

Research Article

Legal Responsibility for Livestock that Damage Other People's Crops in Village Regulations and Islamic Law

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Abstract. The problem of livestock roaming freely in Kerato Village, Unter Iwes District, causes damage to property, agricultural land, social conflict, and economic losses. To address this problem, Kerato Village Regulation Number 7 of 2021 concerning Livestock Maintenance was created. This regulation stipulates administrative sanctions in the form of fines and compensation for livestock owners who release their livestock in public places, residential areas, and agricultural or plantation land owned by others without supervision from the livestock owner. This study uses an empirical legal research approach, a method that analyzes social phenomena in society using a legislative approach, a sociological approach, a comparative approach, and a case approach. The results of the study indicate that the legal liability of livestock owners according to Kerato Village Regulation Number 7 of 2021 concerning Livestock Maintenance stipulates that livestock owners who roam freely and damage agricultural land will be subject to administrative sanctions in the form of fines for security costs and maintenance costs for the secured livestock and are required to pay compensation for damaged crops. Research results related to Islamic law emphasize the responsibilities of livestock owners based on the principle of justice, requiring balanced compensation and encouraging dispute resolution through mediation.

Keywords: Islamic Law; Legal Accountability; Legal Responsibility; Livestock; Village Regulations.

1. Introduction

Livestock is one of Indonesia's natural resources, obtained through the use of livestock to meet human needs for food, clothing, and shelter. Furthermore, the fertile soil makes for easy access to animal feed, supporting the livestock business in Indonesia. Research Fuad Nur et al. (2024) stated that livestock farming will not only increase livestock population and production but also increase farmer income due to increased livestock consumption in the community. As the population and livestock business increase, livestock are released into the wild due to the availability of sufficient feed. This is the potential for the spread of disease, traffic accidents, land damage, and conflict, which are livestock problems.

Maintaining a comfortable and clean environment requires regulations, awareness, and community collaboration. If livestock are not kept in pens or are kept in inadequate pens, farmers must ensure they do not enter residential areas and farmers' fields. If livestock are allowed to roam freely, the community can suffer losses as a result. This not only causes land damage but also threatens the sustainability of community livelihoods, which in turn can disrupt surrounding communities.

Livestock owners are responsible for compensating for losses if their livestock escapes supervision and causes harm to others. According to Julista (2024) and Syaiful (2014), legal responsibility is an obligation to act in a certain way, because the victim has the right to seek direct revenge against the person who has done wrong. As long as the livestock owner is deemed to have the ability to compensate for the losses incurred, the livestock owner cannot avoid or escape from this responsibility.

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In law, sanctions are a crucial component of enforcement. They are a form of coercion imposed by the government on its citizens when there are orders, duties, or prohibitions stipulated in regulations. Sanctions are considered a law enforcement measure, according to JJ Oosternbrink. (in Yonnawati 2022) states that administrative sanctions are sanctions that arise from the relationship between the government and citizens and are implemented without the intermediary of a third party (judicial power), but can be directly implemented by the administration itself.

Losses arising from livestock damaging agricultural land, livestock entering residential areas, parks, and highways. The problems caused by these livestock cause losses to the community, so the Kerato Village government issued a regulation governing the responsibilities of livestock owners in Kerato Village Regulation Number 7 of 2021 concerning Livestock Maintenance. As an effort to address problems related to livestock such as cows, buffalo, horses, goats, and the like, which are subject to administrative sanctions in the form of fines and compensation. Fines are imposed on livestock confiscated by the task force. This sanction aims to provide a deterrent effect for perpetrators of violations and maintain order and community compliance with Village Regulations.

In addition to being regulated by village regulations, the responsibilities of livestock owners are also regulated by Islamic law. Based on the principle of justice, it also stipulates that livestock owners are responsible for losses caused by their livestock, as stated in the Qur'an, Surah Al-Anbiya, Verses 78-79. The problem raised in this study is how the responsibility of livestock owners according to Village Regulations is compared with the responsibility of livestock owners according to Islamic law.

2. Method

Types of research

type of research uses empirical legal research, which is directed at studying social phenomena in society, examining and analyzing the operation of law within society. This research examines in depth the phenomena occurring in society related to the destruction of agricultural land by livestock farmers, in this case livestock eating corn crops in Kerato Village.

Approach Method

The Statute Approach examines and analyzes laws and regulations related to the legal issue at hand. The researcher examined Kerato Village Regulation Number 7 of 2021 concerning Livestock Care, Law Number 3 of 2024, the second amendment to Law Number 6 of 2014 concerning Villages, regarding village authority and order within the village. The Sociological Approach is an approach that discusses a subject based on social phenomena in society, which includes identifying behavioral styles, social structures, or dynamics between individuals within a societal context. In this case, the researcher examines social phenomena in society related to the destruction of agricultural land by livestock that eat corn plants. The comparative approach involves conducting a comparative legal study. Comparative legal studies are the act of comparing laws. The purpose of this comparison is to identify similarities and differences between the laws. In this case, the researcher compared Kerato Village Regulation Number 7 of 2021 concerning Livestock Care with Islamic Law. Case Approach (case) approach is an approach carried out by conducting a review of cases which related with problem which faced. Researchers took a case that occurred in Kerato village related to livestock entering agricultural land and eating corn plants.

Data Types and Sources

Primary data is data obtained by a researcher directly from the source. For example, through direct observation and interviews with respondents or parties related to the problem being studied regarding livestock cases in Kerato Village, Unter Iwes District. Respondents from this research interview were the Head of Kerato Village, Livestock Owners, Cultural Figures of Sumbawa Regency, Chairman of the Muhammadiyah Regional Leadership of Sumbawa Regency, Chairman of the MUI of Sumbawa Regency, and the Management of the NU Branch of Sumbawa Regency. Regarding the legal responsibility of livestock owners as a result of their livestock damaging other people's crops, it is hoped that from this interview the concept of criminal responsibility according to Islamic law is obtained, namely the concept of balanced justice.

Data collection technique

In this study, data collection methods included direct interviews with respondents to obtain further information and observation to directly observe existing phenomena.

3. Results and Discussion

Responsibilities of Livestock Owners According to Kerato Village Regulation Number 7 of 2021 Concerning Livestock Maintenance

Village Regulations Based on Law Number 15 of 2019 Amendment to Law Number 12 of 2011

Village regulations are regulations made by the village head and the village consultative body (BPD), however, the substance of the village regulations must accommodate the aspirations of the community. The legal status of village regulations, in its regulations, is stated in Law Number 12 of 2011 concerning the Formation of Legislation, Article 8 paragraph (1) which reads:

"other types of statutory regulations also include statutory regulations stipulated by the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, the Supreme Court, the Constitutional Court, the Supreme Audit Agency, the Judicial Commission, Bank Indonesia, Ministers, agencies, institutions or commissions of the same level established by law or the government based on law, the Provincial People's Representative Council, the Governor, the Regency/City People's Representative Council, the Regent/Mayor, the Village Head or the equivalent"

Law Number 12 of 2011 concerning the Formation of Legislation, Article 8 paragraph (2) reads:

"The statutory regulations as referred to in paragraph (1) are recognized as existing and have binding legal force as long as they are ordered by higher statutory regulations or are established based on authority."

The provisions in Law Number 12 of 2011 concerning the Formation of Legislation Article 8 paragraph (1) include the phrase "village head or equivalent" which means that Village regulations as a legal product of Village government are one type of legislation. Furthermore, the provisions in Law Number 12 of 2011 concerning the Formation of Legislation Article 8 paragraph (2) explain that the existence of these legislation is recognized and has binding legal force as long as it is ordered by higher legislation or is formed based on authority. Village authority includes authority in the field of organizing Village government, implementing village development, village community development, and empowering Village communities based on community initiatives, original rights, and Village customs.

Kerato Village Regulation Number 7 of 2021 Concerning Livestock Maintenance

In Kerato Village, there is a problem with livestock, especially cattle, roaming around farms, plantations, yards, and other public facilities without supervision or herding by their owners, causing damage to the community. In response to this problem, the Kerato Village government issued Kerato Village Regulation Number 7 of 2021 concerning Livestock Maintenance. Article 3 prohibits livestock owners from: Releasing or grazing livestock on agricultural land and plantations owned by other people; Releasing or grazing livestock in the yards of government offices, places of worship, parks, highways, sports fields and other public facilities; and Allowing livestock to roam freely on the streets and in residential areas. It is prohibited to keep livestock in residential areas.

In regulating roaming livestock, Kerato Village Regulation Number 7 of 2021 concerning Livestock Maintenance, Article 4 Regulation, namely: The village head has the authority to regulate the maintenance of livestock within the village area. In implementing the regulation as referred to in paragraph (1), the village head will form a task force to regulate livestock maintenance. The formation of the task force as referred to in paragraph (2) is determined by a decision of the village head.

The task force as referred to in paragraph (3) consists of: The village head is responsible. The hamlet head as the chairman in each region. Babinsa and Babinkamtibnas as field coordinators, and the head of the neighborhood association (RT), the head of the residents' association (RW) and members of the village community protection as members of the field enforcement task force.

The task force as referred to in paragraph (4) has the following authority and responsibilities: Carrying out control and security of livestock that roam in places as referred to in Article (3). Carrying out maintenance of regulated livestock; and Taking a family approach to regulating and securing livestock. The village head is obliged to report the formation of the task force and the implementation of livestock control and security activities to the head of the Satpol PP. In carrying out livestock control and security activities, the task force includes documentary evidence and is supported by one witness.

Kerato Village Regulation Number 7 of 2021 concerning Livestock Maintenance in Article 5, namely: For livestock that roam freely in the location as referred to in Article 3, the task force will take action to control them. Livestock caught in the enforcement actions as referred to in paragraph (1) may be confiscated or returned to their owners. Further provisions regarding action against livestock that is confiscated or returned to its owner are regulated by the Village Head's regulations.

Administrative Fines

According to Ghufran Syahputera Walla et al. (2021), administrative fines are sanctions imposed by administrative bodies on individuals or entities that violate administrative provisions of laws and regulations. According to Christianus (2023), the imposition of administrative fines must be based on clear laws and regulations. Administrative sanctions are intended to address the violation and prevent the violation.

In the case of livestock that occurred in Kerato Village against livestock owners who violated the rules set by the Kerato village government, the form of responsibility of the livestock owners is to be subject to administrative sanctions in the form of fines, which are clearly stated in Kerato Village Regulation Number 7 of 2021 concerning Livestock Maintenance Article 12 Security Costs and Maintenance Costs, namely: Livestock owners whose livestock are confiscated will be subject to administrative sanctions in the form of fines. The fine as referred to in paragraph (1) is a replacement for the costs of security and maintenance of livestock while they are under the security of the task force. The amount of security costs and maintenance costs as referred to in paragraph (2) is determined as follows: Security costs for cows, buffalo, horses and the like are Rp. 250,000.00 per head for a security period of 3x24 hours; Security costs for goats, sheep, lambs and the like are Rp. 75,000.00 per head for a security period of 3x24 hours; Maintenance costs for cows, buffalo, horses and the like are Rp. 75,000.00 per head/per day; and Maintenance costs for goats, sheep, lambs and the like are Rp. 25,000.00 per head/per day. The costs referred to in paragraph (3) letters a and b are deposited into the village treasury. The costs referred to in paragraph (3) letters c and d are used for providing food, nutrition and other things.

The primary legal basis governing the imposition of fines in village regulations is Law Number 6 of 2014 concerning Villages. The Village Law authorizes village governments, including village heads, to establish sanctions, including fines, within village regulations. Research into the fines stipulated in Village Regulation Number 7 of 2021 concerning Livestock Maintenance indicates a mutual agreement between the cattle owner and the landowner. The fines stipulated in the Village Regulation cover losses incurred for livestock maintenance and damage to crops.

The researcher conducted an interview with the head of Kerato village on March 17, 2025 at 9:00 AM at the Kerato Village Office. In the study, Mr. Muhammad Idham as the head of Kerato village explained that the background to the formation of village regulations was aimed at security and order. The formation of Village Regulation Number 7 of 2021 concerning livestock maintenance was an initiative from the community and was designed by the Village government. The Village Regulation has been effective as long as there is a report regarding livestock from the community, those who have livestock are penned and those who have crops, their land is fenced so that cattle do not enter and damage the plantation land as regulated in Kerato Village Regulation Number 7 of 2021 concerning Livestock Maintenance Article 2 Paragraph (1) concerning the obligations of agricultural or plantation business owners: Installing a fence on every agricultural or plantation business as proof of ownership; Install agricultural and plantation fences to the specified standards, namely 160 cm high, 3 clamps and an additional 4 slats, a minimum distance of 20 cm between the rails; And For land that uses barbed wire, the number of poles is 5 layers as referred to in letter b; and Agricultural land or yards that do not have fences do not have the right to ask for compensation if livestock damages plants and buildings.

Kerato Village Regulation Number 7 of 2021 Concerning Livestock Maintenance Article 2 Paragraph (2) Every Livestock Owner is Obligated to: Providing cages and maintaining their cleanliness and being able to make cages individually or in groups; Grazing or tethering livestock in grazing areas during the day; Keeping livestock penned at night; Giving special marks to livestock before they are 6 months old, unless the livestock for some reason cannot be given a mark; Report the number, sex, age and characteristics of livestock to the village head at least once a year to obtain a certificate of animal ownership; Report every birth, death and sale of livestock to the village government; Reporting the slaughter of livestock for religious activities and social activities to the UPT Animal Production and Health Unit of

Unter Iwes; Check the health of your livestock regularly with animal health officers; and Tying up and penning livestock in other people's rice fields at night to eat the remaining grass after the harvest season.

Livestock

Livestock are animals that spend all or part of their life cycle on land, water, or air, whether kept as a food source, a source of industrial raw materials, or as labor to assist humans in their work or in their habitat. Livestock are four-legged animals such as cows, buffalo, horses, goats, sheep, or similar four-legged animals that are raised.

The researcher conducted an interview with Mr. Saefuddin on March 17, 2025 at 10:00 AM in Sering. In the study, Mr. Saefuddin admitted that his cow entered the plantation land owned by Mr. Riyan who came from Batulanteh. The incident occurred after a day of legislative elections coincided with February 15, 2024, the incident took place in Sering behind PT Peternakan, the cow ate corn. As a result of the incident, Mr. Riyan and his father as the owner of the corn plantation reported to the village office with photographic evidence of the cow eating his plants. Mr. Saefuddin was subject to sanctions in the form of compensation given by Mr. Riyan, paying compensation for 2kg of seeds amounting to Rp. 200,000 from Mr. Saefuddin's ability.

From this incident, the community took action to control livestock entering their agricultural or plantation land, as stated in Kerato Village Regulation Number 7 of 2021 concerning Livestock Maintenance in Article 7 which reads: The community has the right to secure livestock that enter their yards, agricultural land and plantation land. Security as referred to in paragraph (1) must be reported to the Village Head through the Task Force. The report as referred to in paragraph (2) must be accompanied by the handover of livestock no later than 3 x 24 hours after security is carried out. In carrying out security as referred to in paragraph (1), the community may not injure livestock for any reason. Livestock security is carried out in each hamlet area. People who regulate and secure livestock that enter agricultural or plantation land belonging to other people must include documentary evidence and be supported by 1 sanctioned person.

The liability of livestock owners for damage caused by their livestock, namely compensation for damage, has been regulated in Kerato Village Regulation Number 7 of 2021 concerning Livestock Maintenance. Article 14 reads: Owners of livestock that are disciplined by the task force, in addition to paying the fine as referred to in Article 12, are required to compensate the community for losses. Communities who suffer losses as referred to in paragraph (1) can report to the local hamlet head by bringing evidence of damage caused by livestock such as fences, food crops, medicinal plants, and so on. Compensation for the consequences caused by livestock as referred to in paragraph (2) shall be adjusted to the agreement between the livestock owner and the affected community, taking into account the principle of fairness. If the compensation as referred to in paragraph (3) is not implemented, the affected community can report it to the Village Head. If after reporting to the Village Head as referred to in paragraph (4) it is not achieved and/or not implemented, the Village Head will submit the resolution based on the Sumbawa Regency Regional Regulation concerning Livestock Maintenance.

Based on the above article regarding compensation for damage caused by livestock, such as damaging fences and crops, compensation is determined through a mutual agreement between the livestock owner and the plantation owner. If one party disagrees or an agreement is not reached, the issue will be reported to the village head for mediation and a solution can be found. In the case of Mr. Saefuddin, the livestock owner is expected to ensure that his livestock does not damage other people's property. Livestock owners are required to pay compensation if it is proven that the livestock owner's negligence contributed to the incident, they will be responsible for paying the injured party. With the enactment of Kerato Village Regulation Number 7 of 2021 concerning Livestock Care, livestock owners are expected to be more careful in caring for their pets. Marianus Dewalking et al. (2024) reviewed the principles of village regulations, which are created as a foundation for village governance, with the aim of regulating communal life, protecting community rights and obligations, and maintaining public order. Therefore, village regulations must be developed in an aspirational manner and involve the community throughout the development process.

Responsibility of Livestock Owners According to Islamic Law

According to Islamic law, according to Ain Zahrona Haraha et al (2024) in his book on the perspective of Islamic criminal law on the responsibilities of livestock owners, states that allowing livestock to roam and damage other people's crops causes losses to the owner. The obligation to replace goods or pay compensation is not limited to violations committed intentionally, the obligation remains valid even if the violation is committed without supervision. intentional or ignorance, as a result of forgetfulness. Because Allah SWT requires khatha (wrong) One example is someone releasing livestock or pets then the animal enters another person's land and damages other people's property (crops).

Therefore, livestock owners are required to compensate the plantation owner, even if the damage was not intentional. Regulations regarding livestock maintenance are not only regulated by positive criminal law but also by Islamic criminal law, which aims to benefit humanity, as explained in the Qur'an, Surah Al-Anbiya, verse 78:

وَدَاوُدَ وَسُلَيْمَانَ إِذْ يَحْكُمُونَ فِي الْحَرْثِ إِذْ نَفَسَتْ فِيهِ غَنَمُ الْقَوْمِ وَكُنَّا لِحُكْمِهِمْ شَاهِدِينَ

"And (remember the story of) Dawud and Sulayman, when they both gave a decision regarding the field, because (the field) was destroyed by the goats belonging to their people. And We witnessed the decision (given) by them."

One of the environmental damages that causes harm to other people is the wilding of livestock. Based on the explanation of the Qur'an above, it can be concluded that Allah forbids humans from doing anything that causes damage to the earth, regardless of the type of action. Everything that is prohibited by Islam must be beneficial for a person, other people and their environment.

Al-Qur'an surah Al-Anbiya verse 79:

فَفَهَّمْنَاهَا سُلَيْمَانَ وَكُلًّا آتَيْنَاهَا حُكْمًا وَعِلْمًا وَسَخَّرْنَا مَعَ دَاوُدَ الْجِبَالَ يُسَبِّحْنَ وَالطَّيْرَ وَكُنَّا فَاعِلِينَ

"So We have given Sulayman an understanding of the law (which is more precise); and to each of them We have given wisdom and knowledge and We have subdued the mountains and the birds, all of them glorified together with David. And it was We who did it."

Based on the results of interviews with religious figures, namely the Chairman of the Muhammadiyah Regional Leadership of Sumbawa Regency, Ustad H. Ahmad Jama'an MY, the Chairman of the Indonesian Ulema Council of Sumbawa Regency, Ustad Syukri Rahmad S.Ag., MMInov, and the Nahdatul Ulama Branch Manager of Sumbawa Regency, Ustad H. Syamsul Munir, S.HI, it can be concluded that the responsibility of livestock owners according to Islamic law is compensation.

Compensation in Islam is commensurate with the damage caused by livestock. Therefore, livestock owners must pay the amount of damage calculated by the plantation owner. This compensation must be balanced and with the consent of both livestock and plantation owners, and must not be considered unfair to one another. This aligns with the explanations of Nyoman Gede Remaja (2017) and Wicipto Setiadi (2009) that sanctions are the consequences of violations and actions that harm others.

Kerato Village Regulation Number 7 of 2021 Can Minimize the Roaming of Livestock in Kerato Village

The results of the interview with the Village Head, Mr. Muhammad Idham, he said that Kerato Village Regulation Number 7 of 2021 concerning Livestock Maintenance can minimize the roaming of livestock in Kerato Village because before the Village regulation regarding livestock maintenance there were many livestock problems in Kerato Village, but after the existence of Kerato Village Regulation Number 7 of 2021 concerning Livestock Maintenance, these problems related to livestock can be reduced.

This Village Regulation was made by the Kerato Village government based on community initiatives, with the involvement of the entire community and the involvement of a task force consisting of the Village Head as the person in charge, the Hamlet Head as Chair in each area, Babinsa and Babinkamtibmas as coordinators of order, and the Head of RT, RW, and Village Community Protection (linmas) Members as members of the field order task force. In addition, to reduce livestock entering other people's yards, there is Community Participation. Village Regulation Number 7 of 2021 Concerning Livestock Maintenance Article 15, namely: The community can play a role in implementing livestock control. The forms of community participation are as follows: Maintain livestock according to proper maintenance procedures. Protect the environment from free-roaming livestock. Providing understanding or knowledge to other people in the surrounding environment regarding the correct procedures for raising livestock, and Report to the task force if you see livestock roaming freely in public facilities and on the streets.

Comparison of Justice and Criminal Responsibility According to Kerato Village Regulation Number 7 of 2021 Concerning Livestock Maintenance with Islamic Law *Justice and Criminal Responsibility According to Islamic Law*

In the Quran, justice is derived from the word "adl," meaning that one must be just, impartial, protect others' rights, and make the right decisions. The Quran's nature as a religious command, not simply a reference, makes its implementation a fulfillment of religious obligations and will therefore be counted among a Muslim's deeds on the Day of Reckoning. Islamic criminal law emphasizes the importance of justice in every aspect of its law enforcement.

Justice according to Muhammad Saleh (2021) and Ni Ketut Rencani et al (2024) is not only in the form of punishment imposed, but also in the process of providing an opportunity for the perpetrator to improve themselves and improve the conditions that have been damaged or disturbed by the perpetrator, likewise justice in Islamic criminal law according to Afifa Rangkuti (2027) looks at the welfare of individuals and society as a whole. In Islamic law (shari'a) accountability is based on three things, namely the existence of a prohibited act, the act was done with one's own will and the perpetrator knew the consequences of the act. In terms of criminal accountability, Islamic law only imposes punishment on people who are still alive and mukallaf (people who have reached puberty and are of sound mind), also pardoning children from punishment that must be imposed on adults unless they have reached puberty.

According to Abdul Wahab (in Fatahul Aziz, 2024), the ability to be responsible is the burden of someone for actions carried out of their own volition. Criminal sanctions, crimes in Islamic criminal law are divided into three, namely: Hudud crimes are criminal acts for which the level of punishment has been determined by Allah SWT. Qishash and diyat crimes are criminal acts that are punishable by qishash and diyat. Ta'zir crimes are acts for which the punishment is not prescribed by sharia with a specific punishment.

Justice and Responsibility in Kerato Village Regulation Number 7 of 2021 Concerning Livestock Maintenance

Justice in regional regulations, according to Adhe Ismail Ananda et al. (2024), essentially treats everyone according to their rights and obligations without discrimination. Justice in Kerato Village Regulation Number 7 of 2021 Information on livestock husbandry can be found in regulations made through village deliberations, involving the community and livestock breeders in decision-making.

Justice can be achieved through fair oversight and law enforcement mechanisms, where sanctions are consistently applied to livestock owners who violate Village regulations, so that livestock farmers understand their responsibility to create a harmonious environment. According to Febri Atmaja Tarigan et al. (2024), livestock owners who violate provisions can be subject to administrative sanctions in the form of fines and compensation. The sanctions imposed serve as a form of justice for communities harmed by the negligence of livestock owners. Therefore, according to Ramida Ade Sapriatmi (2023), Kerato Village with its hilly area is ideal for livestock farming. Therefore, the implementation of Kerato Village Regulation Number 7 of 2021 is not only to supervise livestock maintenance but also to create justice and responsibility among the Kerato Village community.

4. Conclusion

Studies show that Kerato Village Regulation Number 7 of 2021 concerning Livestock Care can minimize problems related to livestock roaming freely in residential areas, parks, and agricultural land by imposing administrative sanctions in the form of fines for security costs and compensation for crop damage. Furthermore, Islamic law emphasizes the principles of justice and mediation in resolving livestock issues, and the responsibility of livestock owners to compensate for damage. Cooperation between the village government (including the task force) and active community participation are crucial to reducing livestock problems. Kerato Village Regulation Number 7 of 2021 concerning Livestock Care and Islamic law both emphasize justice and individual responsibility, protecting the community, and creating a prosperous environment.

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