

Legal Position of the Animal Quarantine Act in the Imported Cattle Trade

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Abstract. Lack of public understanding and awareness of the role of animal quarantine can cause various obstacles in the implementation of supervision of the export and import of animals and their products within the territory of Indonesia, including the many violations of quarantine measures by the community, ¹ the lack of support from various policymakers both at the centre and in the regions, ¹ the emergence of negative news. Against ² quarantine in both print and social media, all of these things are more dominated by the lack of public knowledge and related parties to the role and function of quarantine in the community. Legal arrangements for the export and import of animals from the area of origin that the community must know, the role of PPNS investigators in law enforcement for violations of animal export and import from the area of origin and the obstacles experienced by officers in handling cases of animal export and import violations due to not being equipped with required documents using descriptive research methods with normative juridical nature. The research data comes from secondary data from literature studies and reports on the actions of the Agricultural Quarantine Agency, which were analyzed qualitatively. From the analysis of research data, it can be concluded that the legal regulation of ² export and import of animals from the area of origin in Indonesia is regulated in Article 5, Article 6 and Article ⁴ 7 of Law No. 16 of 1992 concerning Quarantine of Animals, Fish and Plants. ⁴ The role of Civil Servant Investigators in Quarantine is still low in handling cases of quarantine violations, and there are juridical obstacles in ⁶ the form of weak sanctions for perpetrators of quarantine violations contained in Law No. 16 of 1992 concerning ⁶ Animal, Fish and Plant Quarantine. and the lack of supporting facilities and infrastructure for law enforcement. Meanwhile, non-juridical obstacles are the lack of public knowledge about quarantine, the work culture of quarantine personnel that is not optimal and the follow-up actions of law enforcement are not optimal from policymakers. Therefore, it is recommended to revise the quarantine law and increase the number of personnel, facilities, and infrastructure for quarantine measures. Weak law enforcement personnel (PPNS Quarantine) and lack of supporting facilities and infrastructure for law enforcement. Meanwhile, non-juridical obstacles are the lack of public knowledge about quarantine, the work culture of quarantine personnel that is not optimal and the follow-up actions of law enforcement are not optimal from policymakers. Therefore, it is recommended to revise the quarantine law and increase personnel and facilities and infrastructure for quarantine measures. Weak law enforcement personnel (PPNS Quarantine) and lack of supporting facilities and infrastructure for law enforcement. Meanwhile, non-juridical obstacles are the lack of public knowledge about quarantine,

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the work culture of quarantine personnel that is not optimal and the follow-up actions of law enforcement are not optimal from policymakers. Therefore, it is recommended to revise the quarantine law and increase the number of personnel, facilities, and infrastructure for quarantine measures.

Keywords: guided missiles · drones · unlawful killing · attack · armed conflict

1 Introduction

According to Isnadi, ¹Indonesia's biological natural resources with high economic value have long been recognized by various countries in the world. They are very important as basic capital in national development. Therefore, these biological natural resources must be preserved and protected. Today's ev¹ accelerating and globalizing development of world trade requires the preparation of the Agricultural Quarantine Agency as the first line of defense to protect and conserve animal biological resources from the threat of Quarantine Pests and Diseases of Animals, which significantly affect the production potential and productivity of livestock commodities and other biological resources [1]. According to Isnadi, the problems faced are related to the main tasks and functions of Quarantine, namely the lack of understanding from various levels of society about the importance of the action and implementation of Animal Quarantine for the protection of life and ¹the nation's economy [2]. Lack of public awareness includes lack of support from some central and regional policyholders for the implementation of animal quarantine regulations, violations of imports and exports of animals traded between countries and territories within the territory of the Republic, etc., causing various problems. Emergence of Negative News About Indonesia and Quarantine. Due to the lack of information on quarantine and the low number of quarantine personnel across Indonesia, both print and electronic.

History has repeatedly proven that pests or diseases of living things, including animals, can be transmitted from one region to the territory of another country through the entry and exit of traffic, humans or objects that become carrier media. For pests and animal diseases, transmission can occur through the entry or exit of traffic by animals and their products such as cases of bird flu, anthrax, mad cow rabies, and many other diseases caused by animals that can have a direct impact on human health. (zoonosis).

To reduce these problems, it is necessary to carry out a social¹ization activity to increase public awareness (Public Awareness). According to Isnadi, the public's understanding of the dangers of animal diseases can affect the socio-economic conditions of the local community.

Extermination. Monitoring ¹public awareness is needed to measure the success of socialization which is the material for evaluation studies [4]. In 1974 the quarantine organization³ was integrated into an Agricultural Quarantine Center under the supervision of the Agricultural Research and Development Agency. Along with the development of the New Order era, the organization of the Directorate of Plant and Animal Quarantine was changed by the Ministry of Agricultural Quarantine by forming a Technical Implementation Unit (UPT) throughout Indonesia with non-structural status [5].

The Indonesian Quarantine Strengthening Program (IQSP) is a partnership effort between the Agricultural Quarantine Agency and the Australian Quarantine and Inspection Service (AQIS). The main objective of IQSP is to increase public awareness and sense of social responsibility towards Quarantine through social mobility activities and to condition through training on disease epidemic science and risk evaluation with a focus on avian influenza [6].

As mandated in Law Number 16 of 1992 concerning Quarantine of Animals, Fish and Plants, that the implementation of quarantine of animals, fish and plants aims to prevent the entry, spread and release of quarantine pests and diseases of animals, quarantine plant-disturbing organisms into the territory of the Republic of Indonesia. To achieve this goal, through Presidential Regulation No. 47 of 2009 concerning the establishment and organization of State Ministries and Presidential Regulation No. 24 of 2010 concerning the Position, Duties and Functions of Echelon I, the Agricultural Quarantine Agency was established as an echelon I unit at the Ministry of Agriculture with the task of carrying out agricultural quarantine. Furthermore, through the Regulation of the Minister of Agriculture Number 61/Permentan/OT. 140/10/2010 concerning Organization and Work Procedures of the Ministry of Agriculture, the Center for Quarantine Compliance, Collaboration and Information was established as a Level II working unit of the Agricultural Quarantine Authority, responsible for monitoring and enforcement, and conducting collaboration and management of quarantine information. Agricultural quarantine plays a role in protecting Indonesian agriculture, ensuring food safety and security, and conserving biological resources. In this effort, the quarantine portion includes aspects of bioresource conservation, HPH/HPHK entry/spread prevention, and food preservation and safety monitoring.

In all regions/regions and countries, prepare and take steps to anticipate threats that can damage the sustainability of living natural resources. These steps can be in the form of prohibitive and restrictive or very strict inspections of threats or violations that can result from carrier/commodity media traffic if the traffic is not carried out according to the procedures and prerequisites that have been set. Thus, each region/region or the State has a system of supervision and a system of prosecution through investigation.

Supervision is an action or effort taken by an officer to prevent and secure an area/region or country from threats and disturbances from HPHK as well as infectious animal diseases (zoonosis and foodborne disease) or other things that can damage the preservation of biological natural resources as well as other actions. Violations that may occur as well as conducting inspections on every traffic activity of carrier/commodity media. In other words, supervision of animal carriers/commodities and other animal products with the intent of:

1. Protect the region/region/country from disturbance or threat of entry and spread of animal diseases and other things that can damage health and the environment brought about by traffic in animal carriers/commodities
2. Securing animal carriers/commodities and animal products trafficked between countries so that they do not become a medium for spreading animal diseases, zoonoses, food bone disease, or microbial contamination that can interfere with health so that these carriers/commodities are free from threats and disturbances.

3. Physical inspection of the carrier/commodity media being trafficked, either by random sampling or thoroughly according to the inspection technique and method that is the reference.
4. Laboratory examination of the samples/specimen taken from the carrier media/commodities being trafficked.

functions and duties are to supervise and examine all carrier media/animal commodities and animal products, and other materials that have the potential and risk of carrying animal diseases are trafficked. It is intended to secure the commodity from infectious animal disease agents and protect public health from the possibility of the carrier/commodity being contaminated or contaminated with animal disease agents or microbial contamination, residues, etc.

Documents and type/amount of carrier/commodity being trafficked. Quarantine thus takes the lead in preventing, deterring and controlling the introduction and spread of contagious animal diseases from foreign countries and from one area to another within Indonesian territory, and also the quarantine area, particularly in preventing violations in animal quarantine.

Quarantine supervision and investigation must be carried out strictly and with a separate processing or management system to anticipate the traffic of carrier/commodity media that is at risk or has the potential to spread infectious animal diseases or disturb public health and the environment. The focus of the implementation of supervision and investigation in traffic violations against carrier media/commodities which are seen as spreaders of animal diseases in the quarantine regulations. Thus, every carrier/commodity at risk or can carry infectious animal disease agents in trade must be reported, and quarantine checked. Carrier media/commodities are all animals, animal-derived materials (food, non-food), products made from animal-derived materials (food, non-food), and other objects.

In this era of globalization, trade traffic for all types of carrier media/trade commodities, including animal commodities and products of animal origin, is growing in terms of intensity, frequency, and volume.

Of course, it occurs because of the community's needs between the region and the State. In addition, whether we realize it or not, a country's need for various types of commodities/products is also growing because no region or country in the world can produce all kinds of commodities needed by its people. This condition can result in many violations of the export and import of animals and animal products between countries and between areas/regions within the Republic of Indonesia, thus requiring technical supervision in the transportation (transportation) of the entry and exit of traffic based on Law No. 16 of 1992 concerning Animal Quarantine., Fish and Plants and PP No. 82 of 2000 concerning Animal Quarantine and other regulations that technically regulate the import and export of commodities/carrier media. Based on the statement in the previous paragraph, the following problems can be formulated: 1. What are the legal arrangements for the export and import of animals from the area of origin? 2. What is the role of PPNS investigators in law enforcement for violations of animal export and import due to not being equipped with documents from the area of origin?

2 Findings and Discussion

1. Legal Aspect of Legal Regulation The Export and Import of Animals Form Areas of Origin

To provide legal solid certainty for implementing animal quarantine, Law Number 16 of 1992 concerning Animal, Fish and Plant Quarantine has been stipulated. And to implement the provisions of the law in the implementation of animal quarantine activities, Government Regulation Number 82 of 2000 concerning Animal Quarantine has been specified.

Animal Quarantine Efforts to prevent the introduction and spread of pests from abroad and from one area or island within the territory of the Republic of Indonesia to another area or island are made through the implementation of animal quarantine by the Government. In addition, the government is obliged by international regulations to implement animal quarantine to prevent the release of animal quarantine pests from the territory of the Republic of Indonesia. Animal quarantine practices are based on several national and international laws and regulations.

This paragraph will describe various laws and regulations that form the legal basis for implementing animal quarantine in Indonesia.

a. Fundamentals of International Law

International trade is trade carried out by residents of one country with residents of other countries based on mutual agreement. To regulate international trade, international trade law is established to create orderly and orderly trade. International trade law is a fast-growing area of law. The scope of this legal field is also quite broad. Trade relations of a cross-border nature can include many types from a simple form, namely from barter, buying and selling goods or complex trade transactions.

The basic principles known in international trade law are (1) the principle of the freedom of the parties to contract (the principles of the freedom of contract); (2) the principle of pacta sunt servanda; and the principle of using arbitration. The existence of international trade is a traffic of goods and services, be it animals and animal products that are trafficked between countries or those that cross State Territory borders. Therefore, laws and regulations that regulate traffic are made, including:

- 1) In the General Agreement on Tariffs and Trade (GATT) signed in Marrakesh, Morocco, on April 15, 1994, which was followed by the establishment of the World Trade Organization on January 1, 1995, there is one international agreement concerning quarantine, namely the Agreement on the Application of Sanitary and Phytosanitary Measures. The GATT agreement has been ratified by Law Number 7 of 1994 concerning the Ratification of the Agreement on Establishing the World Trade Organization.
- 2) On December 6, 1951, the International Plant Protection Convention was agreed in Rome, Italy. Indonesia ratified this convention through Presidential Decree No. 2/1977 and Presidential Decree No. 45/1990 on Ratification of the International Plant Protection Convention.

- 3) On February 27, 1956, in Rome, Italy, the Plant Protection Agreement⁶ for South East Asia and Pacific Region was agreed. Indonesia ratified it through Presidential Decree Number 58 of 1992 concerning the Ratification of the Plant Protection Agreement for South East Asia and the Pacific Region.
- 4) In 1964, United Nations countries established The United Nations Conference on Trade and Development (UNCTAD)
- 5) United Nations member states ratified the Charter of Economic Rights and Duties of States in 1974 (and the New International Economic Order).
- 6) In 1992, the regional trading block which initially had a vast influence was the European Single Market and was soon followed by the North American Free Trade Agreement or NAFTA (1994).
- 7) In the Southeast Asian region, ASEAN countries followed similar steps by establishing the Asean Free Trade Area (AFTA). AFTA has been effective since January 1, 2003.
- 8) FAO (Food and Agriculture Organization) was formed in 1945 in Quebec City, Canada.
- 9) IUCN Red List of Threatened Species. Indonesia has signed the Biodiversity Convention by ratifying it through Law No. 5 of 1994 concerning the ratification of the United Nations Convention on biodiversity.
- 10) CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) International convention regulating trade in endangered wild animals and plants. Indonesia has ratified it through Presidential Decree (Keppres) No. 43 of 1978 on CITES.
- 11) The European Convention for the Protection of Animals During International Transport was established in Paris in 1968
- 12) The European Convention for the Protection of Animals kept for farming purposes was established in 1976.
- 13) Connection Relative to the Preservation of Fauna and flora in their natural state was founded in 1933 in London. It aims to protect the natural habitats of animals and plants

In the era of globalization in the economic field, especially international trade, the role of business law, especially international trade law, in conducting legal relationships and transactions between nations is essential. The relationship concerns trading activities or the exchange of goods, services and agricultural products that import goods into the customs area, export/import activities from the customs area. In this case, the Indonesian government issued laws and regulations that became the basis for regulating international trade, including;

- 1) Law Number 10 of 1995 concerning Customs
- 2) Law Number 17 of 2006 concerning amendments to Law Number 10 of 1995 concerning customs
- 3) Government Regulation Number 34 of 1996 concerning Anti-dumping Duties and Compulsory Duties
- 4) Decree of the Minister of Industry and Trade Number 136/MPP/Kep/6/1996 concerning the Establishment of the Indonesian Anti-dumping Committee

- 5) Decree of the Minister of Industry and Trade Number 172/MPP/Kep/10/2000 concerning the Organization and Working Methods of the Indonesian Anti-dumping Organization Team
- 6) Decree of the Minister of Industry and Trade No. 428/MPP/Kep/10/2000 concerning the Indonesian Anti-dumping Committee
- 7) Regulation of the Minister of Trade of the Republic of Indonesia Number 37/M-Dag/Per/9/2008 concerning Certificates of Origin for Imported Goods subject to safety measures

International law, which is the basis for the export and import of animals in international trade, is regulated by a world trade organization called the World Trade Organization (WTO). In its implementation, the organization issues various agreements relating to arrangements and procedures in international trade. Some of the contracts that have been published include:

- a) General agreement on tariffs and trade;
- b) Agreement on Trade-Related Aspect of Intellectual Property Right (TRIPS)
- c) Agreement on Application of Sanitary and Phytosanitary Measure (SPS).

The SPS agreement or SPS agreement is enforced to regulate procedures for protecting human, animal and plant health and their environment about international trade. The SPS Agreement applies and is globally binding on all member countries. The State of Indonesia is one of the WTO member countries, which has agreed on the charter of the organisation's founding and ratified it through Law Number 7 of 1994. Therefore, the State of Indonesia is obliged to fulfil the international agreement. The legal basis for implementing animal, fish and plant quarantine, namely Law Number 16 of 1992 in its elucidation, has mandated that the implementation of quarantine is a manifestation of the performance of international obligations.

b. National Legal Basis

1) Quarantine Regulations

Since ancient times, the government has succeeded in establishing laws and regulations that are the legal basis for action in the quarantine sector. The laws and regulations in question are as follows:

- a) Law Number 16 of 1992 concerning Animal, Fish, and Plant Quarantine;
- b) Government Regulation Number 82 of 2000 concerning Animal Quarantine;
- c) Decree of the Head of the Agricultural Quarantine Agency Number: 244/Kpts/PD.670230/L/6/2007 concerning Instructions for the Management of Animal Quarantine Documents and Certificates
- d) Government Regulation of the Republic of Indonesia Number 48 of 2012 concerning Types and Tariffs of Non-Tax State Revenues applicable to the Ministry of Agriculture

- e) Regulation of the Minister of Agriculture of the Republic of Indonesia Number: 44/Permentan/OT.140/3/2014 concerning Amendment to Regulation of the Minister of Agriculture Number 94/Permentan/OT.140/12/2011 concerning Entry and Exit Places of Carrier of Quarantine Animal Diseases and Disturbing Organisms Quarantine Plants.
- f) Decree of the Minister of Agriculture Number: 3238/Kpts/PD.630/9/2009 concerning Classification of Types of Quarantine Animal Diseases, Classification and Classification of Carrier Media
- g) Regulation of the Minister of Agriculture of the Republic of Indonesia Number: 70/Permentan/KR.100/12/2015 concerning Animal Quarantine Installation
- h) Regulation of the Minister of Agriculture of the Republic of Indonesia Number: 65/Permentan/PD.410/05/2014 concerning Animal Quarantine Measures Against Importation and Exportation of Products of Consumable Animal Origin
- i) Regulation of the Minister of Agriculture Number: 51/Kpts/OT. 140/10/2006 concerning Guidelines for Functional Work Relations Inspection, Observation and Treatment of Quarantine Animal Diseases
- j) Regulation of the Minister of Agriculture Number: 13/Permentan/OT.140/2/2008 concerning Requirements and Stipulation of Other Parties in Assisting the Implementation of Animal Quarantine Measures
- k) Regulation of the Minister of Agriculture of the Republic of Indonesia Number: 96/Permentan/PD.410/9/2012 concerning Amendments to Amendment to Regulation of the Minister of Agriculture Number 84/Permentan/PD.410/8/2013 concerning Importation of Carcass, Meat, Offal, and Processed into the Territory of the Republic of Indonesia

The national regulation directly related to the export and import of animals from the area of origin is Law No. 16 of 1992 concerning the quarantine of animals, fish and plants. Or animal import, namely:

2) Import Requirement (Article 5 of Law No.16 of 1992)

Import requirements for animals and animal products based on the quarantine law are:

- a) Equipped with a Health Certificate issued by an authorized official in the country of origin and country of transit.
- b) Certificate of Origin for media classified as other objects, issued by the producer company/processing site in the country of origin.
- c) Animal Transport Certificate (CITES) for media classified as wild animals, issued by the competent authority (CITES Authority) in the country of origin.
- d) Import Approval (PI) for animal products issued by the Ministry of Trade of the Republic of Indonesia.
- e) Import Recommendation Letter (SRP) from the Directorate General of Livestock and Animal Health, Ministry of Agriculture of the Republic of Indonesia for seed and seed commodities.

- f) Halal Certificate from the Authority of Muslim Institutions from the country of Origin recognized by MUI.
- g) Have a Quarantine Installation if the implementation cannot be carried out at the Government Quarantine Installation, which is determined by the Head of the Quarantine Agency a/n the Minister of Agriculture.
- h) Reported and submitted to the quarantine officer
- 3) Export Requirements (article 7 of Law No.16 of 1992)

In carrying out the process of exporting goods, it must be equipped with the following requirements:

- a) Equipped with a Health Certificate issued by the Quarantine Veterinarian at the place of discharge.
- b) Expense Recommendation Letter (SRP) for Carrier Media classified as Livestock, issued by the Directorate General of Livestock and Animal Health, Ministry of Agriculture.
- c) Foreign Transport of Plants and Animals Letter (SATSLN/CITES) for carriers classified as Wild Animals issued by the Directorate General of Forest Protection and Nature Conservation, Ministry of Forestry.
- d) Fulfill other requirements (Import Permit) set/requested by the destination/importing country.
- e) Reported and submitted to the quarantine officer at the port/place of release for quarantine action.
- 4) Inter-Area/Domestic Entry Requirements (Article 6 Law No.16 of 1992)

Animal quarantine carrier media that is released or imported into a territory within the Republic of Indonesia must be equipped with:

- a) Equipped with a Health Certificate issued by the Quarantine Veterinarian from the place of discharge.
- b) Importation Technical Recommendation Letter for Carrier Media classified as livestock and animal products, issued by the Department of Livestock and Animal Health.
- c) Import Permit for Animal/Animal Products issued by the Investment Board and Integrated Licensing Service
- d) Domestic Transport of Plants and Animals (SATSDN) for carrier media classified as wild/protected animals issued by the Natural Resources Conservation Agency (BKSDA)
- e) Reported and submitted to the quarantine officer at the entry point for quarantine measures.
- 5) Requirements between Exit/Domestic Areas (Article 6 of Law No.16 of 1992)
 - a) Equipped with a Health Certificate issued by the Quarantine Veterinarian at the place of discharge.
 - b) Export Technical Recommendation Letter for Carrier Media classified as livestock and animal products, issued by the Department of Livestock and Animal Health.

- c) Certificate of Health of Animal Origin (SKKH)/ Certificate of Sanitation of Animal Products issued by the Department of Animal Husbandry and Animal Health or the Office in charge of Animal Health in the Regency/City.
- d) Animal/Animal Product Export Permit issued by the Investment Board and Integrated Licensing Service.
- e) Domestic Transport of Plants and Animals (SATSDN) for carrier media classified as wild/protected animals issued by the Natural Resources Conservation Center (BKSDA).
- f) Reported and handed over to the quarantine officer at the place of discharge for quarantine measures
- c. Other Relevant Regulations

In addition to the law, which is the legal basis for quarantine actions, quarantine officers must also pay attention to other regulations related to quarantine, including:

- 1) Law Number 6 of 1967 concerning Basic Principles of Veterinary and Animal Health.
- 2) Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems.
- 3) Law Number 12 of 1992 concerning Plant Cultivation System.
- 4) Law no. 15 of 1992 concerning Aviation Law no. 21 of 1992 on Shipping
- 5) Law Number 5 of 1994 concerning Ratification of the United Nations Convention on Biological Diversity.
- 6) Law Number 7 of 1996 concerning Food.
- 7) Law Number 23 of 1997 concerning Environmental Management
- 8) Law of the Republic of Indonesia Number 20 of 1997 concerning Non-Tax State Revenue (PNBP)
- 9) Law Number 41 of 1999 concerning Forestry.
- 10) Law Number 18 of 2002 concerning the National Research and Development System, Science and Technology;
- 11) Law Number 18 of 2004 concerning Plantations.
- 12) Law Number 21 of 2004 concerning Ratification of the Cartagena Protocol.
- 13) Law Number 32 of 2004 concerning Regional Government.
- 14) Government Regulation of the Republic of Indonesia Number 22 of 1997, concerning Types and Deposits of PNBP
- 15) Government Regulation of the Republic of Indonesia Number 52 of 1998 concerning Amendments to Government Regulation Number 22 of 1997 concerning Types and Deposits of PNBP
- 16) Government Regulation of the Republic of Indonesia Number 73 of 1999 concerning Procedures for the Use of Non-Tax Revenues from Certain Activities
- 17) Government Regulation Number 25 of 2000 concerning the Authority of the Government and Provinces as Autonomous Regions.
- 18) Government Regulation No. 70 of 2001 concerning Airports.
- 19) Government Regulation no. 69 of 2001 concerning Ports.
- 20) Government Regulation Number 28 of 2004 concerning Food Quality and Nutrition Safety.

- 21) Government Regulation Number 21 of 2005 concerning Biosafety of Genetically Engineered Products.
- 22) Presidential Decree No. 27/1971 on the National Seed Agency.
- 23) Presidential Decree No. 187/M of 2004 concerning the Establishment of the United Indonesia Cabinet.
- 24) Presidential Regulation Number 9 of 2005 concerning Position, Duties, Functions, Organizational Structure and Work Procedures of the State Ministries of the Republic of Indonesia in conjunction with Presidential Regulation Number 62 of 2005.
- 25) Government Regulation Number 28 of 2004 concerning Food Safety, Quality and Nutrition.
- 26) Presidential Regulation Number 10 of 2005 concerning Organizational Units and Duties of Echelon I State Ministries of the Republic of Indonesia.
- 27) Joint Decree of the Minister of Trade, Minister of Transportation and Minister of Finance Number 885/Kpb/VII/1985, Number KM 139/HK.205/Phb.85, and Number 677/KMK.05/1985 concerning Open Sea Ports and Airports For Foreign Trade.
- 28) Decree of the Minister of Transportation Number KM/51/1989 in conjunction with Decree of the Minister of Transportation Number KM/22/1999 concerning the Organization and Work Procedures of the Container Terminal Administrator Office in Jebres Surakarta-Solo.
- 29) Decree of the Minister of Agriculture Number 411/Kpts/TP.120/6/95 concerning the Importation of Biological Agents into the Territory of the Republic of Indonesia.
- 30) Decree of the Minister of Agriculture Number 902/Kpts/TP.240/12/1996 concerning Testing, Assessment and Release of Varieties in conjunction with Decree of the Minister of Agriculture Number 737/Kpts/TP.240/9/98.
- 31) Decree of the Minister of Agriculture Number 803/Kpts/OT.210/7/97 concerning Certification and Quality Control of Seed Development.
- 32) Decree of the Minister of Agriculture Number 856/Kpts/HK.330/9/1997 concerning Provisions on Biosafety of Genetically Engineered Agricultural Biotechnology Products.
- 33) Decree of the Minister of Agriculture Number 1038/Kpts/HK.030/11/1997 concerning the Establishment of the Commission for Biosafety of Agricultural Biotechnology Products of Genetically Engineered Products.
- 34) Joint Decree of the Minister of Agriculture, Minister of Forestry and Plantations, Minister of Health and State Minister of Food and Horticulture Number 998/Kpts/OT.210/9/1999, Number 790.a/Kpts-IX/1999, Number 1145.A/MENKES/SKB/IX/1999, and Number 015.A/Meneg PHOR/09/1999 concerning Biosafety and Food Safety of Genetically Engineered Agricultural Products.
- 35) Decree of the Minister of Justice and Human Rights Number M.06.PW.09.07 of 2000 concerning the Fourth Amendment to the Decree of the Minister of Justice of the Republic of Indonesia Number M.06.PW.09.02 of 1995 concerning Migration Checkpoints.
- 36) Decree of the Minister of Agriculture Number 388/Kpts/OT.160/6/2004 concerning the Team for Assessment and Release of Varieties (TP2V).

- 37) Decree of the Minister of Agriculture Number 02/Kpts/OT.140/1/2006 concerning establishing a National Seed and Breeding System Concept Drafting Team.
 - 38) Regulation of the Minister of Agriculture Number 299/Kpts/OT.140/7/2005 concerning Organization and Work Procedures of the Ministry of Agriculture.
 - 39) Regulation of the Minister of Agriculture Number 341/Kpts/OT.140/9/2005 concerning Organizational Completeness and Work Procedures of the Ministry of Agriculture.
 - 40) Decree of the Minister of Agriculture Number 74/Kpts/TP.500/2/98 concerning Types of Fostered Commodities of the Directorate General of Food Crops and Horticulture and the Directorate General of Plantations.
 - 41) Regulation of the Minister of Forestry Number: P.10/Menhut-II/2007 concerning Forest Plant Seeds
 - 42) Regulation of the Director-General of Land Rehabilitation and Social Forestry Number: P.08/V-PTH/2007 concerning Guidelines for Importing and Exporting of Seeds and/or Seeds of Forest Plants into and Out of the Territory of the Republic of Indonesia(Zaiinal Abidin.2011Task Module and Functions of the Directorate General of Customs and Excise, Jakarta: PUSDIKLAT Customs and Excise, page 55).
 - 43) Regulation of the Minister of Trade of the Republic of Indonesia Number: 24/M-DAG/Per/9/2011 concerning Provisions for Import and Export of Animal Products
 - 44) Government Regulation of the Republic of Indonesia Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare
 - 45) Regulation of the Minister of Agriculture Number: 18/Permentan/OT.140/3/2011 concerning Quarantine Document Services in the Indonesian National Single Window (INSW) electronic system Other regulations that form the basis for the quarantine measures above can be implemented by quarantine officers after obtaining the delegation of regulations from the relevant agencies to the ministry in charge of quarantine, in this case, the Ministry of Agriculture.
- d. Animal Quarantine Action Object

Objects of animal quarantine measures can be divided into two groups, namely:

- 1) HPHK Carrier Media (animals, materials of animal origin, products of materials of animal origin and or other objects that can carry HPHK);
- 2) The means of transportation of the Carrier Media (all means of land, water, or air transportation used to transport the carrier media).

e. Animal Quarantine Requirement

Every Carrier Media that is ⁶ imported into the territory of the Republic of Indonesia, must meet the quarantine requirements based on Law No. 16 of 1992, namely:

- 1) equipped with an animal health certificate/Sanitation Certificate issued by the competent authority in the country of origin or country of transit;
- 2) equipped with a certificate of origin from the place of origin for MP classified as other objects;
- 3) through designated entry points;

- 4) reported and submitted to the animal quarantine officer at the entry point for quarantine measures
- 5) Every MP brought or sent from one area to another within the territory of the Republic of Indonesia must:
 - 1) equipped with Animal Health Certificate/Sanitation Certificate issued by the quarantine Doctor from the place of discharge;
 - 2) accompanied by a certificate of origin from the place of origin for MP classified as other objects;
 - 3) through the designated entry and exit points;
 - 4) reported and submitted to animal quarantine officers at entry and exit points for quarantine measures.

Every MP issued from within the territory of the Republic of Indonesia must:

- 1) equipped with a health certificate/Sanitation Certificate issued by a veterinarian at the place of discharge;
- 2) accompanied by a certificate of origin from the place of origin for MP classified as other objects;
- 3) through the designated places of release;
- 4) reported and submitted to the quarantine officer at the point of release for animal quarantine measures.

In some instances, a situation based on the risk analysis results is considered great potential to cause the spread of disease caused by MP traffic. The Minister may stipulate additional obligations in technical requirements and/or disease management based on veterinary disciplines (examination of disease causes, vaccination, treatment, determination of area of origin, transit area, destination, port and quarantine installation) [9].

f. Animal Quarantine Measures

Every carrier media that is trafficked from abroad or circulated within the territory of the Republic of Indonesia will be subject to quarantine measures with the following categories:

- 1) MP-HPHK imported into the Indonesian Territory is subject to animal quarantine measures;
- 2) MP that is brought or sent from one area to another within the territory of the Republic of Indonesia is subject to animal quarantine measures;
- 3) MP to be removed from the territory of the Republic of Indonesia is subject to quarantine measures.

Quarantine officers carry out quarantine actions in inspection, isolation, observation, treatment, detention, rejection, destruction and release. The activities of quarantine officers are intended as follows:

- 1) Examination includes an administrative examination to determine the completeness, correctness of the contents and validity of the required documents, and inspection of health or sanitation of MP to detect the possibility of HPHK being carried out physically (clinical examination on animals, and examination of purity or organoleptic integrity on BAH, HBAH, and other objects) and laboratory examination.
- 2) Isolation and Observations to detect the possibility of HPHK transmission due to its nature, and carried out in an isolated place during the quarantine period with an all-in-all-out system;
- 3) Treatment to free and purify MPs, people, transportation means, equipment, and packaging from HPHK, or other preventive, curative and promotive actions;
- 4) Detention to secure MP by placing it under the control of animal quarantine officers for a specific time because the quarantine requirements have not been fully met.
- 5) Refusal to immediately bring MPs to their country or area of origin or other places to avoid the possibility of spreading HPHK in the surrounding environment. The delivery of MP that is subject to rejection measures to the country or area of origin or other areas is carried out by the owner under the supervision of the animal quarantine officer.
- 6) Destruction is carried out by burning, destroying, burying, and other methods under the supervision of quarantine officers, according to the MP, so that the MP can no longer be a source of HPHK distribution.
- 7) Exemption from granting release certificates to MPs that are imported into or imported from one area to another after inspection, exile and observation, treatment, or detention, or all of the required requirements have been fulfilled. Granting health certificates to MPs to be issued from within or from one area to another after inspection, isolation and observation, or treatment.
- 8) Based on the above-mentioned statutory regulations, especially **Law No. 16 of 1992 concerning animal, fish and plant quarantine**, if in carrying out the export and importation of animals and their products, they are not accompanied by the required documents that have been stipulated for imports, between areas and/or exports. Violators may be subject to sanctions by the provisions of Article 31 of Law No. 16 of 1992, which reads:

- (1) **Whoever intentionally violates the provisions referred to in Article 5, Article 6, Article 7, Article 9, Article 21 and Article 25 shall be sentenced to a maximum imprisonment of 3 (three) years and a maximum fine Rp..150,000,000,- (one hundred and fifty million rupiah).**
- (2) **Whoever because of his negligence violates the provisions as referred to in Article 5, Article 6, Article 7, Article 9, Article 21 and Article 25, shall be sentenced to a maximum imprisonment of 1 (one) year and a maximum fine of Rp..50,000,000,- (fifty million rupiah).**

In the implementation of quarantine measures, both detention, rejection and destruction of all Agricultural Quarantine Technical Implementation Units throughout Indonesia in 2015 and 2016, activity data was obtained showing that in 2016 there was an increase in detention, rejection and destruction activities with a total of 2,469 times compared to the previous year. 2015 with a total of 2,086 times. It shows that many violations still

occur due to not completing the document requirements required to import and export animal carrier media/commodities and their products.

2. The Role of the PPNS Investigator In Handling Cases Of Animal Export and Import Violations Form The Region Of Orgin

Quarantine is an integral part of food security programs and aspects of food safety protection from biological contaminants in nuisance organisms (Hamzah, 2002). Quarantine prevents the first line from the threat of entry of animal pests and diseases that can be carried on agricultural commodities, people, and goods. Every animal and its parts that are trafficked between countries always risk being a carrier of quarantine animal pests that can threaten agricultural production. Therefore, every page imported into the Republic of Indonesia territory or trafficked between areas within the territory of the Republic of Indonesia is subject to quarantine measures. Quarantine measures include; examination, exile, security, treatment, detention, rejection, destruction, and release.

Animals, Fish and Plants as the legal basis for the implementation of quarantine, it is mandated that the wealth of the homeland and territory of the State of Indonesia, which is rich in biological natural resources, must be preserved, protected and preserved from threats and disturbances of Quarantine Animal Pests and Diseases (HPHK). Threats to sustainability and biological security will have a vast impact on economic stability, the success of agribusiness businesses and the strength of national food security. Thus, the Government of Indonesia has chosen that one of the strategies in protecting the preservation of the natural resources of living animals and plants is through the Implementation of Animal and Plant Quarantine. The purpose of quarantining Animals and Plants in Indonesia is

- 1) Prevent the entry of quarantine animal pests (HPHK) and quarantine plant pest organisms (OPTK) into the territory of the Republic of Indonesia and their spread from one area to another within the territory of the Republic of Indonesia;
- 2) Preventing the release of quarantine animal pests and diseases to foreign countries; and
- 3) Preventing the release of certain plant-disturbing organisms from the territory of the Republic of Indonesia to foreign countries if required by the destination country.

Although quarantine is defined as a place and an action, the scope of regulation in the field of quarantine includes:

- a) Quarantine Requirements;
- b) Quarantine Measures;
- c) Quarantine Area;
- d) Types of pests and diseases, carrier media and their distribution area; and
- e) Places of entry.

The scope of objects related to quarantine relating to people, means of transportation in transportation, animals and animal products, plants and plant products, other trade goods that are trafficked, is laid down on the principle that everything determined based

on a risk assessment can be designated as a carrier medium. Animal pests and diseases as well as plant-disturbing organisms. Quarantine is carried out based on the preservation of the biological natural resources of animals, fish and plants. This means that all quarantine measures taken are solely aimed at protecting the preservation of the biological natural resources of animals, fish and plants from attacks by quarantine pests and diseases of animals, quarantine pests and diseases of fish or quarantine plant-disturbing organisms, and not for other purposes. other.”

At present, threats that can disrupt the sustainability of natural resources, public peace and health, food health, disturbances to the production of the Agriculture/fishery and forestry sectors, and the environment have been defined as threats that need to be prevented from entering and spreading. Globally identified threats that can be effectively controlled through the implementation of quarantine include:

- a) Threats to animal and plant health;
- b) Invasive Species;
- c) Zoonoses Diseases;
- d) Bioterrorism;
- e) Unhealthy food includes GMOs whose safety has not been identified;
- f) Germplasm Conservation/Biodiversity;
- g) Trade Technical Barriers, and
- h) Threats to the stability of the national economy.

These threats can also be managed properly to not enter and spread into the country through quarantine inspection and certification activities.

7 a. The role of Quarantine Investigators in International Trade

International trade is regulated by a world trade organization called the World Trade Organization (WTO). In its implementation, the organization issues various agreements relating to arrangements and procedures in international trade. Some of the agreements that have been published include:

- 1) General Agreement on Tariffs and Trade;
- 2) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS);
- 3) Agreement on Application of Sanitary and Phytosanitary Measure (SPS).

The SPS agreement or SPS agreement is enforced to regulate procedures for protecting human, animal and plant health and their environment about international trade. The SPS Agreement applies and is globally binding on all member countries. The State of Indonesia is one of the WTO member countries, which has agreed on the charter of the organisation's founding and ratified it through Law Number 7 of 1994. Therefore, the State of Indonesia is obliged to fulfil the international agreement. The legal basis for implementing animal, fish and plant quarantine, namely Law Number 16 of 1992 in its elucidation, has mandated that the implementation of quarantine is a manifestation of the performance of international obligations.

By the implementation of the SPS agreement in international trade, the roles of Barantan are:

- a) Operate technical requirements (quarantine requirements) for imports determined at the point of entry to protect human, animal, plant, and environmental health;
 - b) Facilitate the export of agricultural commodities through inspection, audit, verification and export quarantine certification so that the technical requirements determined by the importing country can be met;
 - c) Participate in verifying the technical requirements of export destination countries so that they remain within the corridor of the SPS Agreement;
 - d) Barantan is designated as a 'Notification Body' and a 'National Inquiry Point' SPS. This role is one form of communication of technical requirements (with international organizations and partner countries) that will be enforced.
- b. The Role Quarantine Investigators in Turning Agriculture the National Economic Base

By the priority mandate of RPJM II 2010–2014 to make agriculture the basis of the national economy, Indonesian agricultural commodities must have strong market competitiveness, both domestic and international markets. The sustainability of the economy, which is supported by agricultural commodities, and the contribution to international trade and markets is determined by many factors. Some of the main factors include:

- 1) The quality and continuity of the agricultural commodities themselves, which are supported by information on good production management (GAP/GFP/SOP etc.);
- 2) The ability to promote and negotiate internationally with the principle of mutual benefit;
- 3) Presence and status of disease;

The only condition that is defined as a technical barrier is the presence/status of the disease, which based on international provisions relates to the prevalence of pests and diseases and plant-disturbing organisms in an area/area, surveillance guidelines that are owned and implemented, and control guidelines developed. Many factors are related to the threat of disease risk in animals and plants, as well as disease status in an area, including:

- 1) Globalization of trade;
- 2) Presence of pest and disease carrier media;
- 3) Industrialization/intensification of agriculture;
- 4) Feasibility of plant protection health, animal health and national veterinary public health.
- 5) Disease resistance of animals and plants, and
- 6) The ability and qualifications of human resources in the field of animal and plant health, as well as the feasibility of supporting facilities and infrastructure.

The role of Agricultural Quarantine about increasing the competitiveness of Agricultural commodities are:

- 1) Maintaining and increasing the free status, and narrowing and limiting the spread of pests and diseases. As it is known that the disease status of a country is the most strategic and decisive thing in determining the position of international trade in agricultural products.
- 2) Submitting a 'Pest List' report, the occurrence, presence and status of the spread of pests and plant diseases to trading partners and international organizations in the field of plant protection (IPPC) as one of the international obligations.
- 3) Determine the area/area as well as the status of the leading export commodity area (Pest free area, pest production area, pest production site, and Area of Low Pest Prevalence –ALPP);
- 4) Contribute to the negotiation of the determination of the technical requirements of the importing country;
- 5) Conducting audit, verification, inspection and certification of export quarantine to ensure conformity with the agreed technical requirements of the importing country so that export market access is not disturbed due to the rejection of the shipment of export goods (Notification of non-compliance);

The primary function of the Ministry of Agriculture played by the Agricultural Quarantine Agency is related to ensuring the availability of sustainable agricultural resources in ensuring the availability of sufficient supplies, as well as guaranteeing food security related to the quality of healthy food supply and public safety in consuming halal food, thorough supervision and certification activities. Import and export, verification and audit of conformity with technical requirements. The determination of the area/area and the quarantine certification between areas are also carried out by the Agricultural Quarantine to meet the competitiveness of the international market.

The three roles mentioned above are, in principle, a unified role in the implementation of agricultural quarantine and biological security surveillance and the main tasks and functions of Barantan. Therefore, with this strategic role, every relevant agency and community needs to provide adequate support in achieving the vision, mission, and strategic objectives of Barantan.

c. Legal basis for the authority of the Quarantine Center in conducting investigations

Within the criminal justice system framework, the role of law enforcement officials, particularly investigators, is very strategic. Investigators are the main gate to begin finding material truth because, through the investigation process, law enforcement efforts have started to be implemented. So far, the broad scope of duties and responsibilities of investigators in the law enforcement system in Indonesia leaves many problems related to the number of institutions authorized to conduct investigations of a criminal act and the overlapping investigative powers between several institutions. As a result, between investigative institutions, there is the impression of a lack of coordination and synergy, which can impact reducing the credibility of law enforcement institutions in the eyes of the public. The problems as described above will certainly continue if a solution is not found immediately, and what is more worrying is the threat to the community's sense of justice.

Just because each law enforcement institution has a sectoral ego attitude, the importance of community justice that should be upheld must be sacrificed. If you pay attention to national legislation, several laws can be used as a legal basis for giving PPNS the authority to conduct investigations, including the sense of community justice that should be upheld must be sacrificed. If you pay attention to national legislation, several laws can be used as a legal basis for giving PPNS the authority to conduct investigations, including: the sense of community justice that should be upheld must be sacrificed. If you pay attention to national legislation, several laws can be used as a legal basis for giving PPNS the authority to conduct investigations, including:

- a) Article 6 paragraph (1) of the Criminal Procedure Code;
- b) Article 1 number 10 of Law no. 2 of 2002 concerning the Indonesian National Police;
- c) Quarantine Investigators based on Article 30 of Law no. 16 of 1992 concerning Animal, Fish and Plant Quarantine;
- d) Article 89 of Law Number 15 of 2001 concerning Marks which confirms that certain Civil Servant Officials at the Directorate General of Intellectual Property Rights are given special authority as investigators as referred to in Law Number 8 of 1981 concerning Criminal Procedure Code, to conduct criminal investigations in the field of Marks.

The granting of the authority to carry out investigative duties to PPNS, on the one hand, will undoubtedly facilitate the disclosure of a crime given the many obstacles faced by the police in conducting investigations, such as the quality and quantity of human resources supporting infrastructure, and budget. However, on the other hand, the number of investigative institutions can cause a tug of war between institutions, especially if each investigative institution puts forward sectoral egos, which can lead to delays in the law enforcement process..

Therefore, in anticipating the emergence of discrepancies in carrying out investigative duties, especially between Polri investigators and PPNS, the Criminal Procedure Code (KUHP) has provided a solution regarding the position of the two institutions as regulated in Article 7 paragraph (2) of the Criminal Procedure Code which emphasizes that the investigators as referred to in Article 6 paragraph (1) letter b (PPNS) have the authority by the law which is the legal basis for each and in carrying out their duties are under the coordination and supervision of the investigators referred to in Article 6 paragraph (1) letter a (Police).

In carrying out the investigation and implementing administrative sanctions or criminal sanctions, it is the final part (sluitstuk) of law enforcement. What needs to be there first is preventive enforcement, namely supervision and implementation of regulations. This preventive supervision is aimed at giving prohibitions and suggestions and efforts to convince someone wisely to move from an atmosphere of violation to the stage of fulfilling the provisions of the regulations.

- d. The role of the quarantine center in Enforcement of Criminal Law

In the Criminal Justice System, there is a systemic movement of its supporting subsystems, namely, the Police, Prosecutors, Courts and Correctional institutions (Penitentiary), which try to transform inputs into outputs, which is the goal of the system. Criminal Justice in the form of resocialization of criminals (short term), crime prevention (medium-term) and social welfare (long time).

The criminal justice system outlined by the Criminal Procedure Code is an “integrated criminal justice system”. The integrated system is based on the principle of “functional differentiation” among law enforcement officers by the stages of the process of authority given by law to each.

In essence, the criminal justice system is supported and implemented by four main functions, namely:

- 1) Lawmaking function This function is carried out by the DPR and the Government or other bodies based on delegated legislation. What is expected is that the laws regulated in the law are “not rigid”. As far as possible, “flexible” (flexible) is quite accommodating to the conditions of social change
- 2) Law enforcement function

The objective objectives of this function are viewed from the social order approach:

- a) The actual enforcement of law includes the following actions: Investigations’
 - i. Arrest – detention;
 - ii. Trial, and
 - iii. Punishment – imprisonment to correct the behaviour of the individual offender
- b. The “preventive” effect

The function of law enforcement is expected to prevent people (community members from committing criminal acts). In the context of uniformed police in the community, it is intended as a prevention effort. The presence and presence of the police is considered to maintain a preventive effect that has a deterrent effort for community members to commit crimes.

c. Function of adjudication

This examination function is a sub-function of the law enforcement framework carried out by the Public Prosecutor and related court officials. It is through this function that it is determined:

- a) The guilt of the defendant (the determination of guilt)
- b) Imposition of a punishment
- d. The function of correction

This function includes the activities of Correctional Institutions, Related Social Services, and Mental Health Institutions. The general objective of all institutions related to

the punishment and imprisonment of convicts is to rehabilitate criminal offenders (to rehabilitate the offender) to return to normal and productive life (return to normal and productive life).

Police investigators, when viewed from the Criminal Justice System, are one of the links in the system. Polri is one of the sub-systems of criminal justice, which consists of the police (in this case the police investigators), prosecutors, courts, and correctional institutions. The four sub-systems have their respective roles that are interrelated with each other. Within the framework of understanding the system, the police, prosecutors, advocates, courts, and prisons are the elements that build the system. Each of them is independent and carries out different jobs, but they are still one unit.

If you pay attention to the provisions of Article 7 paragraph (1) of the Criminal Procedure Code, especially if it is related to several chapters in the Criminal Procedure Code (KUHAP), such as Chapter V (Arrest, Detention, Search, Confiscation, and Examination of Letters) and Chapter XIV (Investigation), the scope of authority and obligations of investigators is extensive. The content of authority included in the investigation process includes:

Suppose PPNS, which is actually subordinated to the executive branch, is allowed to directly carry out investigative tasks in place of the National Police as investigators. In that case, it is feared that the national law enforcement process built based on CJS will be injured, considering that the executive is not included in the CJS framework. Therefore, so that CJS is not damaged by the inclusion of PPNS as an investigative institution, the Criminal Procedure Code clearly states that PPNS is not allowed to directly submit the examination results to the public prosecutor but to the Police investigator. In addition to the authority of PPNS which has been regulated in Article 6 paragraph 1 of the Criminal Procedure Code, in Law No. 16 of 1992 concerning Animal Quarantine,

3 Conclusion

Based on the discussion as discussed in the previous paragraph, it can be concluded as follows: a. that the legal regulation of the export and import of animals from the area of origin in Indonesia is regulated in Article 5, Article 6 and Article 7 of Law No. 16 of 1992 concerning Quarantine of Animals, Fish and Plants. The role of Civil Servant Investigators in Quarantine is still low in handling cases of quarantine violations and there are juridical obstacles in the form of weak sanctions for perpetrators of quarantine violations contained in Law No. 16 of 1992 concerning Animal, Fish and Plant Quarantine. and the lack of supporting facilities and infrastructure for law enforcement. b. that non-juridical barriers in the form of lack of public knowledge about quarantine, the work culture of quarantine personnel are not optimal and the follow-up actions of law enforcement are not optimal from policymakers. Therefore, it is recommended to revise the quarantine law and increase the number of personnel, facilities, and infrastructure for quarantine measures.

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5

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