



## **Enforcement Of Criminal Law Against Violations Of Regional Regulations On The Order And Development Of Livestock**

**Fauzan<sup>1✉</sup>, Ruslan Abdul Gani<sup>2</sup>, Ramlah<sup>3</sup>**

Universitas Islam Negeri Sulthan Thaha Saifuddin Jambi, Indonesia

Email : [1fauzan@uinjambi.ac.id](mailto:1fauzan@uinjambi.ac.id)

---

Received: 2025-11-18; Accepted: 2025-12-29; Published: 2025-12-31

---

### **ABSTRACT**

The background of this research is the frequent occurrence of livestock owned by residents roaming freely, causing damage to crops, disturbing traffic order, and creating environmental sanitation problems, even though the regional regulation has stipulated criminal sanctions for livestock owners who violate these provisions. This research employs an empirical juridical method with statutory, conceptual, and case approaches. The data were obtained through library research and field research. Field data were collected through interviews with law enforcement officers, local government officials, community leaders, and livestock owners in Tebo Regency. The results of the study indicate that the enforcement of criminal law against violations of Article 3 of Regional Regulation Number 8 of 2014 in Tebo Regency has not been effective. This is reflected in the absence of cases processed through the court system despite numerous public complaints regarding roaming livestock. The main obstacles affecting the effectiveness of law enforcement include the low level of legal awareness among the community, the traditional practice of allowing livestock to roam freely, limited facilities for livestock control, and the weak application of sanctions by law enforcement authorities. Efforts to overcome these obstacles include increasing public awareness through socialization of the regional regulation, strengthening coordination among law enforcement institutions, providing adequate livestock holding facilities, and consistently enforcing sanctions. These measures are expected to create public order and legal certainty within the community of Tebo Regency.

**Keywords:** criminal law enforcement, regional regulation, livestock control, legal effectiveness, Tebo Regency

## **INTRODUCTION**

Regional Regulations are a type of legislation and part of the National Legal System, which is based on Pancasila. Regional Regulations hold a strategic position due to their constitutional basis, as stipulated in Article 18, paragraph 6 of the 1945 Constitution of the Republic of Indonesia. In addition to elaborating on higher-level legislation, Regional Regulations are legal instruments created by Regional Governments. This serves to exercise authority in realizing their autonomy.

As a policy instrument for implementing regional autonomy and assistance in accordance with the 1945 Constitution of Indonesia and the Regional Government Law, Regional Regulations are implementing regulations of higher-level legislation. They are subject to the provisions of the legislative hierarchy. They serve as a repository for regional specificity and diversity and a channel for community aspirations within the framework of the Unitary State of the Republic of Indonesia (NKRI), which is based on Pancasila and the 1945 Constitution of the Republic of Indonesia. They also serve as a development tool to improve regional welfare.

The existence of Regional Regulations in the administration of regional governance is an integral part of decentralization, known as Regional Autonomy. It encompasses two essential authorities: "regulating" and "managing." This "regulating" authority implies that regions have the right to make legal decisions in the form of legislation, which are then (among other things) called Regional Regulations.

The decentralization system that was implemented embodied the principles of Regional Autonomy: broad, concrete, and accountable. One of the legal consequences of decentralization of regional authority is decentralization in law and legislation. There is a distribution of authority (*spreiding van machten*) in the formation of legislation to autonomous regions, one of which is the resulting regional regulations.

Regional Regulations are not merely implementing regulations for higher-level legislation; they must also be able to absorb and accommodate the specific conditions of the region, ensuring regional independence and the aspirations of the local community.

The independence of autonomous regions, in the form of the authority to establish regional regulations (*Perda*), is due to the fact that autonomous regions, as self-governing units, possess attributive authority, particularly as legal subjects (public legal entities). Furthermore, they are authorized to create regulations to govern their affairs. This regulatory authority rests with the regional government (state administrative officials) and the Regional People's Representative Council (DPRD), which holds the legislative function in the region. Regional regulations can be viewed as a form of local law, a legislative act, differing only in the territorial scope of their application.

Regional regulations cannot be equated with lower-level legislation and other laws, such as Government Regulations and Presidential Regulations. Both are merely regulatory products (executive acts). Furthermore, the authority of regional governments to establish PERDA is able to absorb the aspirations of local communities according to the specific conditions of the region. This is a key characteristic (and identifier) of an autonomous government unit that has the right to regulate and manage its affairs independently (zelfstandingheid).

Common understanding holds that regional legal products created by regional governments are inseparable from the national legislative system. A crucial consideration in the creation of regional-level legal products is that legal products should not only consider the formal boundaries of competence or the interests of the region concerned, but also consider their potential impact on other regions and national interests.

Regional Regulations, in addition to further elaborating higher-level laws and regulations, are also legal instruments (and serve as legal regulations) created by regional governments in exercising their authority to realize their autonomy.

Regional Regulations, as a means of elaborating or legally concretizing national laws and regulations, only serve as instruments regulating the delegation of tasks (plichten) based on assistance tasks (medebewind) for regions requesting assistance. This means that regencies/cities no longer have a deconcentrated relationship with higher-level government units. Therefore, Regency/City Regulations, as elaborating higher-level laws and regulations, are only possible within the framework of "assistance tasks."

The existence of Regional Regulations within the science of legislation (gezetgebungslehre), yields several key studies, including analyses of the process (verfahren) of establishing Regional Regulations and their oversight (gesetzgebungs-varfahren). Furthermore, analyses of the content (het onderwerp) of Regional Regulations (gesetzbungsmethode) and the external form (kenvorm) of Regional Regulations (gesetzbungstechnik) are also included.

To achieve a quality legal product, Regional Regulations must not ignore the procedural aspect, as it concerns the procedures and procedures for establishing regional regulations, which are normatively regulated in the respective Regional Regulation Rules of Procedure. Ignoring this aspect can lead to legal defects in the Regional Regulation. Equally important is the substantive aspect, which concerns the main material regulated in the Regional Regulation (background, purpose, and objectives of the Regional Regulation). Ignoring this aspect means a lack of harmony between the will and aspirations of the Regional Regulation's creator.

Technical aspects are also urgently questioned, concerning the format and technicalities of drafting Regional Regulations, as stipulated in the provisions concerning the Techniques for Drafting Legislation and the Form of Draft Laws, Draft Government Regulations, and Draft Presidential Decrees.

Regional Regulations are created by autonomous government units to regulate issues arising in the relevant region so that they can be effectively enforced. However, in reality, the author has encountered several Regional Regulations that cannot be effectively enforced by the local government.

One such issue is Regional Regulation (PERDA) Number 8 of 2014, concerning Amendments to Tebo Regency Regional Regulation Number 17 of 2002 concerning Livestock Control and Development. Article 3 of Perda Number 8 of 2014 states: "Any livestock owner or keeper who releases their livestock and damages crops or infrastructure shall be subject to a maximum imprisonment of three months or a maximum fine of Rp. 3,000,000 (three million rupiah).

Conditions in the field are still many livestock of the people in Tebo Regency every day roam into other people's plantations and damage crops, and roam on the roads, of course, it is very dangerous for road traffic, not to mention the livestock manure scattered on the roads as a result of which it disturbs drivers and causes an unpleasant smell, thus polluting the environment.

## **METHODOLOGY**

This research was conducted using empirical juridical research. This study attempts to examine criminal law enforcement against violations of Article 3 of Tebo Regency Regulation Number 8 of 2014 concerning the Control and Development of Livestock. Empirical juridical research was chosen as the primary approach in this thesis because the primary focus is on criminal law enforcement against violations of Article 3 of Tebo Regency Regulation Number 8 of 2014 concerning the Control and Development of Livestock.

Resolving a legal issue through legal research requires specific approaches as a foundation for developing sound arguments. The various approaches used by the author in this research include:

### **a. Statute Approach**

This approach was used because, logically speaking, normative research is based on legal materials or statutory regulations, one of which is Criminal Law Enforcement Against Violations of Article 3 of Tebo Regency Regulation Number 8 of 2014 concerning Livestock Control and Development.

### **b. Conceptual Approach**

This approach is based on legislation and doctrines developed within legal science. This approach is important because understanding the views/doctrines developed within legal science can provide a foundation for constructing legal arguments when resolving the legal issue at hand. Views/doctrines will clarify ideas by providing legal definitions, legal concepts, and legal principles relevant to the problem.

### **c. Case Approach**

This approach was used by the author to analyze cases related to the legal issues at hand. The cases examined involved livestock that disrupted traffic order,

polluted the environment, and cases of roaming livestock destroying crops belonging to residents. These cases or incidents require a research approach to determine why they were not prosecuted despite existing regulations, such as Tebo Momor Regency Regulation No. 8 of 2014 concerning the Control and Development of Livestock.

## **RESULT AND DISCUSSION**

### **The Effectiveness of Article 3 of Regional Regulation Number 8 of 2014 in Tebo Regency.**

Judging by the facts on the ground, many livestock still roam free in Tebo Regency. Many of these animals are intentionally released by their owners in the morning. As a result, many of these animals enter plantations and yards owned by residents. Some also roam onto public roads, disrupting traffic and damaging the environment due to their waste.

The aforementioned incidents have been reported to the appropriate law enforcement authorities. Legally, according to Article 3 of Regional Regulation Number 8 of 2014, the owners of these livestock can be subject to a maximum of three months' imprisonment and a maximum fine of IDR 3,000,000 million. However, none of the 35 reported cases have been prosecuted in court. Judging from the problems mentioned above, when linked to the Theory of Effectiveness that the author uses in analyzing the Problem Formulation, where the Effectiveness of the law in general and specifically regarding the provisions of Article 3 of Regional Regulation Number 8 of 2014 when linked to the Theory of Law Enforcement, according to Soerjono Soekanto, problems in law enforcement, there are several main problems faced in law enforcement, including: 1. Legal factors themselves, which in this paper will be limited to the law only. 2. Law enforcement factors, namely the parties who form and implement the law. 3. Factors of facilities or facilities that support law enforcement. 4. Community factors, namely the environment in which the law applies or is implemented. 5. Cultural factors, namely as a result of work, creativity, and feelings based on human initiative in social life. To determine whether these five factors influence the enforcement of Regional Regulation Number 8 of 2014 in Tebo Regency, can be seen in the following explanation below:

The legal factor here refers to statutory regulations, where these regulations serve as a source of law and a barometer for determining whether they are implemented. According to Sri Sumantri, the term "law" can be used in both a material and formal sense. A law in the material sense can also be referred to as a regulation, encompassing the Constitution down to the lowest-level regulations. Meanwhile, a law in the formal sense refers only to one specific form of regulation: one established by a legislative body, following predetermined procedures and promulgated accordingly. This form of regulation is called a statute.

Article 5 (1) in conjunction with Article 20 Paragraph (1) of the 1945 Constitution explains that the President holds the power to form laws with the

approval of the House of Representatives. Furthermore, based on the provisions of Article 21 Paragraph (1) of the 1945 Constitution, members of the House of Representatives have the right to propose draft laws, known as initiative proposals.

It is further explained that generally binding legal provisions or rules, those that impose obligations on individuals, are regulated by statute. There are two types of laws: organic and non-organic. Organic laws are often defined as laws governing a state (state institution), while non-organic laws, or basic laws, are laws that only regulate the underlying material, thus requiring further elaboration of their articles.

To enforce laws containing generally binding legal provisions or rules, those that impose obligations on individuals, such as requirements, prohibitions, and obligations, they must be regulated by or based on statutes. This is also known as substantive law. Substantive law is a written regulation of general application, established by legitimate central or regional authorities. Therefore, substantive law (hereinafter referred to as substantive law) includes:

1. Central regulations apply to all citizens, specific groups, or generally apply to a specific region.
2. Local regulations apply only to a specific location or region. Furthermore, Regional Regulation Number 8 of 2014, which is a Tebo Regional Regulation, was created by the Regent in conjunction with the Regional People's Representative Council (DPRD). The purpose of this Regional Regulation was to prevent the community's livestock from roaming and being released unchecked, thus disrupting public order.

Regional regulations are a type of statutory regulation and are part of the National Legal System, which is based on Pancasila. Regional regulations hold a strategic position because they are constitutionally based, as stipulated in Article 18 paragraph 6 of the 1945 Constitution of the Republic of Indonesia. In addition to elaborating higher-level laws and regulations, Regional Regulations are legal instruments created by Regional Governments. This is to exercise authority in realizing their autonomy.

They serve as policy instruments for implementing regional autonomy and assistance in accordance with the 1945 Constitution of Indonesia and the Regional Government Law. Regional Regulations are implementing regulations of higher-level legislation. They are subject to the provisions of the legislative hierarchy. They serve as a repository for regional specificities and diversity and a channel for community aspirations, while remaining within the framework of the Unitary State of the Republic of Indonesia (NKRI), which is based on Pancasila and the 1945 Constitution of the Republic of Indonesia. They also serve as a development tool to improve regional welfare.

### **Factors Obstacles to the Implementation of Article 3 of Regional Regulation Number 8 of 2014.**

From the issuance of Regional Regulation Number 8 of 2014 until 2021, data

obtained by the author from the Tebo Regency Civil Service Police Unit and the Tebo Police Department indicates that not a single case of violation of Article 3 of Regional Regulation Number 8 of 2014 has been prosecuted.

Based on the author's interview with Mr. Deprianto, Head of the Tebo Regency Civil Service Police Unit, he explained: "It is true that no cases of violations of Article 3 of Regional Regulation Number 8 of 2014 have been prosecuted. This is because many victims are reluctant to report them to the Civil Service Police Unit."

In an interview with the Head of the Tebo Police Criminal Investigation Unit, the author explained: "To my knowledge, no case has ever been investigated for violations of Article 3 of Regional Regulation Number 8 of 2014. Although it is true that many livestock belonging to the community, such as cows, buffalo, goats, and so on, roam the streets. However, without a complaint from the victim, the Tebo Police cannot take legal action."

Regarding the factors hindering the implementation of Article 3 of Regional Regulation Number 8 of 2014, according to Mr. Deprianto, these include:

1. From the perspective of the Public Order Agency (Satpol PP) officers.
2. From the perspective of facilities and infrastructure.
3. From the perspective of the community.
4. And from the perspective of community culture.

Efforts to Overcome Obstacles in the Implementation of Article 3 of Regional Regulation Number 8 of 2014 in Tebo Regency.

1. From the Perspective of Civil Service Police (Satpol PP) Apparatus/Officers

The authority held by regional governments under the terminology of autonomy allows for the creation of various devices in the form of regional apparatuses that function to support the implementation of regional government. One apparatus tasked with supporting the implementation of regional government is the Civil Service Police Unit (Satpol PP). This unit is a regional government apparatus tasked with assisting the regional head in implementing government and acting as the vanguard or front line in the field of public order and security, as stated in Article 255 paragraph (1) of Law Number 23 of 2014: "The Civil Service Police Unit is established to enforce Regional Regulations and Regional Head Regulations, maintain public order and security, and provide community protection."

2. In terms of Facilities and Infrastructure.

As mentioned in the previous chapter, facilities and infrastructure are essential indicators for law enforcement, particularly regarding Regional Regulation Number 8 of 2014 in Tebo Regency. If residents' roaming livestock are to be controlled, a sufficiently large pen is certainly required. Without a pen, various problems can arise, such as reported deaths, disappearances, and the emergence of unpleasant odors from the confiscated livestock's waste. The efforts made regarding facilities and infrastructure, according to the author's interview with the Head of the Tebo Regency Public Order Agency, indicate that the Tebo Regency government will budget for and

build livestock pens. This was also discussed in a coordination meeting with the Head of the Tebo Animal Husbandry Service. Hopefully, this plan will be realized in 2022.

### 3. From the Community Perspective

The role of the community in law enforcement is crucial. Even the best laws and regulations issued by the government are meaningless if the public's legal awareness does not support (and does not comply with) them.

To ensure public compliance with applicable laws, it is necessary to first educate the community concerned so they understand the purpose of these regulations and the sanctions for violations. Therefore, outreach activities are necessary to reach the community.

### 4. From a Cultural Perspective

It has been a tradition for generations in the Tebo community that livestock raised in villages and sub-districts within Tebo Regency are always left to graze on their own. Only in the evening are they groomed and put back in pens.

The reason for letting their livestock roam free is that by letting them forage on their own, they are free to choose the grass they prefer. This allows them to quickly gain weight and grow larger when weighed while tied up, which carries significant risks. These animals are vulnerable to theft due to their tameness. Furthermore, animals like goats, when tied up, are sometimes bitten by animals like snakes. Efforts are being made to ensure that the culture of people who have livestock no longer releases their livestock, is the same as increasing public legal awareness as explained above, according to Mr. Sukri Adinata, legal counseling will be carried out in every village and sub-district where many people keep livestock, in addition to that, coordination will be carried out with village, sub-district and sub-district officials to supervise and discipline the community so that they no longer release their livestock so that they do not roam everywhere.

## **CONCLUSION**

Based on the description presented above, several conclusions can be drawn, including the following: 1. The provisions of Article 3 of Regional Regulation Number 8 of 2014 in Tebo Regency have not been effectively implemented. To date, of the 35 reported cases, not a single livestock owner whose livestock roamed onto the road and damaged residents' crops has been prosecuted; most cases were resolved amicably. 2. Factors that hamper the implementation of the provisions of Article 3 of Regional Regulation Number 8 of 2014 in Tebo Regency include: a. The perceived shortage of Public Order Agency (Satpol PP) officers, currently numbering only 135. b. Facilities and infrastructure, with the lack of pens for the captive breeding of roaming livestock in Tebo Regency. c. Community factors, where many people still do not understand the applicable regional regulations, especially Regional Regulation Number 8 of 2014, which in Article 3 prohibits the public from carelessly releasing their livestock to prevent damage to crops and disrupt traffic order. d. Cultural

factors, where it has become a tradition in the Tebo community to let their livestock, such as cows, buffalo, and goats, be released every morning to forage for food/grass because letting them get full quickly and also makes them less likely to be stolen. Resolutions regarding animals that damage livestock are generally resolved amicably.

Efforts to Address Obstacles in the Implementation of Article 3 of Regional Regulation Number 8 of 2014 in Tebo Regency a. In terms of Public Order Agency (Satpol PP) personnel. Efforts have been made to increase the number of Civil Service Police Unit (Satpol PP) personnel in Tebo Regency to 135. Coordination with the Regent has been made to add 50 (fifty) members to the Satpol PP. Furthermore, God willing, recruitment of First Aid personnel for the Satpol PP will be conducted this year, in 2022, given the importance of existing Satpol PP personnel. b. In terms of Facilities and Infrastructure As mentioned in the previous chapter, facilities and infrastructure are essential indicators for law enforcement, particularly regarding Regional Regulation Number 8 of 2014 in Tebo Regency. Controlling roaming livestock requires a sufficiently large pen and sufficient staff. Otherwise, it will certainly be problematic if the livestock are transported and secured at the office. Without pens, various problems can arise, such as reported deaths, loss of livestock, and the unpleasant odor of the secured livestock's manure. Efforts are being made to address the infrastructure, where the Tebo Regency government will budget for and build livestock pens. This has been discussed in a coordination meeting with the Head of the Tebo Animal Husbandry Service. Hopefully, this plan will be realized in 2022. c. From the Community Perspective. Legal education will be provided to the community, especially in each sub-district/region where many livestock are kept and where livestock frequently roam the roads. This legal education is expected to increase public legal awareness. d. And Community Cultural Aspects. Efforts to prevent the indiscriminate release of livestock will involve more intensive legal education, particularly in villages and sub-districts where many people keep livestock. Furthermore, coordination with village, sub-district, and sub-district officials will be carried out to monitor and regulate livestock that still roam freely.

## **REFERENCE**

- Andi Hamzah, Pengantar Hukum Pidana Indonesia, Jakarta: Ghalia Indonesia, 2018.
- Antonius Cahyadi dan E. Fernando M. Manullang, Pengantar Ke Filsafat Hukum, Kencana Prenada Media Group, Jakarta, 2017.
- Barda Nawawi Arief, Bunga Rampai Kebijakan Hukum Pidana, Jakarta: Prenadamedia Group, 2010.
- Bambang Poernomo, Asas-Asas Hukum Pidana, Jakarta: PT. Raja Grafindo Persada, 2013
- \_\_\_\_\_ Kapita Selekta Hukum Pidana, PT. Citra Aditya Bakti, Bandung, 2012
- Dellyana Shanty, Konsep Penegakan Hukum, Yogyakarta : Liberty, 2018.

- Dyah Mutiaratin dan Arif Zaenuddin, *Manajemen Birokrasi dan Kebijakan*, Yogyakarta: Pustaka belajar, 2014.
- Darji Darmodiharjo, *Peranan Sanksi Dalam Membentuk Kesadaran Hukum Masyarakat*, Jakarta, Pajar Baru, 2009.
- HAW. Widjaja, *Penyelenggaraan Otonomi Daerah di Indonesia*, Jakarta : PT. Rajagrafindo Persada, 2015.
- Hidayat, *Efektivitas Dalam Penanggulangan Tindak Pidana di Bidang Lalu Lintas oleh Kepolisian RI*, Jakarta, Sinar Grafika, 2001
- Inu Kencana Syafiie, *Pengantar ilmu Pemerintahan*, Bandung : PT. Refika Aditama, 2017.
- M. Zainuddin, *Peranan Sanksi Dalam Penegakan Hukum Pidana*, Jakarta, Sinar Grafika, 2001.
- Moejatno, *Azas-Azas Hukum Pidana*, Jakarta, Pustaka Baru, 2006.
- Moh.Hatta,, *Beberapa Masalah Penegakan Hukum Pidana Umum dan Khusus*, Yogyakarta: Liberty Yogyakarta, 2009.
- Muladi, *Teori-Teori dan Kebijakan Pidana*, Bandung: Alumni, 2018.
- Muladi dan Barda Nawawi Arief,, *Teori-Teori dan Kebijakan Pidana*, Alumni, Bandung, 2004.
- Peter Mahmud Marzuki, *Metode Penelitian Hukum*, Edisi Revisi, Penerbit Devisi Kencana , Surabaya, 2015,
- Roeslan Saleh , *Stelsel Pidana Indonesia*, , Aksara Baru. Jakarta, 2008.
- R. Soeroso, *Pengantar Ilmu Hukum*, cet. ke-8, Sinar Grafika, Jakarta, 2017.
- Ridwan HR, *Hukum Administrasi Negara*, PT. RajaGrafindo, Jakarta, 2006.
- Satochid Karta Negara, *Hukum Pidana Kumpulan Kuliah dan Pendapat –Pendapat Para Ahli Hukum Terkemuka*, Balai Lektur Mahasiswa, 2010.
- Siswanto Sunarno, *Hukum Pemerintahan Daerah*, Jakarta: Sinar Grafika, 2010,
- SR. Sianturi *Materi Hukum Pidana*, Jakarta, Sinar Grafika, 2017.
- Soehino, *Hukum Tata Negara Teknik Perundang-Undangan*, Liberty Yogyakarta, 2006.
- Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, Jakarta: RajaGrafindo Persada, 2023.
- Sidik Sunaryo. *Sistem Peradilan Pidana*. Penerbit Universitas Muhammadiyah Malang. 2004.
- Srisumantri, *Hukum Tata Negara Teknik Perundang-Undangan*, Jakarta: Liberty Yogyakarta, 2016.
- Sudarto, , *Hukum dan Hukum Pidana*, Alumni., Bandung, 2011.
- Wirjono Prodjodikoro, *Pengantar Hukum Pidana*, Sinar Grafika, Jakarta, 2021
- Widodo, *Analisis Kebijakan publik*, Malang: Bayumedia Publishing, 2017.
- Waluyadi *Hukum Pidana Materiel* , Jakarta, Sinar Grafika ,2003