



**CONFLICT BETWEEN LEGAL NORMS AND COMMUNITY TRADITIONS:
LAW ENFORCEMENT AGAINST ACTS OF VIOLENCE AND ANIMAL
ABUSE IN THE BULL RACING TRADITION**

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Abstract

The Karapan Sapi tradition is a cultural heritage of the Madurese people that has high social and economic value. However, in its implementation, acts of violence against the oxen occur, which are legal violations that still continue to this day. This research discusses criminal responsibility for acts of violence and animal abuse in Karapan Sapi, to find out the government's efforts and forms of protection for animals in the implementation of Karapan Sapi. This research uses a normative juridical method with a conceptual and statute approach to examine laws and regulations related to the issue. The results show that law enforcement is still not implemented even though regulations prohibiting violence against animals already exist, such as the Instruction of the Governor of East Java Number 1 of 2012 concerning Karapan Sapi Without Violence, Law Number 41 of 2014, and Government Regulation Number 95 of 2012 regarding animal welfare. This research is expected to raise public awareness and encourage legal reform to ensure animal welfare from violent and abusive behavior.

Keywords: Karapan Sapi, Animal Protection, Animal Welfare.

Abstrak

Tradisi karapan sapi merupakan warisan budaya masyarakat Madura yang memiliki nilai sosial dan ekonomi tinggi. Namun, dalam pelaksanaannya terjadi tindakan kekerasan terhadap sapi yang merupakan pelanggaran hukum yang masih berlangsung hingga kini. Penelitian ini membahas pertanggungjawaban pidana atas tindakan kekerasan dan penganiayaan hewan dalam karapan sapi untuk mengetahui upaya pemerintah dan bentuk perlindungan terhadap hewan dalam pelaksanaan karapan sapi. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan konseptual serta perundang-undangan untuk menganalisis peraturan hukum yang relevan. Hasil penelitian menunjukkan bahwa penegakan hukum belum terlaksana meskipun telah ada peraturan yang melarang kekerasan terhadap hewan, seperti Instruksi Gubernur Jawa Timur Nomor 1 Tahun 2012 tentang Karapan Sapi Tanpa Kekerasan, Undang-Undang Nomor 41 Tahun 2014, dan Peraturan Pemerintah Nomor 95 Tahun 2012 tentang Kesejahteraan Hewan. Penelitian ini diharapkan dapat meningkatkan kepedulian masyarakat serta mendorong reformasi hukum untuk menjamin perlindungan hewan dari praktik kekerasan dan penganiayaan.

Kunci: Karapan Sapi, Perlindungan Hewan, Kesejahteraan Hewan.



I. INTRODUCTION

Indonesia is known as a nation with a rich cultural and ethnic diversity. Each ethnic group possesses unique and distinctive cultural characteristics. The cultural heritage of the Indonesian people today is a valuable asset, a source of pride and national identity that distinguishes it from other nations in the world. This uniqueness certainly provides a unique allure and enhances Indonesia's reputation internationally. Among the diverse traditions that thrive in the country, several traditions possess unique characteristics that continue to receive recognition and respect from the state, one example being the bull racing tradition.

Tradition can be understood as a structured system passed down from generation to generation within a community. The transmission of tradition occurs across generations through oral transmission of information such as folklore, as well as written documentation found in ancient manuscripts or inscriptions. When these traditions are internalized in the community, they become entwined with personal and collective experiences. It is difficult to separate documented experiences from traditions that continue to live and develop dynamically within the community (Living Tradition).



Figure 1. Bull Race

Source: Personal Documentation

Bull race represents a unique tradition from Madura, combining celebration, folk entertainment, and bull racing. It embodies the values of togetherness, mutual cooperation, and respect for nature and animals. Bull race is a tradition that has been passed down through generations and continues to attract public attention. Bull race originally used bulls for plowing rice fields; farmers found it faster to cultivate their fields.

However, over time, bull race's function has shifted beyond agriculture to become a competition for speed, with the goal of achieving victory. Winning the race earns the owner a prize and a significant honor. Furthermore, at every bull race, spectators, or even fellow bull owners, often place bets or gamble. Typically, the wager is on whose bull will win.

Over time, the traditional bull racing tradition has seen the emergence of several previously uncommon practices, such as the use of sticks studded with small nails and the application of balsam and spicy liquids to the bulls. These practices have sparked controversy, as they are considered to be harmful to the animals and contrary to animal welfare principles. These changes in implementation have also impacted the cultural significance of bull racing itself. While this tradition was once steeped in the values of togetherness, mutual cooperation, and respect for nature and animals, these values have now shifted toward competition. Nevertheless, bull racing remains a symbol of Madurese identity and pride. This tradition is also an important cultural tourist attraction.

Indonesia is a vast maritime nation characterized by an archipelago, with territorial areas and sovereign rights regulated by law. The national legal system in Indonesia is the law officially enforced within the country. Indonesian national law exhibits a blend of various legal systems, including Western legal systems, laws derived from religious teachings, and laws rooted in local traditions (customs). The majority of the systems applied, both in the realm of civil law and criminal law, adopt the principles of Continental European law, especially originating from the Dutch legal system. This is inseparable from the historical background of Indonesia which was once under Dutch colonial rule under the name of the Dutch East Indies (Nederlands-Indie). Regulations on the prohibition of violence and abuse against animals in article 337 of Law no. 1 of 2023 concerning the Criminal Code and other laws regulating the prohibition of violence and abuse against animals are also explained in article 66A of Law no. 41 of 2014 concerning animal husbandry and animal health.

In the current Madurese bull racing tradition, there is a conflict between the traditional culture inherited from the local community and the prevailing national laws in Indonesia, which are incompatible. This inconsistency arises from animal abuse. To ensure the cows compete quickly, bull racers employ various methods to induce them to run fast, including whipping their rears with nails, smearing them with spicy liquids, and rubbing balm on their rears. The cows experience pain, with their rears bleeding from the whips. This deliberate

abuse is carried out without any clear purpose or intention for the good of the cows. Each pair of bulls released into the race arena must be held by multiple people to prevent them from running away. Given the cows' condition, it is questionable whether the pair's speed is due to their muscularity and running ability, or whether the pair is running fast to escape the pain caused by the bull racers' abuse.

Several practices in bull racing are currently considered to violate animal protection regulations stipulated in Indonesian law. From here, the author is interested in examining further how criminal responsibility for acts of violence and abuse towards animals in the bull racing tradition is carried out.

II. THEORITICAL STUDIES

The theoretical studies used include the theory of criminal liability and animal welfare theory. Criminal liability explains the relationship between the perpetrator and the legal consequences of their actions that violate criminal norms. In the context of bull racing, perpetrators who commit violence against animals can be subject to criminal sanctions under Article 337 of Law Number 1 of 2023 concerning the Criminal Code. Meanwhile, animal welfare theory emphasizes the importance of treating animals properly according to their natural behavior, as regulated in Law Number 41 of 2014 and Government Regulation Number 95 of 2012.

III. RESEARCH METHODS

This research employs a normative method, a research method that primarily focuses on the review and evaluation of applicable legal regulations and rules. Normative legal research is also known as library research, as its primary sources of information come from secondary legal materials such as statutory regulations, court decisions, scientific articles, and academic literature. The purpose of this study is to gain an understanding or provide an explanation of the applicable legal position, both in terms of legal theory and its application in the field. Researchers can analyze conflicting norms in the context of the traditional bull racing tradition.

The problem-solving strategy applied in this study utilizes two approaches. First, a conceptual approach, which serves to understand related concepts and legal bases. The function of this conceptual approach is to test the compatibility between legal norms and legal theory and to provide a theoretical framework for legal analysis. Second, this study

employs a statutory approach, which examines statutory regulations related to the legal issue under study. Applying the Statute Approach requires researchers to understand the principles contained in statutory regulations.

In the legal material collection phase related to this normative research, the technique employed is library research or documentary study. Data collection is carried out by reviewing and examining various documents or literature related to the core legal issues being studied. The goal is to obtain the legal material necessary to conduct analysis and formulate conclusions regarding the legal issues discussed. This technique involves searching, collecting, and analyzing various written legal sources, including related statutory regulations, legal scholarly articles, and other secondary legal materials relevant to the research focus.

IV. RESEARCH RESULTS

This study identified complexities in criminal liability related to protecting animals from violence and abuse, particularly in the context of the bull racing tradition. The fundamental findings indicate that in criminal acts of violence against animals, there are two fundamentally different legal entities: humans and animals. Animals lack legal capacity due to their lack of reason and intellect, so if an animal commits an act that injures a human, it cannot be subject to legal sanctions. Conversely, humans, as legal entities with reason and intellect, can be held legally accountable for all their actions against animals, including acts of violence and abuse.

Legal liability in this study refers to the theory of criminal liability proposed by Moeljatno, which asserts that individuals can be held accountable if their actions meet the elements of a crime. The results show that in the context of bull racing, the actus reus element is met, namely the act of torturing or injuring the cow, carried out with full awareness and intention (mens rea) to make the cow run faster and win the race. Although committed within the cultural realm, this traditional motivation does not eliminate the element of culpability, as positive law places animal protection as a component of the public interest guaranteed by statutory regulations. This study interprets mens rea, or the conscious intention to commit a violation, as being fulfilled in bull racing, where the bullfighters are aware that their actions cause suffering to the animals but still carry them out with a specific intent.

Individual criminal liability is based on the existence of fault (schuld), which includes two forms: deliberate fault (dolus/opzet) and negligent fault (culpa). In the 1809 Criminal Code, intent is defined as the will to carry out or not carry out an act prohibited or mandated by regulation. Research findings reveal that in bull racing, there is a will (de will) directed toward both the prohibited act and its prohibited consequences. The actors consciously intend brutal acts against the bulls with the intention of making them run faster, indicating deliberate intent in their actions. This research reveals that in bull racing, there is a will (de will) deliberately directed toward both the prohibited act and its prohibited consequences. The perpetrators or actors in bull racing consciously and intentionally commit cruel and violent acts against the cows in order to make them run faster and win the competition. This conscious and deliberate intention clearly demonstrates the element of intent in their actions.



Figure 2. Bull Racing

Source: Personal Documentation

Forms of animal violence that occur in bull racing include both physical and psychological violence. Physical violence includes intentionally hitting or injuring animals, neglecting them to the point of starvation and thirst, and neglecting proper care. In the bull racing tradition, pressure and treatment exceed the animal's natural capacity, which can be categorized as physical violence. According to Simons, in proving a crime against animals, the most important aspect of proof is the element of intent on the part of the perpetrator, namely whether the act causing suffering, injury, or other harm was actually intended by the perpetrator. Based on this theoretical framework, the study results indicate that the actions of jockeys who deliberately inflict violence on the bulls to ensure their speed and victory indicate a clear element of intent.

There is a conflict between traditional practices and the legal principle adopted by Indonesia, namely "Res Yuditica Provarirate Habetu." The essence of this principle is that when an activity that is considered a violation by law but is considered a tradition or cultural activity within society, a legal dilemma arises. However, the author argues that the existence of this principle actually demands that the implementation of bull racing activities must take place without the practice of violence and torture against animals, or be held in accordance with the provisions stipulated by the East Java provincial government through East Java Governor's Instruction Number 1 of 2012 concerning the Implementation of Bull Racing Without Violence, so that the implementation of law enforcement can run in line with applicable laws and regulations. Violence committed against cows is often considered normal by the perpetrators and the surrounding community, so they feel free to commit such acts. That although bulls are selected cattle that receive special care, fundamentally these cows are the same as cows in general or other animals that both feel pain and want to live a peaceful and prosperous life in their habitat without stress and torture. The researcher's interpretation shows that due to the high interests and egos of bull racers and owners, cultural values tend to be viewed with a strong sense of competition between cow owners for a victory with high prestige. Obstacles in the process of legal protection for protected animals are largely caused by the lack of firmness from the government and law enforcement officials in handling these cases.

Specific forms of violence that occur in the tradition of bull racing. That violence includes hitting the cow with a 15cm nailed stick on the back thigh and buttocks of the cow until it bleeds. Another form of violence is attaching a small nailed bracelet to the base of the cow's tail, causing pain, and the more the cow runs, the clamp follows the movement of the tail, injuring the tail due to friction. And there is the practice of applying hot liquids such as chili water and balm to one of the eyes and injured body parts, with the aim of making one eye see more clearly so the cow can focus on one view. Attaching a battery clamp to the cow's anus causes pain so the cow runs fast, and pouring chemical liquids such as rubbing alcohol on the cow's wounds on the buttocks, thighs, and tail, which is intended to dry the wounds quickly but actually causes extreme suffering to the animal.

The classification of violence reveals three main categories. First, physical violence, which includes beatings and torture that result in wounds, broken bones, bruises, or other

serious injuries to animals. Animal abuse encompasses any treatment that causes physical or mental suffering to animals, including inadequate housing, food deprivation, dehydration, extreme social isolation, exposure to extreme temperatures, neglect of medical needs, leaving animals in unsanitary environments, or other actions that cause unnecessary emotional or physical suffering. Second, psychological violence negatively impacts animal welfare and can lead to prolonged stress, excessive fear, trauma, and abnormal behavioral disorders. These psychological impacts can be long-lasting and affect the animal's quality of life and overall well-being. Third, this study also identified the possibility of sexual violence against animals, which, according to Soerjono Soekanto, constitutes a criminal act and should be subject to criminal sanctions.

The regulatory framework is comprehensive, but its implementation is not yet optimal. Article 337 of Law Number 1 of 2023 concerning the Criminal Code stipulates that any individual who harms or injures an animal or harms its health excessively or without justification is subject to a maximum prison sentence of one year or a maximum fine of category II. If such actions result in the animal being ill for more than one week, experiencing disability, serious injury, or death, they are subject to a maximum prison sentence of one year and six months or a maximum fine of category III. Article 338 of the Criminal Code also prohibits the use and exploitation of animals beyond their natural capacity, which could harm their health, endanger their safety, or cause their death, with the threat of a maximum prison sentence of one year or a maximum fine of category II.

Article 66A of Law Number 41 of 2014 concerning Animal Husbandry and Animal Health prohibits any individual from mistreating and/or abusing animals that results in disability and/or loss of productivity. Any individual who becomes aware of such actions is required to report the abuse to the authorities. Article 91B stipulates a criminal penalty of imprisonment of at least one month and a maximum of six months, along with a fine of at least Rp1,000,000.00 and a maximum of Rp5,000,000.00 for perpetrators of animal abuse. Article 92 of Government Regulation Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare also prohibits acts of animal abuse and/or misuse that result in disability and/or loss of productivity. East Java Governor's Instruction Number 1 of 2012 concerning the Implementation of Non-Violent Bull Racing only imposes administrative sanctions without criminal sanctions.

Despite a clear legal framework, with the elements of a criminal offense fulfilled: the subjective element of intent and the objective element of "whoever" (legal subject), the absence of a proper purpose, excessive conduct to achieve a goal, and consequences that cause pain, injury, or harm to the animal's health, the application of the articles prohibiting acts of animal abuse and violence has not yet been enforced by the authorities. The main problem lies in the perspective of bull owners and racers, who fail to adhere to the East Java Governor's Instruction on Non-Violent Bull Racing and other laws prohibiting violence and abuse of animals.

The violence and abuse of animals in the bull racing tradition demonstrates excessive treatment, resulting in injuries to the bulls due to the abuse perpetrated by racers. This is far from the concept of animal welfare. The concept of animal welfare relates to moral values regarding the proper treatment of animals. Although bull racing is a tradition, its implementation must still adhere to animal welfare and applicable legal regulations. However, the reality is that cultural values tend to be viewed with a strong sense of competition among bull owners for a prestigious victory, neglecting animal welfare.

Research shows that the ineffectiveness of legal protection for animals is caused by several factors. First, the lack of firmness from the government and law enforcement in handling cases of violence against animals. Second, the absence of specific and strong laws regarding animal protection in the context of tradition causes animals that should be protected to be treated unfairly. Third, the public view that violence against cows in bull races is normal and part of tradition. Fourth, economic motives and high prestige of cow owners override animal welfare considerations. This research emphasizes that although Indonesia is a country friendly to animals as indicated by its laws and regulations, law enforcement needs to enforce strict sanctions against perpetrators of violence and abuse against animals with the aim of reducing excessive behavior towards animals and providing a deterrent effect on perpetrators.

V. CONCLUSION

Based on the research results, it is clear that bull racing is indeed an important part of Madurese culture. However, its implementation currently raises legal issues due to the continued occurrence of animal abuse. Various practices such as beatings with spikes, the use of caustic liquids, and the use of painful devices have been proven to violate the principles of

animal welfare as stipulated in the Criminal Code, the Animal Husbandry and Animal Health Law, and various other supporting regulations. From a criminal law perspective, the element of intent in the actions of bull racers is clearly fulfilled because the abuse is carried out consciously to improve the performance of the bulls during the race. Although claimed to be part of tradition, such acts remain unjustified, as the Indonesian legal system stipulates that animals must be treated decently and must not be harmed without justification. Weak law enforcement, lack of oversight by local governments, and the strong public perception that violence is part of tradition are key factors why animal protection regulations have not been implemented effectively. Furthermore, economic motives and the prestige of bull owners also reinforce the practice of abuse. Therefore, stricter law enforcement, accompanied by increased public awareness, is very necessary so that the bull racing tradition can be preserved without ignoring the animal welfare aspect and the tradition can be preserved without violating regulations.

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