

:Abstract

Maritime transport represents the main element in the field of transport in the world, as it represents approximately 85% of all other means of transport, and this means, despite the advantages it provides represented by the size of the movables, there are goods that are difficult, if not impossible, to be transported by anything other than ships. However, this method is characterized by complex technical methods in order to ensure the safe arrival of the ship to its destination, and these complications arise from the size of the sailing ships, the amount of goods transported on them, and the difficulties or obstacles facing the ships while sailing from the dangers of the sea. All of these factors necessitated that the crew in charge of the trip be Qualified in a way that allows him to be able to drive the ship safely from its point of departure until its point of arrival. These qualifications must be available .from the captain of the ship to the youngest worker on board the ship

This crew, represented by the captain and his subordinates, may make a mistake from one of them while sailing, leading to the voyage being exposed to risks represented by obstructing the voyage from reaching its destination, or even exposing the ship or the goods to the risk of damage or destruction, and because the field of maritime transport is the sea in which it is difficult to control the ship because of what it represents. The sea is plagued by climatic difficulties that are almost inseparable from the sea, which exposes every sea voyage to these difficulties and obstacles. This led investors to include a condition in transport contracts stipulating that the carrier is not responsible for navigational errors made by the crew. It has become customary to mention this condition in maritime transport contracts. This condition, which has become mentioned in almost every bill of lading, was not accepted by the owners of the transported goods, but they were forced to do so due to the carriers' insistence on mentioning this condition in .the bills of lading

The condition of exemption from responsibility included by investors in bills of lading is not supported by a legal basis. This condition is the result of maritime transport customs and has remained at the edges of these customs. As a result of shippers' dissatisfaction with mentioning this condition in bills of lading, investors tried to have this condition have a legal basis. This culminated in the issuance of the American .Harter Act in 1893, which recognized the existence of this condition

The idea of research is centered on navigational errors made by marines (such as the captain and pilot of the ship), that is, in determining the navigational error, attributing this error to its

perpetrator, and the legal regulation of the navigational error, and since marines have a subordination relationship with the sea carrier, this relationship is governed by the maritime employment contract, which is a contract that adheres to Under it, a person called the navigator (the captain, the guide, and the marine engineers) .works on board a ship in exchange for a wage promised by the supplier

research importance. The subject of navigational error is one of the important topics within the scope of private law in general and maritime law in particular, as the subject of navigational error was and is still a subject of jurisprudential and legal disagreement among some of them as to whether the maritime carrier is responsible or not. The reason behind this disagreement can be traced back to the maritime carrier's responsibility for its subordinates. Those who have a dependent relationship with it, especially since these errors come from them and not from the carrier. This has led to the difficulty and complexity of the maritime carrier's responsibility, and the difficulty of treating the damages resulting from navigational errors when they occur exacerbates their severity and thus doubles the compensation amounts. In this regard, we chose to have "the effect of "Navigational errors are the responsibility of the maritime carrier" as a subject for .study