

The Effectiveness of Animal Control Implementation According to Regional Regulation No.17 Of 2016 Concerning Public Order in South Bolaang Mongondow Regency

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Abstract

This study aims to analyze the effectiveness of the implementation of free-range animal control as stipulated in the Regional Regulation of South Bolaang Mongondow Regency Number 17 of 2016 concerning Public Order. The main problem studied was the extent to which the regulation was implemented effectively and the obstacles faced by local regulation enforcement officials in implementing these provisions. This study uses an empirical juridical approach method by collecting data through literature studies and interviews with Satpol PP officials and the local community. The results of the study show that the implementation of animal control has not run optimally due to the lack of human resources, supporting facilities, and low legal awareness of the animal owner community. In addition, weak supervision and sanctions enforcement are the main inhibiting factors. Therefore, a strategy of institutional capacity building, continuous socialization, and cross-sector collaboration is needed to support the enforcement of local regulations more effectively.

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1. INTRODUCTION

The 1945 Constitution of the Republic of Indonesia Article 18 paragraphs (2) and (5) affirms that the Regional Government is authorized to regulate and manage government affairs in accordance with the principle of autonomy and the duty of assistance. Regional Governments are given broad autonomy to regulate the interests of their communities. To provide space for the regions to regulate the lives of their citizens, the Central Government's policies need to consider local wisdom, while regional policies, both in the form of Regional Regulations (Perda) and other forms of policies, must pay attention to the national interest. This aims to realize a balance between national interests and local wisdom in the context of the implementation of a harmonious government.

Law Number 23 of 2014, which has been amended by Law Number 9 of 2015, concerning Regional Government, is a manifestation of regional autonomy reform to increase effectiveness and efficiency in the context of regional autonomy. The principle of the people is the foundation in the implementation of regional autonomy, which is strengthened by the supervision of the Regional People's Representative Council (DPRD) and the community to improve the welfare of the community through implementation.

Public order is one of the important aspects in the implementation of local government which aims to create a safe, comfortable, and orderly environment for the entire community, where the local government has the authority to form regulations that regulate community behavior in order to ensure the public interest and prevent potential disturbances that can harm the social and economic life of the community at large.

One of the problems that often arise in the context of public order, especially in rural and semi-urban areas such as South Bolaang Mongondow Regency, is the existence of livestock that are allowed to roam freely in public places, which not only disturbs public comfort but also poses a potential danger to the safety of road users and causes environmental damage.

In order to overcome this problem, the South Bolaang Mongondow Regency Government has stipulated Regional Regulation Number 17 of 2016 concerning Public Order, which specifically contains provisions regarding the prohibition of allowing livestock to roam in public facilities, highways, and other strategic places that can disrupt public order and security.

However, even though the regulation has been in effect for more than five years, the reality on the ground shows that the practice of controlling farm animals has not been running optimally, as shown by the still rampant free livestock roaming in a number of areas in the district, which indicates that there is a gap between normative regulations and their empirical implementation in the field.

Public order is an important pillar in creating conducive social conditions, where the rights and obligations of every citizen can run harmoniously without any disturbance to the physical and social environment, and within the framework of regional autonomy, the district government has broad authority to regulate and manage government affairs that are directly related to the interests of the local community, including in terms of public space arrangement and control of the factors that can disrupt order, such as the presence of farm animals roaming unsupervised. The phenomenon of livestock roaming freely, especially in rural areas such as South Bolaang Mongondow Regency, has become a classic problem that not only disrupts community activities, but also has the potential to cause traffic accidents, damage public facilities, and degrade the aesthetics of urban and rural environments.

In response to this problem, the Government of South Bolaang Mongondow Regency stipulated Regional Regulation Number 17 of 2016 concerning Public Order as a legal instrument that aims to create a more orderly, orderly, and responsible community life, where one of the objects of the regulation explicitly includes the prohibition of letting pets roam in public places that can disturb public order and safety.

However, the effectiveness of the implementation of these regional regulations is still an issue that needs to be studied further, considering that the implementation in the field is often not in line with the norms that have been set in the regulations, which is marked by the still rampant complaints of the community against disturbances caused by livestock in various sub-districts.

This condition raises important questions about the extent of the effectiveness of the implementation of animal control in accordance with the Regional Regulations that have been determined, as well as what factors affect the success or failure of its implementation, both from institutional aspects, human resources, community legal awareness, and support for facilities and infrastructure.

Therefore, this research is important to be carried out in order to analyze the effectiveness of the enforcement of these provisions as a whole, as well as provide

constructive recommendations for optimizing the implementation of animal control for the sake of creating sustainable public order in South Bolaang Mongondow Regency.

2. RESEARCH METHODS

This research uses a normative-empirical juridical method, which is a legal research approach that combines two different but complementary approaches, namely a normative approach that focuses on the study of written legal norms such as laws and regulations, and an empirical approach that focuses on the implementation or implementation of law in social reality in society. Normative encloseties are used to examine the legal substance of the Regional Regulation of South Bolaang Mongondow Regency Number 17 of 2016 concerning Public Order, especially those that regulate the provisions of animal control, including the legal principles underlying their enactment and the sanction system regulated in them, as well as how the regulation should be implemented according to the applicable legal norms.

3. RESULTS OF RESEARCH AND DISCUSSION

a. Implementation of Regional Regulation of South Bolaang Mongondow Regency Number 17 of 2016 concerning Public Order

South Bolaang Mongondow Regency Regional Regulation Number 17 of 2016 concerning Public Order explicitly stipulates that every pet owner, especially livestock such as cows, goats, and buffaloes, is prohibited from letting their animals roam in public places because it is considered to disturb the order, comfort, and safety of the public and other road users.

Normatively, this regulation provides a strong legal basis for the Regional Government through the Civil Service Police Unit (Satpol PP) to carry out control actions, animal detention, and the application of administrative sanctions against animal owners who violate these provisions. This shows that there is a gap between *das sollen* (what should be according to the law) and *das sein* (what happens on the ground), which reflects the low effectiveness of the implementation of the regulation.

The effectiveness of the implementation of regulation in this context can be measured from three main dimensions, namely: the level of community compliance with the rules, the performance of law enforcement officials in cracking down on violations, and the impact of regulations on the creation of social order. In terms of compliance, the legal awareness of the community is still relatively low, especially among traditional farmers who consider that allowing their livestock to roam freely is a natural thing and is part of hereditary customs. Meanwhile, in terms of apparatus, the limited number of Satpol PP personnel, the lack of supporting facilities such as animal transport vehicles and shelter cages, and the lack of optimal coordination between agencies are the main obstacles in the implementation of consistent and comprehensive control.

On the other hand, the sanctions regulated in this Regional Regulation have not been fully implemented firmly, because the authorities tend to prioritize a persuasive approach through verbal and written reprimands, while the mechanism for enforcing administrative sanctions to animal detention is still rare. As a result, there is no significant deterrent effect for violators, so violations are likely to recur. This condition indicates that although normatively clear rules are available, weak implementation makes the legal goals not achieved optimally.

Furthermore, if studied from the theory of legal effectiveness according to Soerjono Soekanto, there are five factors that affect the effectiveness of the implementation of the law, namely: the content or substance of the law, law

enforcement officials, supporting facilities or facilities, the community as a subject of law, and the legal culture that lives in society.

In the context of South Bolaang Mongondow Regency, almost all of these factors show interrelated weaknesses, such as weak supporting facilities, low legal awareness, and lack of courage to enforce sanctions in real terms. Therefore, it is not enough to increase effectiveness only through regulations, but must also be accompanied by community development, capacity building of officials, and the renewal of a more assertive but still humane law enforcement approach.

b. Factors that hinder the Regional Government in realizing order in the community in South Bolaang Mongondow Regency

One of the main factors that hinders the Regional Government of South Bolaang Mongondow Regency in realizing public order, especially in the context of animal control according to Regional Regulation No. 17 of 2016 concerning Public Order, is the limitation of human resources, both in terms of the number and quality of local regulation enforcement apparatus such as Satpol PP, where the lack of adequate personnel causes the implementation of control tasks to be not optimal and less reaching all effectively.

In addition, inadequate supporting facilities and infrastructure, such as the lack of operational vehicles, limited animal shelter facilities, and the lack of tools in the control process, also contribute to the low effectiveness of the implementation of the regulation.

Furthermore, the low level of legal awareness and community responsibility, especially livestock owners who still consider that allowing animals to roam is a natural and harmless thing, has become a social obstacle that is difficult to overcome without continuous guidance and education from the local government, so that an ideal legal culture has not been firmly formed among the community.

In addition, the weak supervision and law enforcement system that tends to prioritize a persuasive approach and avoid harsh sanctions makes the existing regulations do not provide a significant deterrent effect for violators, so the potential for repeat violations is still very high.

No less important is the coordination factor between agencies involved in public order control which has not been running optimally, so that there is overlap of tasks and a lack of synergy in policy implementation, which ultimately hinders the creation of an effective and efficient control system in the field.

Finally, the limited regional budget allocated for public order control activities is also a structural obstacle, because without adequate financial support, animal control and public order supervision programs are difficult to implement in a sustainable and comprehensive manner.

Thus, these obstacles are not only technical, administrative, but also touch on socio-cultural and institutional aspects that must be overcome in an integrated manner so that the goal of public order regulation, especially related to the regulation of pets, can be truly achieved in accordance with the expectations contained in Regional Regulation No. 17 of 2016.

4. CONCLUSION

The implementation of animal control according to Regional Regulation No. 17 of 2016 in South Bolaang Mongondow Regency has not been effective because even though the regulations have clearly regulated, in practice there are still many livestock that roam

and disturb public order, which is caused by several factors such as limited resources of local law enforcement apparatus, lack of supporting facilities and infrastructure, low awareness of public law, Weak sanctions enforcement, lack of optimal coordination between agencies, and limited regional budgets all of which together hinder the achievement of public order goals in accordance with the expectations of the regulation.

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