The Effectiveness of the Gampong Qanun on the Care and Control of Livestock in Gampong Cot Seurani, Muara Batu District, North Aceh

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ABSTRACT

This paper examines the application of qanuns regarding the maintenance and control of livestock in the village of Cot Seurani, Muara Batu District, North Aceh. Therefore, to understand the application of the qanun, this paper uses the perspective of legal effectiveness. The study of legal effectiveness carried out in this study basically follows Soerjono Soekanto's opinion in which according to him, the benchmark for the study of legal effectiveness boils down to 5 (five) factors, namely: the content of a law, law enforcement, facilities and infrastructure that support law enforcement, society and the culture of the society in which a law is enacted. The interweaving of these five factors becomes a measure of whether a law is effective or not. The research problem answered in this study is how effective the implementation of the qanun is. In this paper, the approach used is a qualitative approach with the socio-legal method. Research data were collected through in-depth interviews, observation, and literature review. The research results show that prior to implementation, the qanun had been disseminated to all village communities through announcements at meetings, banners attached to walls at several village road points, and also through social media groups. Since the enactment of the qanun, it has had a positive impact in accordance with its objectives. Every perpetrator who violates the qanun will be tried in a customary court. Sanctions given in the form of fines and compensation. The response of the village community to the qanun regarding the control of livestock was very good, because they also felt it was important that there were regulations regarding this matter.

Keywords: Effectiveness, Gampong Qanun, Livestock, Cot Seurani

1. INTRODUCTION

The maintenance and control of livestock remains an unresolved issue in Aceh. Although the livestock sector is not the main sector of livelihood of the population, most acehnese residents, especially those who farm, at least raise a number of livestock, such as poultry, goats, sheeps, cows, and buffalo. Generally, farm animals, apart from poultry, are grazed by tying a rope to an ernak animal, while the other end of the rope is tied to a tree or pateng (wood specially made for grazing and plugged into the ground). The animals are left unattended on a vacant lot of grass, starting from the morning and being picked up for re-grounding in the afternoon. However, in the season after the rice harvest, or in areas where there is no agriculture, the farm animals are left ungrapped. So that sometimes these livestock enter residential areas and eat residents' plants. In fact, it is not uncommon for these farm animals to wander around the highway resulting in congestion, and also traffic accidents. For example, in 2020 in Pidie Jaya, based on a statement from the local police, it was found that 20 percent of the single Laka in Pidie Jaya was caused by livestock. Of these incidents, 26 victims died, 13 were seriously injured, and 75 were slightly injured. (Ajjn, 2021)

To overcome the problem of controlling livestock, most district or city governments in Aceh have actually made Qanun about the maintenance and control of livestock. For example, Qanun Banda Aceh City Number 12 of 2004 concerning animal control, Qanun Bireun Regency Number 2 of 2013 concerning the control of livestock, Qanun Aceh Pidie Number 7 of 2012 concerning the regulation of livestock maintenance in Pidie regency, Qanun West Aceh Number 3 of 2013 concerning Control of livestock maintenance, and North Aceh qanun Number 2 of 2014 concerning the maintenance and control of livestock. The main issue raised in the qanun is that any person or legal entity is prohibited from allowing his or her farm animals to roam in public places, public facilities, social facilities, parks and other community-owned lands. The sanctions imposed on violators based on the qanun-qanun include fines or expropriation of ownership of livestock into government property.

Although in its implimentation, based on a number of studies, the qanun on the control of farm animals has not been effective. In a study conducted by Fadlilah (2019) in Pidie Jaya district, it was found that Qanun on the maintenance and control of livestock was not running effectively. The main reason is because the surveillance area is too wide and the non-compliance of residents on the qanun even with the existing sanctions. Therefore, currently the regulation on the control of livestock is not only regulated in the qanun at the district or city level, but also at the qanun level of gampong. For example, in Muara Batu sub-district, which is one of the sub-districts in North Aceh, out of a total of 18 gampong in the district, 10 gampong of them have issued a qanun on the control of livestock (interview, 2021).

When viewed from the role of gampong in Acehnese society, the regulatory authority regarding the control of livestock will be better handed over to the gampong government. The reason is, First, the small jurisdiction of gampong makes the implementation of the qanun easier to supervise. Second, there is the authority of the gampong government to issue qanun-qanun about customs, which contains customary sanctions so that the qanun on the maintenance and control of livestock issued by gampong should be in accordance with the customs and culture of the local community. Third, in qanun gampong contains social sanctions from the gampong community who know the perpetrator.

The above background became the basis for the research team to examine the implimentation of qanun on the maintenance and control of livestock in Gampong Cot Seurani, Muara Batu District, North Aceh. Gampong Cot Seurani is one of the gampong that already has a Gampong qanun about the control of livestock that was codified in 2020, namely Qanun Gampong Cot Seurani Number 4 of 2020 concerning the maintenance and control of livestock.

In an effort to understand the implementation of the qanun, in this study will be used the point of view of legal effectiveness. The legal effectiveness study that will be carried out in this study basically follows the opinion of Soerjono Soekanto (2007: 8) where according to him, the benchmark of the study of legal effectiveness boils down to 5 (five) factors, namely: the content of a law, law enforcement, facilities and infrastructure that support the application of the law, society and community culture where a law is applied. The interweaving of these five factors becomes a measure that a law is effective or not. An important effectiveness study is carried out where through the study of legal effectiveness a conclusion will be reached whether a law has achieved its purpose of existence or not. If in the end the discovery is obtained that a law is ineffective, at least the factors causing the ineffectiveness of the law will be revealed and will eventually become input for the improvement and evaluation of a law enforcement.

2. METHOD

This research uses a qualitative approach. The selection of a qualitative approach in this study is because this study wants to understand comprehensively about the effectiveness of qanun gampong about the maintenance and control of livestock in Gampong Cot Seurani, Muara Batu, North Aceh. In this study, researchers used normative and sociological legal methodologies. The subjects or participants in this study were the community and the government of Gampong Cot Seurani. All subjects mentioned above were selected by the purposive sampling method because in qualitative research what is important is the accuracy of informants and the completeness and integrity of data with the context of the study. In this study, the data analysis techniques used are: First, the data reduction stage, where the researcher will read the entire transcript of the results of interviews, observations, and documents related to the research raised so that general information will be obtained from each transcript. Second, the stage of presenting data. The general messages that are revealed will then be compiled so that they become specific data.

3. RESULT AND DISCUSSION

3.1 Legal Effectiveness

Effectiveness linguistically means successfully obeyed, certifying, efficacious and effective. In terms of effectiveness, it can be interpreted as a condition that shows success in accordance with the achievement plan (KBBI, 2002). Based on that, legal effectiveness can be interpreted as the ability of law to create or give birth to circumstances or situations as desired or expected by law (Soekanto, 2007). For example, a law aimed at ordering the maintenance of livestock, then the effectiveness of the rule is the realization of the order of legal subjects in the maintenance of livestock in accordance with what is stated in the articles of the regulation.

In its realization, law not only functions as social control, but also as a social engineer (social engineering or instrument of change). Thus the effectiveness of the law can be seen from the function as a social control or from the point of view of functioning as a tool to carry out change. According to Soerjono Soekanto (2007: 110) the benchmark of legal effectiveness can be identified from 5 (five) factors, namely:

1) The content of a law,
2) Law enforcement, namely parties who form or enforce the law;
3) Facilities or facilities that support the application of law
4) The society in which a law is enforced
5) and Culture

The interweaving of these five factors becomes a measure that a law is effective or not. Especially in seeing the effectiveness of law as a tool for making a change, there are various conditions that need to be considered, as stated by William Evan (1980). These conditions are as follows:

1) Whether the new law is better and more authoritative than the previous conditions.
2) Whether the law has been given an appropriate justification both from a legal point of view and from a socio-historical point of view.
3) Whether the models of obedience can be recognized and published.
4) Whether appropriate consideration of the time required for the transition period has been taken.
5) Whether law enforcement officials show a sense of attachment to the new rules.
6) Whether positive or negative sanctions can be implemented in support of the law.
7) Whether effective protection has been afforded to persons who may suffer as a result of violations of the new law.

In addition, because the content of the law itself affects the effectiveness of the law, there are several principles that must be attached to the law (Yudho, 1897: 62).

1) That the law of its varying degrees, up to qanun gampong, should not apply retroactively.
2) Higher law has a higher position than the law below it. For example, the qanun gampong created by the village government should not conflict with the qanun of the district or city government.
3) Laws of a special nature exclude laws of a general nature (lex specialis derogat lex generalis).
4) The law made later/most recently overruled the previous law (lex posteriore derogat lex priori).
5) The law is inviolable.
6) The law exists to create social welfare for society and the personal.

Departing from it all, basically the study of the effectiveness of the law not only examines the extent to which the law is applied but also the extent to which a law is able to play its role. If a law is intended as a means of change from a tradition that did not previously exist, then it must both in a short and long time be able to become a tradition. Thus the role of law as a new tool of social change can be said to be effective.

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