

9. Juridical Analysis Of The Authority Of Quarantine Officers

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Juridical Analysis Of The Authority Of Quarantine Officers In Handling Illegal Importation Of Caws On Batam Island

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Abstract. Quarantine is a system of preventing the entry, exit, and spread of quarantined animal pests and diseases, as well as supervision and control of food safety and food quality, feed safety and feed quality, Genetic Engineering products, Genetic Resources, Biological Agents, Invasive Foreign Species, Wild Plants and Animals, and Rare Animals that are introduced into, spread from one area to another area, and removed from the territory of the Unitary State of the Republic of Indonesia. To maintain, protect, and improve the quality of animal/livestock resources, animal/livestock health, animal welfare, and the provision of safe, healthy, whole, and halal (ASUH) food of animal origin, as well as maintaining peace or eliminating/preventing public unrest, it is necessary to provide guidance, regulation, control, and supervision of livestock businesses and animal health services. To create a conducive business climate and legal certainty in animal husbandry and animal health, it is necessary to regulate the mechanisms and procedures for licensing livestock and animal health businesses in the regions. The problem faced by the Batam Class I Agricultural Quarantine Center is caused by cows entering Batam Island that do not have an entry permit and are not by Law Number 21 of 2019, which states that every entry or release must be carried out through a designated Place of Entry and Place of Expenditure.

Keywords: Juridical Analysis, Authority, Quarantine, Illegal Cow

INTRODUCTION

Quarantine is a system of preventing the entry, exit, and spread of quarantined animal pests and diseases, as well as supervision and control of food safety and food quality, feed safety and feed quality, Genetic Engineering products, Genetic Resources, Biological Agents, Invasive Foreign Species, Wild Plants and Animals, and Rare Animals that are introduced into, spread from one area to another area, and removed from the territory of the Unitary State of the Republic of Indonesia. For the implementation of quarantine, the central government is obliged to provide human resources, one of which is the Quarantine Officer. Based on Law of the Republic of Indonesia Number 21 of 2019 concerning Quarantine of Animals, Fish, and Plants, Quarantine Officers are State Civil Apparatus assigned to carry out Quarantine measures under this Law.

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The law has provided guarantees for Quarantine Officials in carrying out their duties and authorities, as stated in Article 19 of Law No. 21 of 2019, namely that they cannot be prosecuted criminally and sued civilly. This affirms Article 50 of the Criminal Code, which reads "that anyone who commits an act to carry out the provisions of the law shall not be punished".¹

Quarantine measures in detention, rejection, and destruction enforce quarantine law as a lex specialist that is precisely regulated and carried out by Quarantine Officers in their respective fields and competencies. Detention quarantine measures are carried out to secure the Carrier Media under the supervision of Quarantine Officers. The detention action is carried out after administrative inspection and document suitability. Rejection actions, apart from being based on document fulfillment of administrative requirements, are also carried out based on professional technical considerations to avoid the spread of Quarantine Animal Pests and Diseases, human health problems, and damage to biological natural resources as meant in Article 45 of Law Number 21 of 2019 concerning Quarantine of Animals, Fish, and Plants.²

To maintain, protect, and improve the quality of animal/livestock resources, animal/livestock health, animal welfare, and the provision of safe, healthy, whole, and halal food of animal origin, as well as maintaining peace or eliminating/preventing public unrest, it is necessary to provide guidance, regulation, control, and supervision of livestock businesses and animal health services. To create a conducive business climate and legal certainty in animal husbandry and animal health, it is necessary to regulate the mechanism and procedure for licensing animal husbandry and animal health businesses in the region.³

The problem faced by the Batam Class I Agricultural Quarantine Center is that cows entering Batam Island that do not have an entry permit and are not by Law No. 21/2019, which states that every entry or release must be made through a designated Place of Entry and Place of Expenditure.

The increasing demand for meat for the people of Batam is one of the factors for cow importation from outside Batam Island. Individuals, legal entities, or government agencies can do cow importation. To prevent the possibility of spreading HPHK or exotic animal diseases that can be transmitted through cow, cow importation must fulfill the importation requirements set by the prevailing laws and regulations.

¹ *Ibid*, Hal.3

² *Ibid*, Hal.4

³ Peraturan Daerah Kota Batam Nomor 2 Tahun 2019 Tentang Penyelenggaraan Usaha Peternakan dan Kesehatan Hewan

RESEARCH METHOD

The author, in researching the object of this study, uses normative legal research specifications supported by sociological, legal research. The research location is at the Batam Class I Agricultural Quarantine Center. The sampling technique is a purposive, non-random sampling technique. Legal material collection techniques used in this research are primary data collection techniques, secondary data, and tertiary data. Analysis of Legal Materials used in this research uses research data obtained in the field, and then qualitative analysis is carried out.

RESULT AND DISCUSSION

Grand Theory

As a Grand Theory, the author uses the Theory of Marcus Tullius Cicero, an Ancient Roman philosopher (106 - 43 BC) who states that "The Safety of the People is the Supreme Law," which is popularly known as *Salus Populi Supreme Lex Esto* or *Salus Populi Suprema Esto*, if associated with the purpose of the establishment of a state is to create security, order and seek the welfare and prosperity of the people. The state has a role through its respective duties and functions to create security order and seek the welfare and prosperity of the people. The safety and prosperity of the people is the primary goal of the state.⁴

In Indonesia, this is stated in the fourth paragraph of the opening of the Constitution of the Republic of Indonesia, which reads, "to form a Government of the Republic of Indonesia that protects the entire Indonesian nation to promote public welfare, educate the nation's life, and participate in implementing world order based on independence, lasting peace, and social justice".⁵

Middle Theory

John Austin is a pioneer of the Analytical Positive Law School, which states that law is an order from the state authorities. The essence of law lies in the element of the command.

⁴ Kastara.id, "Terlupakan, Azas Keselamatan Rakyat adalah Hukum Tertinggi" diakses dari <https://kastara.id/13/12/2018/terlupakan-azas-keselamatan-rakyat-adalah-hukum-tertinggi/>, pada tanggal 22 Mei 2023

⁵ *Ibid*, Hal.1

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Austin views law as a fixed, logical, and closed system. Law is an order that obliges a person or several people.

Based on Austin's theory, related to the research conducted by the author on the Authority of Quarantine Officials in Handling Illegal Cow Importation in Batam Island, it can be described as follows:

- 1) The cow importation regulations in force are favorable laws enacted by the Sovereign.
- 2) The regulation in its implementation contains an element of order to be implemented by the service user.
- 3) There is an obligation to fulfill the requirements for service users/cow owners/cow entrepreneurs.
- 4) There is a sanction if the cow traffic into Batam Island does not implement the regulation.

According to Ross, a legal rule is obligatory because of the relationship between juridical acts and sanctions. Someone acts according to the rules, then free from sanctions. Conversely, if you do not comply, you will receive sanctions. It is this experience that makes people view the law as mandatory. The application of the law is nothing other than that, namely, a reciprocal relationship between sanctions and a sense of obligation/fear. Therefore, juridical imperatives are entirely related to social reality.⁶

Applied Theory

Applied Theory is a theory that is at the micro level and ready to be applied in conceptualization. Ridwan AR argues, "Overheidsbevoegdheid word in dit verband opgeved als het vermogen om positives recht vast te seller en Aldus rechtsbetrekkingen tussen burgers onderling en tussen overhead en te scheppen" (government authority in this regard is considered as the ability to implement positive law, and that way a legal relationship between the government and citizens can be created). The theory of authority is a theory that examines and analyzes the power of government organs to exercise their authority both in the field of public law and private law.⁷ The elements listed in the theory of authority are:

1. The existence of power.

⁶ Projustice.id, "Kumpulan Teori Hukum Menurut Para Ahli" diakses dari <https://projustice.id/kumpulan-teori-hukum-menurut-para-ahli/>, pada tanggal 24 Mei 2023

⁷ Erniyanti, *Penyelesaian Sengketa Pilkada, Rekontruksi Kewenangan Bawaslu*, CV. Gita Lentera, Padang, 2023.Hal.22

2. The existence of government organs, namely government tools, that have the task of running the wheels of government.
3. The nature of the legal relationship, namely the relationship that gives rise to legal consequences, legal consequences are the emergence of rights and obligations.

Based on the theory of authority, about the research conducted by the author on the Authority of Quarantine Officials in Handling Cow Entry Cases in Batam Island, it can be explained that there is an authority of officials stipulated in the regulations to enforce the law on cow entry traffic in Batam Island.⁸

In addition to the theory of authority, in applied theory, the author also explains the theory of law enforcement. Law enforcement is a process that is essentially an application of directors that involves making decisions that are not strictly regulated by legal rules but have elements of personal judgment (Wayne La-Favre).

The theory of law enforcement, according to Soerjono Soekanto, is that law enforcement factors are determined by 5 (five) factors, namely:

- a. The Legal Factor Itself (Law). Organizing law enforcement in the field often conflicts between legal certainty and justice. This is because the conception of justice is an abstract formulation, while legal certainty is a normatively determined procedure.
- b. Law Enforcement Factors, namely the parties who form and apply the law. One of the keys to success in law enforcement is the mentality or personality of the law enforcers themselves. In law enforcement, by every law enforcement agency, justice and truth must be stated, felt, seen, and actualized.
- c. Factors of Facilities or Facilities that Support Law Enforcement. Supporting facilities and facilities include educated and skilled human resources, good organization, and adequate equipment. Law enforcement cannot run smoothly, and law enforcement is unlikely to carry out its proper role.
- d. Community Factors, namely the environment in which the law applies or is applied. Society has a strong influence on the implementation of law enforcement because law enforcement comes from society and aims to achieve in society. The higher the legal awareness, the more possible good law enforcement will be.

⁸ Ridwan HR, *Hukum Administrasi Negara*, Rajawali Pers, Jakarta, 2006

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- e. Cultural Factors, namely as a result of work, copyright, and taste based on the human spirit in the association of life. Indonesian culture is the basis of the enactment of customary law. The enactment of written law (legislation) must reflect the values that are the basis of customary law. In law enforcement, the more adjustments between laws and regulations and the society's culture, the easier it will be to enforce them.⁹

Based on the theory of law enforcement, related to the research conducted by the author, this is to answer how the practice or application of the Quarantine Officer's Authority in Handling the Case of Cow Importation in Batam Island.

The juridical analysis is a series of behaviors to observe, describe, and rearrange an object by using legal parameters as a standard in order to conclude that the object is against the law.¹⁰

Authority is the right of an individual to act within certain limits and is recognized by other individuals in a particular group. Authority is usually associated with power for organizational effectiveness. Authority is used to achieve the objectives of the authorized party. Therefore, authority is usually associated with power.

A Quarantine Officer is a State Civil Apparatus assigned to perform Quarantine actions based on laws and regulations. Quarantine officials must have competence in their fields and are functional officials appointed and dismissed by the provisions of laws and regulations.¹¹ The government, as the organizer of the state, is essential to be limited in its power (the limited states), of course with the intention and purpose, so as not to do arbitrary things in governing and exercising its power.

Cows are the most critical livestock animal as a source of meat, milk, labor, and other needs. Cow produces about 50% of the world's meat, 95% of its milk, and 85% of its leather. Beef cow productivity is strongly influenced by genotype and environmental factors.

CONCLUSION

1. The Legal Arrangement of Quarantine Officials' Authority in Handling Illegal Cow Importation in Batam Island (Research Study at the Agricultural Quarantine Center Class I Batam) is regulated in the Law.

⁹ Soerjono Soekanto, "Faktor-Faktor yang Mempengaruhi Penegakan Hukum", PT. Raja Grafindo Persada, Jakarta, 2008, Hal. 8

¹⁰ Kamus Hukum, "Analisis Yuridis" Artikel ini diakses dari <https://kamushukum.web.id/arti-kata/analisis-yuridis/>, pada tanggal 23 Mei 2023

¹¹ Peraturan Pemerintah Republik Indonesia No 29 Tahun 2023 Tentang Peraturan Pelaksanaan Undang-Undang No. 21 Tahun 2019 Tentang Karantina Hewan, Ikan dan Tumbuhan

2. The Authority of Quarantine Officials in Handling Illegal Cow Importation in Batam Island (Research Study at the Batam Class I Agricultural Quarantine Center) is implemented by the laws and regulations.
3. The factors that become obstacles and solutions to the Quarantine Officer's Authority in Handling Illegal Cow Importation in Batam Island (Research Study at the Agricultural Quarantine Center Class I Batam) are the awareness of cow entrepreneurs in cow importation activities by the applicable regulations.

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