put forward by Subekti in Riedel states that liability can occur due to default or unlawful acts (Runtunuwu, 2022). If the carrier is negligent in securing the goods and losses arise due to such negligence, then he can be held civilly liable. However, in the case of PT. Spice Lines International, it is difficult to prove that negligence occurred on the part of the carrier due to the lack of documentation and security systems. This weakens the legal position of service users. These findings are in line with research (Gagarin & Sommaliagustina, 2025) which states that the weak supervision mechanism and the absence of a strict responsibility system in the transportation agreement make service users often disadvantaged in terms of loss of goods. Thus, improvements to safety SOPs and the inclusion of explicit clauses in transport contracts are crucial.

Legal Protection for PT. Spice Lines International as a Service User

In the case that occurred, legal protection against PT. Spice Lines International as a consumer of transportation services is not optimal. Based on Law No. 8 of 1999 concerning Consumer Protection, PT. Spice Lines is included in the category of business actors who are entitled to protection if they are harmed by the service provider. However, in its implementation, claims for losses are often constrained by evidence and lengthy processes. The bill of lading does not expressly contain a liability clause for losses due to theft. In addition, the lack of education and comprehensive understanding by service users of the legal mechanism makes the claim process ineffective.

Table 2. Status of Dispute Resolution for Loss of Export Goods

Year	Number of Cases	Peacefully Resolved	Litigation	Unresolved
2021	3	1	0	2
2022	2	1	0	1
2023	4	2	1	1
2024	1	0	1	0
Total	10	4	2	4

A total of 4 cases were not resolved by the end of the study, reflecting the ineffectiveness of substantive and procedural legal protections. As a business actor, PT. Spice Lines International is a user of transportation services that should obtain legal protection as stipulated in Law No. 8 of 1999 concerning Consumer Protection (UUPK). Article 4 of the UUPK states that consumers have the right to comfort, security, and safety in using goods and/or services (Salami et al., 2013). However, the results of the study show that the protection has not been effective. PT. Spice Lines

does not have a strong enough legal instrument to claim compensation when theft occurs due to weak contracts, lack of documentation, and business actors' lack of understanding of the available legal mechanisms.

In theory, this shows the weakness of the principle of legal certainty and the principle of justice, the two main principles emphasized in the UUPK. According to Jacobs et al. (2010) and Rahmana & Suparto (2019) consumer protection is only effective if business actors understand their legal position, and service providers act in accordance with the principles of due care. The lack of understanding of legal rights and obligations makes service users in a weak position when losses occur. Study (Shevchenko, 2023) The European Review of Private Law also shows that in international transportation law, legal protection for new service users will be optimal if there are regulations that contain strict liability clauses, and a quick claims mechanism. Therefore, this study emphasizes the need for strengthening in the form of standard contracts, legal education, and the support of dispute resolution institutions.

Effectiveness of Dispute Resolution and Law Enforcement

Law enforcement in cases of theft of export goods is slow and ineffective. Only two cases of the entire incident have reached the litigation stage. Peaceful settlements are more often pursued because the judicial process is considered long, expensive, and risks worsening business relations. From the criminal side, reports to law enforcement officials are not always followed up. The main obstacles are the lack of visual or documentary evidence when goods are lost, as well as the absence of a technology-based tracking system from transportation service providers.

Table 3. Details of Obstacles in Law Enforcement

Types of Barriers	Frequency of Occurrence	Information
No CCTV/Monitoring	8 out of 10 cases	Occurs when goods are in transit port
Unclear Security SOPs	7 out of 10 cases	There is no standard protocol for securing goods
Incomplete Proof of Letter of Passage	6 out of 10 cases	No complete documentation of content
Disclaimer of Liability by Carrier	5 cases	Carriers blame port conditions

The effectiveness of dispute resolution related to the theft of export goods is still relatively low. The data obtained showed that out of 10 cases, only two were successfully resolved through litigation, while the rest were resolved peacefully or unresolved. The main cause is the lack of evidence that can show the carrier's responsibility, as well as the lack of procedures that make it easier for service users to access legal assistance. In criminal law theory, Article 362 of the Criminal Code clearly stipulates that theft is the act of taking someone else's property illegally. However, in the context of sea transportation, as explained by (Suyanto, 2023) the burden of proof is often difficult for service users because transportation involves many parties and long logistical stages. This is exacerbated by the lack of integration between criminal and civil law in resolving losses due to theft in the context of business contracts.

These findings are also reinforced by Barnes & Oloruntoba (2005), in the Journal of Maritime Security, which states that the complexity of global supply chains and the lack of transportation documentation are the biggest obstacles in the prosecution of theft of marine goods. Peaceful settlements are a common middle ground, but they are often unfair to the aggrieved party. To increase the effectiveness of dispute resolution, measures such as (1) strengthening digital evidence systems (e.g., GPS tracking, video surveillance) are needed; (2) the establishment of a special mediation forum for export transportation; and (3) the active involvement of institutions such as the Consumer Dispute Resolution Agency (BPSK) and maritime arbitration.

CONCLUSION

Based on the results of the research and discussions that have been carried out, it can be concluded that legal protection for sea transportation service users, especially in the case of theft of export goods experienced by PT. Spice Lines International, is still not running optimally both in terms of regulations and the implementation of practices in the field. Although there is a fairly strong legal foundation such as the Commercial Law (KUHD), Law Number 17 of 2008 concerning Shipping, and Law Number 8 of 1999 concerning Consumer Protection, in practice business actors often face various obstacles in demanding their rights as service consumers. In terms of legal responsibility, the transportation service has not been able to carry out its obligations to the maximum. This is shown by the still occurrence of theft of goods in the transportation process and the absence of firm accountability from the carrier for losses suffered by service users. The absence of an adequate security system, weak logistics supervision, and lack of explicit contractual clauses regarding liability for loss of goods are the main causes of the weak legal protection.

SUGGESTION

On the other hand, PT. Spice Lines International as a service user still faces structural and procedural obstacles in obtaining legal protection. The lack of understanding of the available legal mechanisms, as well as the lack of corroborating evidence in the claims and litigation process, causes dispute resolution to lead to more compromises or even not being resolved at all. This reflects that the implementation of consumer protection principles such as the principles of justice, legal certainty, and security, has not been fully achieved. The effectiveness of law enforcement in this case has not shown satisfactory results. From the data collected, only a small percentage of cases were successfully resolved through litigation. Most disputes prefer the peaceful path because the legal process is lengthy, expensive, and does not provide certainty of results. This shows the need to reformulate dispute resolution mechanisms in the logistics sector, including strengthening mediation, maritime arbitration, and improving the competence of law enforcement officials in handling trade and export transportation cases.

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