

Implementation of Article 1368 of the Indonesian Civil Code in Settling Disputes Over Crop Damage Caused by Livestock in Nagori Dolok Ilir II, Dolok Batu Nanggar District

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ABSTRACT

This study investigates the conflict that occurred in Nagori Dolok Ilir II, Dolok Batu Nanggar District, between agricultural land owners and livestock owners. The study also investigates the application of Article 1368 of the Civil Code as a relevant solution. The research method involves conducting a survey to identify the problem. After that, we see how Article 1368 of the Civil Code can help resolve the conflict. The results show that respondents really understand how livestock affect the environment and agriculture. To determine who is responsible for crop losses, Article 1368 of the Civil Code is considered appropriate and relevant. One of the suggestions put forward is to increase government supervision of livestock, increase awareness of livestock owners, and provide ongoing education programs on livestock management. This study improves understanding of resolving legal conflicts related to livestock damage to crops.

Keywords: Livestock, Agricultural Land, Article 1368 of the Civil Code.

1. INTRODUCTION

The issue of livestock damaging agricultural crops is a common social conflict in rural communities, including in Nagori Dolok Ilir II, Dolok Batu Nanggar District. Farmers who depend on agriculture as their primary source of income often face significant economic losses when their crops are destroyed by freely roaming livestock (Issifu et al., 2022; Yeshey et al., 2023). These conflicts frequently lead to disputes between livestock owners and farmers, which, if unresolved, can escalate into social tension and legal disputes. In many cases, farmers struggle to obtain compensation due to lack of clear enforcement mechanisms or reluctance to

involve formal legal institutions (Ibrahim et al., 2022; Syed, 2023). The absence of structured conflict resolution mechanisms often results in disputes being settled informally, which may not always provide fair and just outcomes for affected parties. Consequently, a legal framework is essential to address the liability of livestock owners for the damages incurred by farmers (Perez et al., 2023).

From a legal perspective, Article 1368 of the Indonesian Civil Code (KUHPerdata) stipulates that owners of animals are responsible for any damage caused by their livestock, provided that the damage occurs due to the owner's negligence in supervision (Parera, 2022; Husodo, 2023). This provision aligns with the principle of strict liability, which holds individuals responsible for damages caused by their property or animals, even if no intent or fault is explicitly proven (Huberman, 2021). Additionally, legal precedents in civil cases related to livestock damage demonstrate that courts often rule in favor of farmers when negligence on the part of the livestock owner is evident (Barnett & Gans, 2022; Parker & Ortiz, 2022). However, in practical application, enforcing this law remains a challenge due to the lack of legal awareness among rural communities, difficulties in proving negligence, and the absence of regulatory bodies to oversee dispute resolution (Uddin, 2023). These challenges highlight the gap between legal provisions and their actual implementation in rural settings.

This study aims to analyze the implementation of Article 1368 of KUHPerdata in resolving disputes over crop damage caused by livestock in Nagori Dolok Ilir II, Dolok Batu Nanggar District. The research seeks to identify the effectiveness of legal enforcement mechanisms, challenges faced by farmers in obtaining compensation, and alternative dispute resolution methods that may be more applicable to local conditions. By examining the legal framework and its practical enforcement, this study provides insights into how legal mechanisms can be optimized to protect farmers' rights while ensuring that livestock owners remain accountable for the damages their animals cause. Furthermore, the findings will serve as a reference for policymakers and local authorities in improving conflict resolution strategies related to agricultural disputes.

Based on preliminary analysis, this study hypothesizes that the lack of formal legal enforcement in rural areas contributes to the continued occurrence of crop damage disputes, as livestock owners often evade accountability due to weak institutional oversight and the preference for informal settlements. While Article 1368 of KUHPerdata provides a clear legal basis for liability, its implementation is hindered by the absence of structured legal procedures, limited community awareness, and challenges in proving negligence. Therefore, a hybrid approach combining legal enforcement with community-based conflict resolution mechanisms may provide a more effective solution in resolving disputes over livestock-related crop damage.

2. RESEARCH METHOD

This study employs a qualitative descriptive method to gain an in-depth understanding of the efforts made by livestock owners to take responsibility for crop damage and the challenges they face in doing so, where data collection is conducted through observations, interviews, and document analysis to ensure comprehensive insights into the issue (Creswell, 2014); observations will be carried out to directly examine the actions and responses of livestock owners in cases of crop damage, while interviews will involve livestock owners, farmers, and other relevant stakeholders to gather diverse perspectives on the dispute resolution process (Miles, Huberman, & Saldaña, 2014), and document analysis will include reviewing relevant regulations, policies, and legal documents to assess the enforcement and applicability of Article 1368 of the Indonesian Civil Code (KUHPerdata) (Neuman, 2014), with all collected data undergoing thematic analysis to identify patterns, key findings, and implications for improving legal enforcement and dispute resolution mechanisms in cases of livestock-induced crop damage (Patton, 2015).

3. RESULT AND ANALYSIS

Legal and Socio-Economic Implications of Crop Damage Caused by Livestock in Nagori Dolok Ilir II, Dolok Batu Nanggar

Nagori Dolok Ilir II, located in Dolok Batu Nanggar District, Simalungun Regency, North Sumatra Province, covers an area of 9.18 km² and consists of three villages: Huta Prapat (Kampung Prapat), Afdeling I Dolok Ilir, and Huta Mahei (Kampung Mei). With a population of 797 people, comprising 387 men and 410 women, the local economy is primarily driven by agriculture, making farmland a critical asset for community livelihoods (BPS Simalungun, 2021). However, the damage to plantations caused by freely roaming livestock has emerged as a persistent issue that threatens agricultural sustainability, economic stability, and social harmony in the region.

One of the primary concerns regarding livestock-induced crop damage is its direct economic impact on agricultural output. Crops destroyed or consumed by unattended livestock not only reduce farmers' income but also affect food security and long-term agricultural sustainability (Doss et al., 2024; Out et al., 2024). The destruction of crops disrupts seasonal harvest cycles, leading to decreased agricultural productivity, which in turn affects the overall economic resilience of local farmers (Jayne et al., 2021). Additionally, financial losses due to reduced agricultural yields may contribute to increased poverty levels among rural farmers, limiting their capacity for reinvestment in sustainable farming practices (Tadele, 2021).

Beyond economic losses, crop damage caused by livestock often triggers conflicts between livestock owners and landowners, disrupting social cohesion

within the community. Disputes over property boundaries, financial liabilities, and legal accountability can escalate into long-term tensions, affecting community relationships and cooperation (Renigier et al., 2024). In some cases, unresolved disputes have led to legal proceedings, further straining communal ties and adding to legal expenses for affected parties. As such, legal mechanisms must be effectively enforced to balance the rights of livestock owners and the protection of agricultural landowners (Ibrahim & Truby, 2023).

The implementation of Article 1368 of the Indonesian Civil Code (KUHPerdata) plays a crucial role in resolving disputes related to livestock-induced crop damage. According to this legal provision, livestock owners bear full responsibility for damages caused by their animals if negligence can be established (KUHPerdata, Article 1368). The enforcement of this article is critical not only for ensuring compensation for affected farmers but also for upholding property rights, legal accountability, and sustainable agricultural practices (Adjei et al., 2014). However, challenges in enforcing this regulation persist due to limited legal awareness among rural communities, lack of formal dispute resolution mechanisms, and inadequate oversight by local authorities (Sabayiga, 2023).

Thus, addressing this issue requires a holistic approach that integrates legal enforcement with community-based conflict resolution strategies. Strengthening awareness campaigns, implementing structured compensation mechanisms, and establishing mediation frameworks can enhance the effectiveness of Article 1368 KUHPerdata in mitigating agricultural disputes. By combining legal and socio-economic strategies, it is possible to promote agricultural sustainability while fostering community harmony in rural areas affected by livestock-related crop damage.

Accountability of Livestock Owners for Crop Damage in Nagori Dolok Ilir II, Dolok Batu Nanggar

The accountability of livestock owners for crop damage in Nagori Dolok Ilir II, Dolok Batu Nanggar District, presents a complex issue requiring collaboration among multiple stakeholders, including farmers, livestock owners, community leaders, and government institutions, where various strategies such as open communication, negotiated settlements, and preventive measures like fencing and controlled grazing have been attempted but remain limited due to resource constraints, infrastructure challenges, and weak enforcement of Article 1368 of KUHPerdata, based on interviews with affected farmers, many expressed financial losses, psychological distress, and frustration over the ineffectiveness of informal negotiations, leading to recommendations for third-party mediation, increased government intervention, and stronger enforcement of legal accountability mechanisms, while Article 1368 of KUHPerdata mandates liability for livestock-induced damage, its practical implementation is hindered by limited legal awareness, reluctance to pursue formal legal action, and preference for social

harmony over litigation, necessitating a more structured mediation approach, community legal education, stricter preventive regulations, and proactive government involvement to ensure fair dispute resolution and sustainable agricultural protection.

Legal Framework and Application of Article 1368 KUHPPerdata in Addressing Crop Damage by Livestock in Nagori Dolok Ilir II, Dolok Batu Nanggar

The legal resolution of livestock-induced crop damage in Nagori Dolok Ilir II, Dolok Batu Nanggar District, relies on the implementation of Article 1368 of the Indonesian Civil Code (KUHPPerdata), which holds livestock owners accountable for damages caused by their animals, regardless of direct supervision, and mandates compensation for affected farmers through legal liability, mediation, or judicial enforcement, where identifying responsible parties, negotiating settlements, enforcing legal rulings, and implementing preventive measures such as community awareness programs and livestock enclosures are critical steps to ensuring fair dispute resolution, reducing recurring conflicts, and promoting long-term agricultural sustainability and social harmony, thereby reinforcing the necessity of structured legal enforcement, government intervention, and collaborative community efforts to balance livestock farming with landowner rights and safeguard economic stability in rural areas.

4. CONCLUSION

By analyzing the role of Article 1368 of the Indonesian Civil Code (KUHPPerdata) in resolving conflicts related to crop damage caused by livestock in Nagori Dolok Ilir II, Dolok Batu Nanggar District, it can be concluded that legal enforcement serves as a crucial foundation for achieving fair and sustainable solutions, as respondents have identified various issues arising from livestock-induced crop damage, expressing concerns over its environmental and economic impact, as well as dissatisfaction with unresolved disputes between farmers and livestock owners, necessitating a structured legal approach to address these conflicts effectively, where the application of Article 1368 KUHPPerdata establishes clear liability for livestock owners, regardless of direct supervision, and enables resolution through mediation, negotiation, and legally binding agreements, thereby preventing future disputes and ensuring equitable outcomes for all parties involved.

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