

## *Book Review*

# Hukum Maritim (Maritime Law)

by **Dhiana Puspitawati; Renny Meiriana; Fransiska Ayulistya Susanto**

UB Press, Malang-Indonesia 2019

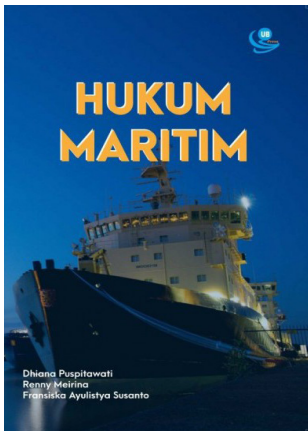
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The Ever Given's highlighting of canal blockades back in late March 2021 is a wake-up call that many other mishaps can disrupt global shipping. The blockade threatens the world economy and putting the stock market plummet. The shutdown of the vital waterway and its impact on trade underscores the world's reliance on global supply chains remind us that "without shipping, the global economy sinks." The peaks and valleys of maritime law are primarily determined by international practice relating to all legal consequences arising from the operation of ships, understanding of international maritime law provisions. Maritime Law by Dhiana Puspitawati; Renny Meiriana; Fransiska Ayulistya

Susanto elaborates on the fundamentals in maritime law that need to be understood to anticipate and resolve problems that arise as a result of ship operation.

Indonesia is an important international trade and shipping route as the largest archipelagic country sited in a strategic location astride major sea lanes connecting East Asia, South Asia, and Oceania. The concept of Indonesia as a Maritime Axis has been proclaimed by President Joko Widodo, emphasizing developing maritime infrastructure and connectivity. Located in a strategic position is a unique selling point in the Indonesian economy. However, shipping and high international trade are often risky, both on force majeure and human error. This issue is the central thesis, which Dhiana's attempts to portray maritime law.

The organization of the book then follows a logical order. Chapter deals briefly with an introduction, continued with definition, international and national

implementation on maritime law. Every chapter concluded with a discussion and individual exercise aimed at students practice their understanding of the subject. The content of this book can be categorized into three parts. The first part of chapters 1-3 discusses the introduction to maritime law, legal basis, and jurisdiction. The second part of chapters 4-10 deals with ship registration, sea freight contracts, maritime salvage; collision; maritime and mortgage; marine insurance; towage, and pilotage. The third part of chapter 11 discusses dispute settlement in maritime cases. In the first part (chapters 1-3), the book highlights the introduction to maritime law, the legal basis of maritime law, and maritime law jurisdiction. The author emphasizes how maritime law is one side of the same coin with the law of the sea, where sometimes been mix up. The author illustrates the difference between maritime and seas and how the seas are divided in the first chapter. This chapter concluded with characteristics of maritime law, where the author attempt to draw the internationalization of maritime law when disputes happened.

The second and third chapter provides legal basis and jurisprudence in maritime law. The second chapter discusses international conventions, the role of the International Maritime Organization (IMO), choice of forums, and choice of law. The second chapter also discusses the regulation and application of arbitration in the Indonesian national legal order (municipal law). This chapter presents the author well with a conventional approach by observing international law governing maritime law and how Indonesia applies it. This chapter ends with the application of arbitral awards in Indonesia, which is narrowly discussed. In chapter 3, the book discusses jurisdiction, the definition of jurisdiction, type of jurisdiction, terminology, and jurisdiction applied in maritime law. This chapter would be appropriate to be included in chapter two instead of separated into individual chapters.

The book features a more technical character in maritime law in the second part (chapters 4-10). Chapter 4 and 5 in a row point out ship registration and sea affreightment. The fourth chapter started with the importance of ship registration, where the author delivered the example of *Muscat Dhow case 1905* and *Lauritzen v. Larsen 1953*. The work opens with an overview of whether international law placed the basic regulation and criteria that need to be considered if a state-approved registration of a ship and let the ship use the state flag. The sample cases provide a fundamental basis on the importance of ship registration. Next, in the fifth chapter, the author elaborates on sea affreightment. First, the author generally attempts to describe the definition of sea affreightment, albeit as the author admits herself, there are no universal definitions of sea affreightment. Then, it tries to offer a comprehensive analysis of sea affreightment by classifying the sea affreightment into six categories. Afterward, in a narrative manner, each subsection being explained accordingly. In this case, the chapter concluded with liability principles being portrayed with the Hague, Hamburg, and Rotterdam rules.

The chapter on maritime salvage and collision (chapters 6-7) prominently

discussed by the author through comparing international convention and domestic regulation. In this case, the author establishing contrast by providing specific tables distinguishing salvage provision across Salvage Convention 1989 alongside Indonesia Law No.17 2008 on Shipping. The table comparison provided in this chapter is simple yet effective to comprehend. In this regard, the book is a truly worthwhile read for college students. On the other hand, the chapter on maritime liens, mortgage, and marine insurance (chapters 8-10) is the least reviewed in the book. Each chapter discussing in the same manner as the previous section but then found rashly narrated.

In the last part of the book (chapter 11), the author presents dispute settlement, which is more strongly narrated than the previous chapter. Unlike in most chapters, the dispute settlement topic begins with the dispute settlement method, which the author aptly presents by defining conflict and disputes. Highlighting the difference between conflict and dispute has strengthened the terminology used in the term of dispute settlement. The chapter continues with dispute settlement principles that being applied in international law. However, the narrative on delivering dispute settlement principles is unspecific in the matter of maritime. To illustrate, the author redundantly presents the armed conflict topic in five pages length, which generally relevant in the matter of dispute settlement but would be more suitable to analyses the dispute settlement in the matter of maritime issue.

Nonetheless, the general point is very well made and is a valuable reminder of the relevance of maritime law. Not every aspect of the book can be commented on in this short review. The challenge for a book with multiple authors offers varied perspectives on a research topic. Although in the preface the author aims the book toward varied audience such as academician, researcher and practician in maritime and international trade, I directly find the book will be benefitted student whose take the maritime law courses due to the discussion and individual exercise presented in each chapter. In conclusion, despite the drawbacks, Maritime Law by Dhiana Puspitawati, Renny Meiriana, and Fransiska Ayulistya Susanto offers far more than just an introduction to Maritime Law.

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