

Bill of Lading

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A. Background

In carriage of goods transaction whether it is by land, by sea, or air and whether it is in international carriage or domestic carriage, there is one specific document that normally issued by the parties involved as proved of ownership and as a receipt off the goods. In carriage of good by sea such document is often referred to as Bill of Lading, or in Indonesian legal terminology referred to as Consignment, and normally referred to as “**B/L**”.

B. Definition of B/L

In carriage of goods by sea in Indonesian and Internationally, B/L is often classified as a document of ownership of the goods. In Indonesian Law, B/L is regulated under Indonesian Commercial Code (“**ICC**”), Article 1 Par. 1, which stated as follows:

“Consignment is a document that has been dated and stated by the Carrier, that it has certain goods to be carried to designated location and deliver the goods to the designated Receiver, and with the Contract that stated how the delivery shall be done”.

As stated in Article 506 Par. 1 ICC, B/L is a receipt issued by the Carrier to the Shipper which stated that goods are received and the goods has been loaded in the ship, and furthermore the B/L shifted its purposes into proof of entitlement of the goods when the Shipper received the B/L in the loading port.

Whereas the Shipper transferred its ownership of the goofs to B/L holder in loading port, and afterwards the B/L holder in the unloading port is the party entitled to the goods and has the right to receive the delivery of the goods.

C. Conclusion

In conclusion, B/L is a document of ownership of the goods to the party holds the B/L. In the period that the goods are still in transport to the unloading port, the Carrier in this case is not the owner of the goods, instead the Carrier only a holder of the goods and responsible for the goods. When the ship arrived in the unloading port, the B/L holder is the owner of the goods, and has the rights to receive the goods.