



# Legal Protection of Pets from Threats of Violent Criminal Acts and Neglect by their Owners

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## Abstract

Indonesia is one of the countries in the world with the most cases of animal violence. The violence ironically also occurs in pets that should receive protection and good care by their owners. In addition to violence, pets are even abandoned by their owners, while it is known that the Indonesian *ius constitutum* requires animal owners, including pets, to take good care of their animals until they die naturally. This study wants to examine how Indonesian law regulates obligations for animal owners towards their pets, legal protection of pets from acts of violence and neglect committed by owners, and to prevent similar acts from being repeated because apart from these acts violate the applicable legal rules, not in accordance with the dignity and dignity of the Indonesian nation as a civilized nation, it also has the potential to cause an impact/disturbance to order, peace, and public health and the surrounding environment. The research method used is normative juridical with the nature of qualitative analysis using primary legal materials, namely Law Number 41 of 2014 concerning Livestock and Animal Health, Government Regulation Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare and the Criminal Code (KUHP); secondary legal materials; and tertiary legal materials. The results of this study state that acts of violence and abandonment of pets by owners are included in the category of criminal acts, namely crimes and perpetrators can be subject to criminal sanctions.

**Keywords:** Pets Legal Protection; Violence; Cruelty

## B. 1. Introduction

The behavior of cute and adorable pet patterns seems to be able to dissolve boredom, sadness, and anger. Health experts even state that playing with pets can increase levels of the hormones serotonin, oxytocin, and dopamine. Those are all hormones that can increase feelings of happiness, pleasure, and calm when tired, stressed, or anxious strikes. Another benefit of having a pet is to overcome loneliness. Loneliness turned out to be not a trivial matter. If left to drag on, loneliness can develop into depression, heart disease, even alzheimer's disease and

dementia. The next benefit of having a pet is to optimize brain performance, including the ability to think, the ability to remember, pay attention, solve problems, and make decisions.<sup>1</sup> In addition, having a pet can also be a business event (commodity) to be traded. However, there are also owners who keep pets just because of compassion and also because of lovers. There is nothing wrong with these reasons, but it would be wrong if the pet then only becomes the object of exploitation by the owner, the owner no longer wants to be responsible for maintaining, caring for his pet.

Animals are not objects/objects of human property that can be treated at will. Although pets are animals, they have the right to life and right to be treated well by the humans who keep them. Pets can feel sad, sick, angry, hungry, thirsty, afraid, even traumatized. The pet owner must be responsible for taking care of their pet in a decent way and that costs money. There are many reasons that are generally conveyed by animal owners who commit violence or abandon their animals, namely animals do not obey the wishes/orders of the owner, are tired of their pets, owners experience financial problems, their pets are old so they are no longer productive in producing offspring (children) which have been the owner's business land, the animals are sick and the owner cannot or does not want to be bothered to take care of his animals pain, and others. Generally, these pets are discarded, left to live on the streets by their owners, deliberately left in daycare or animal care without ever being picked up again by the owner. For pets that are thrown on the streets, these animals will roam freely so that they can disturb the comfort, cleanliness and order of the surrounding environment, vulnerable to transmitting diseases such as rabies both to other animals and to humans, these animals have the potential to become victims of violence from others who are disturbed by their existence, vulnerable to being hit by vehicles, vulnerable to death due to illness/starvation. Conversely, animals that are deliberately left in sick will put the burden on other parties to care for the animal.

Forms of violence and neglect against pets include putting pets in small or narrow cages so that the animal cannot move freely, or chaining the dog with a short chain and placing it in a place where the animal cannot shelter from the scorching heat of the sun and rain, beating the

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<sup>1</sup> "Pentingnya Menghabiskan Waktu Luang dengan Hewan Peliharaan," Halodoc, February 4, 2021, <https://www.halodoc.com/artikel/pentingnya-menghabiskan-waktu-luang-dengan-hewan-peliharaan>.

pet because it is considered not obeying the will of the owner, make a pets competition and fight with other animals as an attraction or public spectacle for the satisfaction or benefit of the owner such as pitbull's fighting, leave or dispose of pets on the streets or day care, do not provide proper food and drink to their pets, do not provide proper treatment care when they are sick/old. In certain conditions where there are pets that are discarded, abandoned, tortured/mistreated by their owners, the animal care community must act quickly to save these animals by providing them with shelters, while existing shelters also have limitations both in terms of place, human resources and budget.

Having a pet demands commitment and responsibility from the owner. Animals need not only feeding and drinking or a home course, but also medication, good care, patience and affection. Love them not only when they are healthy, young, funny, dashing, and productive which benefits their owners, but also when they are sick, old, and weak. The wrong way of caring for pet of the owner will make pets that should be cute and fun become scary and dangerous for humans and the surrounding environment, for example pets that are always on a leash, in a cage, and always get violence from the owner. Unfortunately, there are still many animal owners who treat pets with violence, neglect, objects of exploitation and commodities only.

Many shows on social media contain content of violence, animal abuse. Data from the Asia for Animal Coalition states that Indonesia is the number one country in the world that uploads the most animal content on social media.<sup>2</sup> Sadly, the content uploaded is precisely content that has nuances of cruelty. The research said, of the 5,480 contents collected, as many as 1,626 torture content came from Indonesian territory. The data was collected from July 2020-August 2021 from various YouTube, Facebook and TikTok accounts.<sup>3</sup> Based on the list of countries compiled by World Animal Protection, Indonesia is included in Grade E from the scale of Grade A to Grade G. It shows that the level of concern for animals in Indonesia is still very low. This is not very good for the Indonesian nation. Acts of violence, neglect of animals that have occurred in Indonesia so far seem to show that Indonesia is not a civilized nation.<sup>4</sup>

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<sup>2</sup> Artika Rachmi Farmita, "Indonesia Peringkat Pertama Penyiksa Hewan di Dunia," Kompas, October 3, 2021, <https://www.kompas.com/wiken/read/2021/10/03/191500481/indonesia-peringkat-pertama-penyiksa-hewan-di-dunia?page=all#page2>.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

Animals are creatures created by God that have different features. When compared to humans, animals do have limitations. Animals only act on instinct and can't think and talk like humans. As God's creatures who are given reason and high virtue and some even say that humans are given creation, taste and charsa by the Creator, then humans should not commit acts of violence, neglect, and even cruelty against any fellow living creatures, including animals. If the human has a pet, then they should take care of, love his pet well. Acts of violence deliberately committed by humans against animals make the image of humans inferior to animals. The assumption that animals can be treated arbitrarily as property or objects by their owners is wrong.

In Indonesia, acts of violence and neglect against animals are generally underestimated, whereas in the provisions of positive law in Indonesia, animals are living things that are recognized and guaranteed the right to life and welfare. There are still many people who see, witness acts of violence or neglect against animals who choose to be silent, do not want to interfere for fear of being perceived as interfering in other people's affairs and also the process of law enforcement and protection of animals from violence and neglect is also slow and lacks aspects of certainty and usefulness.

## **B. Discussion**

### **B. 1. Legal Protection of the Right to Life and Welfare of Pets in Indonesia**

It is undeniable that as part of the international community, the existing legal provisions in Indonesia are influenced by the results of international agreements, including in this case regulations regarding the right to life and animal welfare. There are 5 kinds of animal rights recognized by the nations of the world, stated in a joint statement of international community advocating the protection of animal rights, namely:

1. The right to be free from hunger and thirst;
2. The right to be free from inconvenience and abuse;
3. The right to be free from pain, injury and disease;
4. The right to be free from fear and stress;
5. The right to freely express one's behavior naturally.

The joint statement of the international community advocating the protection of animal rights was declared on October 15, 1978 at the UNESCO office which later gave birth to the Universal Declaration of Animal Rights. Furthermore, each country declared the establishment of its own national regulations, such as the Animal Welfare Act of New Zealand of 1999 and the United Kingdom of 2006. Although the content of the Animal Welfare Act in each country is different, in essence there is a common goal, namely to regulate human treatment of animals.

Law Number 41 of 2014 concerning Livestock and Animal Health Article 1 point 3 states that “Animals are animals or animals whose entire or part of their life cycle is on land, water, and/or air, both domesticated and in their habitat”. The authors divides the classification of animals into 3 groups, namely:

1. Protected animals

Indonesia has long been known for its natural wealth, flora and fauna. Unfortunately, some of these fauna are extinct because the population continues to decline. Therefore, the government provides legal protection for the endangered fauna population by issuing regulations to prevent extinction and also to maintain the sustainability of the ecosystem. Examples of protected species include Wolai and Anoa monkeys from Sulawesi, Cenderawasih birds from Papua, peacocks both from Java and Sumatra, Komodo dragons, Javan Rhinos and Eagles, elephants, tigers and crocodiles. Based on a report from the International Union for the Conservation of Nature (IUCN) in 2021, in addition to Komodo dragons, Indonesia has 170 flora and 189 fauna that are critically endangered status in *the* Red List of Threatened Species. The 189 faunas include 29 classes of birds, 11 classes of reptiles, 3 classes of amphibians, 26 classes of mammals and the rest of the marine animals.<sup>5</sup> The authors use the term protected animal, but some people use the term wild animal. Wild animals are animals that live in the wild, both in forests, rivers, oceans, and air. In accordance with its type, this animal is actually not to be kept by humans. However, in reality humans hunt this type of animal so that its existence becomes rare, even though the existence of these wild animals is very important to maintain the balance of the natural ecosystem. Keeping animals that belong to protected species is a criminal act. “Everyone

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<sup>5</sup> Edwin Shri Bimo, “Laporan IUCN 2021, Indonesia Punya 189 Fauna Kritis Terancam Punah, 26 Spesies adalah Mamalia,” Kompas, September 6, 2021, <https://www.kompas.tv/internasional/208546/laporan-iucn-2021-indonesia-punya-189-fauna-kritis-terancam-punah-26-spesies-adalah-mamalia?page=all>.

is prohibited from capturing, injuring, killing, storing, possessing, keeping, transporting and trafficking protected animals both alive and dead”.<sup>6</sup>

Violation of this rule may be subject to a maximum of 5 (five) years imprisonment and a maximum fine of one hundred million rupiah. Regulations derived from this law are Government Regulation Number 7 of 1999 concerning the Preservation of Plant and Animal Species, Government Regulation Number 8 of 1999 concerning the Utilization of Plant and Animal Species, Minister of Forestry Regulation Number 19 and Minister of Forestry Regulation Number 48/Menhut-II/2008 concerning Guidelines for Conflict Management between Humans and Wildlife.<sup>7</sup>

## 2. Farm animals

Livestock are animals that are deliberately bred by humans to meet their needs, both for consumption and industry, for example cows, buffaloes, horses, goats, chickens and fish.

## 3. Pet

Pets are animals that can be kept by humans for pleasure or hobbies, such as dogs, cats, birds, hamsters. These animals either partially or wholly depend on humans for certain purposes.<sup>8</sup> As explained earlier, not all animals are allowed to be kept. The development of domestic animals also knows the term exotic pet, or animals that are not commonly kept, which are divided into several groups, namely amphibians, birds, reptiles, insects, arachnids, rodents, and others.<sup>9</sup>

This research limits the scope of discussion to pets. The decision to keep a pet is part of the realization of human rights, namely the right to expression. However, of course, the exercise of these rights cannot be interpreted as free without rules. There are legal rules and obligations governing these freedoms, namely:

1. Obligation to feed and drink his pet.
2. Provide a decent bed.

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<sup>6</sup> Article 21 paragraph (2) *Law Number 5 of 1990 concerning Conservation of Natural Resources and Ecosystems*.

<sup>7</sup> Andry Suryadi, “Perlindungan Satwa Langka yang Dilindungi di Indonesia berdasarkan Undang-Undang Nomor 5 Tahun 1994 tentang Pengesahan Konvensi PBB Mengenai Keanekaragaman Hayati (Studi Kasus Pemerintah Daerah Riau),” (Thesis, Universitas Riau, Riau, 2013), 13-14, <https://repository.unri.ac.id/bitstream/handle/123456789/4508/jurnal.pdf?sequence=1&isAllowed=y>.

<sup>8</sup> Article 1 number 4 *Law Number 41 of 2014 concerning Animal Husbandry and Animal Health*.

<sup>9</sup> “FAQ Exotic Pet,” Praktek Dokter Hewan Bersama Vet, accessed August 31, 2023, <https://pdhbvet.com/faq-exotic-pet/>.

3. Treat if sick.
4. Ensure that the animals being kept do not roam freely outside without the control or control of the owner and do not disturb the surrounding environment.
5. Protect the animal's dwelling from disturbances that can come from outside such as rain, wind, thieves or other animals that try to attack it.

Apart from these obligations, animal owners are also obliged to educate their pets properly so as not to be savage and harm other parties.

In Indonesia, regulations relating to legal protection of animals are regulated in Law Number 41 of 2014 concerning Livestock and Animal Health. This law is the result of a revision of legislation from Law No. 18 of 2009 concerning Livestock and Animal Health. Both laws are more concentrated on farm animals and efforts to regulate the fulfillment of human needs for livestock, their production, care and slaughter. Neither law specifically provides for the legal protection and obligations of owners towards pets. However, in the law there are legal rules that prohibit acts of mistreatment and/or abuse of animals that result in animals becoming disabled and/or unproductive, regulating the maintenance, containment and care of animals.

Another relevant implementing regulation is Government Regulation Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare, which stipulates that everyone who owns or keeps animals is obliged to maintain and observe animal health and environmental hygiene and health.<sup>10</sup> The implementation of animal welfare as intended is carried out by applying the principle of animal freedom which includes:

1. freedom from hunger and thirst;
2. free from pain, injury, and disease;
3. free from discomfort, persecution, and abuse;
4. free from fear and stress; and
5. free to express his natural behavior.<sup>11</sup>

These principles are in accordance with the basic principles of animal rights that have been declared universally. This principle of freedom of animals applies also to the act of

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<sup>10</sup> Article 80 *Government Regulation Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare*.

<sup>11</sup> Article 83 paragraph (2), *Ibid*.

handling, placing, containing, maintaining, grooming, utilization and treatment of animals by their owners.<sup>12</sup> The application of the principle of freedom of animals should be carried out by:

1. ways that do not hurt, do not hurt, and/or do not cause stress; and
2. use facilities and equipment that do not hurt, do not injure, and/or do not cause stress;
3. separating superior animals from inferior ones;
4. using cages that are clean and allow animals to move freely, can protect animals from predators and nuisance animals, and protect from the heat of the sun and rain; and
5. provide feed and drinking in accordance with the physiological needs of animals.<sup>13</sup>

In addition, everyone is also prohibited from utilizing the physical strength of animals beyond their abilities, including the provision of stimulant drugs so that they work beyond their abilities.<sup>14</sup> Violation of this provision can be categorized as violence and exploitation of animals.

The provisions in the Criminal Code (KUHP) also regulate the threat of criminal sanctions for perpetrators of animal abuse and those proven to have committed minor or severe mistreatment of animals. Criminal sanctions against perpetrators are in the form of three months imprisonment to nine months in prison and fines. Article 302 of the Criminal Code regulates the threat of criminal sanctions for those who commit violence, mistreatment of animals. If the result of the abuse results in minor injuries, then the perpetrator is threatened with imprisonment for a maximum of 3 months, but if the act causes the animal to be sick for more than a week, or disabled or suffered serious injuries or death, then it is threatened with imprisonment for a maximum of 9 months. Article 406 paragraph (2) of the Criminal Code regulates acts that damage, eliminate, kill animals belonging to others will be subject to a maximum prison sentence of 2 years 8 months. Furthermore, Article 412 of the Indonesian Civil Code states that if the act is carried out jointly by 2 or more people, then the criminal threat can be increased by 1/3.

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<sup>12</sup> Article 84, *Ibid.*

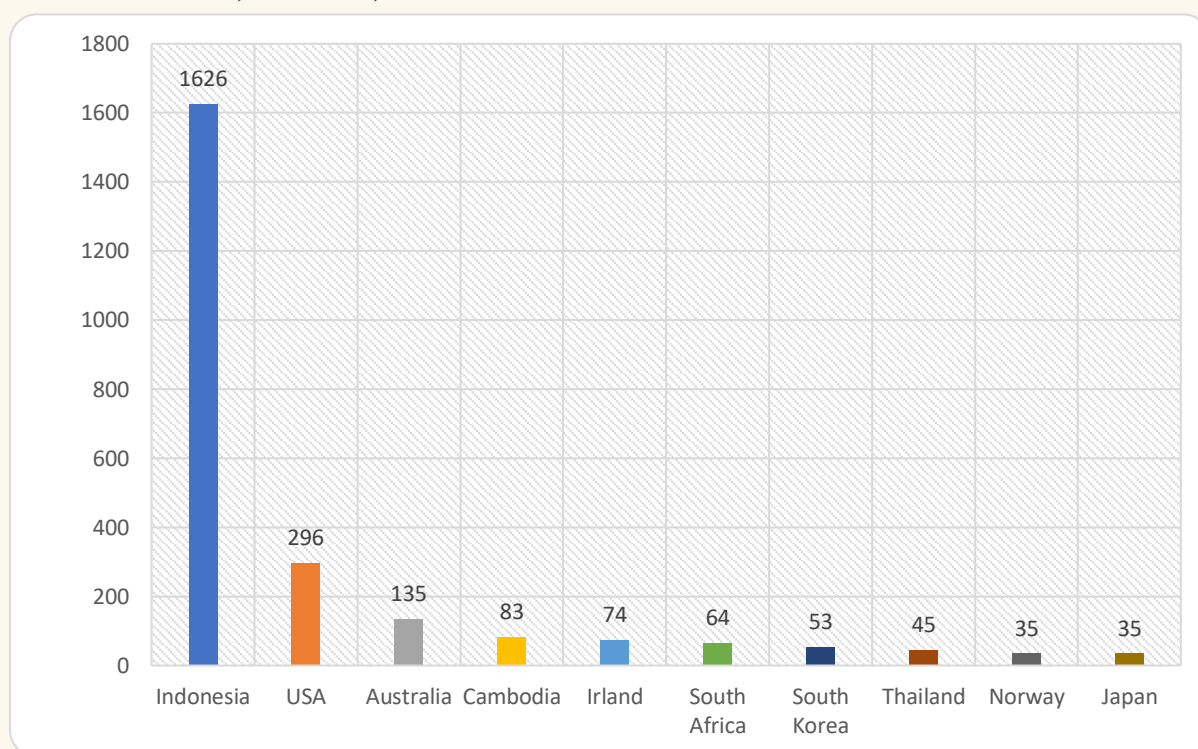
<sup>13</sup> Article 87 and Article 88, *Ibid.*

<sup>14</sup> Article 92 letter (e), *Ibid.*



## B. 2. Implementation of Legal Protection for Pets in Indonesia

Indonesia is the weakest country in efforts to provide protection for animals.<sup>15</sup> There are so many tortures carried out by humans, even the torture is spread through social media such as Facebook, YouTube, and TikTok.<sup>16</sup>



**Graphic 1. Country graph by animal abuse content (Source: [www.kompas.com](http://www.kompas.com))**

According to Animal Defender Indonesia's records, the rise of animal abuse videos uploaded from Indonesia occurs due to weak enforcement practices and legal certainty in Indonesia. In addition, the legal culture of the community and the lack of education also contribute to the poor aspects of legal protection for animals.<sup>17</sup> The government feels that this is not the focus of attention.<sup>18</sup> There are many scenes of violence against animals such as being tortured or buried alive, kittens being burned or stepped on, people eating animals alive, and also a case where a cat slaughterhouse was found in Medan. In addition, there are also videos of puppies and ducks being crushed by snakes, and someone has also found a photo of a plastic

<sup>15</sup> Artika Rachmi Farmita, "Indonesia Peringkat Pertama Penyiksa Hewan di Dunia," Kompas, October 3, 2021, <https://www.kompas.com/wiken/read/2021/10/03/191500481/indonesia-peringkat-pertama-penyiksa-hewan-di-dunia?page=all>.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

bag containing meat, body parts, and a pet cat's head being stolen, cut, and skinned to sell for Rp. 70,000.00 (seventy thousand) per kilogram;<sup>19</sup> Cases where certain types of dog breeds such as pitbulls are kept only to be used as complaint animals. Unmitigated, this type of dog was pitted against wild boars and this event was used as a spectacle by certain community residents in Bandung Regency. The Bandung Regency Government has banned this, but still they do it clandestinely.<sup>20</sup> The latest case was when a woman who owned a Pomeranian dog dragged her dog on a motorcycle until the dog's leg was injured.<sup>21</sup> In addition to these cases of violence, there are also cases of neglect of pets.

There are many pets that are deliberately thrown on the streets by their owners so that these animals become stressed and frightened. Dogs are the animals that are most victims of violence and neglect by their owners. Another mode of pet disposal is the dog owner pretending to send his dog to a pet shop for grooming or to be deposited, but never picked up/taken back by the owner; cases of dogs and cats that are skin sick or sick because of old age, but by the owner instead of being treated and cared for properly. These cases are cases that are often experienced by animal care groups who often get information from people who see and care about these animals for their next rescue action. In other cases there is a legal culture of society that is actually an act of violence and persecution Against pets, such as fighting betta fish or betta fish which contain elements of gambling.<sup>22</sup>

Although Indonesia already has Law Number 41 of 2014 concerning Livestock and Animal Health, Government Regulation Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare, and the Criminal Code which regulates obligations and prohibitions for pet owners, the Criminal Code is the only law that threatens sanctions against perpetrators who commit torture, violence, and neglect of animals. And although the Criminal

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<sup>19</sup> Asmariah, Idat Galih Permana and Abdul Haris Semendawai, *Perlindungan Hukum terhadap Hewan Peliharaan (Non Ternak)* (Jawa Tengah: Penerbit PT. Nasya Expanding Management, 2023), 5.

<sup>20</sup> Bukbisj Candra Ismeth Bey, "Gladiator Kaki Empat: Mengintip Arena Duel Terlarang Anjing Versus Babi Hutan di Jabar," *Vice*, accessed August 27, 2023, <https://www.vice.com/id/article/43jzkm/gladiator-kaki-empat-mengintip-arena-duel-terlarang-anjing-versus-babi-hutan-di-jabar>.

<sup>21</sup> Indira Arri, "Wanita Seret Anjing dengan Motor di Bali, Pelaku Diperiksa Polisi," *Okezone*, May 19, 2023, <https://video.okezone.com/play/2023/05/19/1/166328/wanita-seret-anjing-dengan-motor-di-bali-pelaku-diperiksa-polisi>.

<sup>22</sup> "Asyik Ada Ikan Cupang, 4 Pejudi Dicidaduk Polisi," *Merdeka*, accessed August 27, 2023, <https://www.merdeka.com/peristiwa/asyik-adu-ikan-cupang-4-pejudi-dicidaduk-polisi.html>.

Code already regulates the threat of criminal sanctions for perpetrators of violence and animal neglect, this does not discourage perpetrators of evil acts against their pets.

The definition of violence is the act of a person or group of people that causes injury or death to others or causes physical damage or property to others.<sup>23</sup> Guided by this definition, it is clear that violence is a form of unlawful act, which contains elements of coercion and causes harm to the pets. Soejono Soekanto defined violence as the forced use of physical force against people or objects.<sup>24</sup> While neglect comes from the word abandoned which means not maintained, all inadequacy (about life), not maintained; not taken care of pets.<sup>25</sup>

It is interesting to study about this condition and the legal protection of pets in Indonesia. Legal regulations have stipulated that those who are proven to have mistreated both light and severe animals will be subject to criminal sanctions in the form of three months to nine months in prison and a maximum fine of Rp 400,000,-.<sup>26</sup> While acts that damage, eliminate, kill animals belonging to others will be subject to a maximum prison sentence of 2 years 8 months.<sup>27</sup> However, if the act is carried out jointly by 2 or more people, then according to Article 412 of the Indonesian Civil Code, the sanction will be increased by one third.

The existence of these criminal sanctions does not discourage the perpetrator's intention to commit acts of violence or neglect against animals. Law enforcement practices in Indonesia on these cases are very weak. Even in one case of animal abuse where the perpetrator dragged a puppy from the top of the motorbike causing the animal to die, the perpetrator was only imprisoned for 14 days and fined Rp 200,000,00.

The existence of criminal sanctions as threatened in the Criminal Code, according to the author, is still far from the aspect of certainty and expediency as the purpose of punishment. Keep in mind that currently Indonesia already has a New Criminal Code, namely Law Number 1 of 2023 although normatively this law will only be enforced in 2026. However, the spirit and

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<sup>23</sup> “Kekerasan,” KBBI, accessed August 31, 2023, <https://kbbi.kemdikbud.go.id/entri/kekerasan>.

<sup>24</sup> Elly Kurniawati, “Faktor Penyebab Terjadinya Kekerasan dalam Rumah Tangga dan Upaya Penanggulangannya (Suatu Tinjauan Kriminologis),” *Jatiswara Journal* 26, no. 3 (2011): 78, <https://jatiswara.unram.ac.id/index.php/js/article/view/19/4>.

<sup>25</sup> “Telantar,” KBBI, accessed August 31, 2023, <https://kbbi.kemdikbud.go.id/entri/telantar>.

<sup>26</sup> Minor maltreatment is an act of mistreatment that causes minor injuries, while severe maltreatment is an act of causing the animal to be sick for more than a week, or disabled or suffering serious injuries or death, see Article 302 Law Number 1 of 2023 concerning the Criminal Code.

<sup>27</sup> Article 406 paragraph (2) *Law Number 1 of 2023 concerning the Criminal Code*.

basic ideas of this new Criminal Code must be supported by all existing regulations. This new Criminal Code is a pure legal product of the work of the Indonesian nation which is full of noble values raised from the fundamental norms of the Indonesian nation. In some of its provisions, the new Criminal Code has strengthened modern penal policies which state the objectives of punishment are as follows:

1. Prevent the commission of criminal acts by enforcing legal norms for the protection and protection of the community;
2. socialize convicts by conducting coaching and guidance to become good and useful people;
3. resolve conflicts arising from criminal acts, restore balance, and bring a sense of security and peace in society; and those proven to have committed minor or severe mistreatment of animals. Criminal sanctions against perpetrators are in the form of three months imprisonment to nine months in prison and fines.
4. fostering remorse and absolving guilt in the convict.<sup>28</sup>

The attempt to reform the law in the new Criminal Code is not an effort that is vast *leggen van wat is* (establishing what is already in force), but rather an effort that is vast *leggen wat hoort te zijn* (determining what should or should apply).<sup>29</sup> The existence of laws and sanctions is not just to pursue deterrence, but to educate, make perpetrators aware of their wrong deeds (corrective function) so that they are not repeated and also imitated by others, as a guideline for humans to behave so as not to harm others, the surrounding environment and other living things, as a suggestion for recovery and also compensation for damage caused. Indonesia's position as a state of law (*rechtstaat*) which one of its functions is to provide a sense of certainty and legal protection not only for fellow humans, but also for the environment and other living things. The implementation of this will make Indonesia a civilized and dignified nation.

The aspect of certainty and expediency of the law and its sanctions is not only seen from the existence and application of imprisonment sanctions against perpetrators of violence and animal neglect, but also from other types of sanctions that are considered to bring more

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<sup>28</sup> Article 51 *Law Number 1 of 2023 concerning the Criminal Code*.

<sup>29</sup> Barda Nawawi Arief, *Kebijakan Legislatif dalam Penanggulangan Kejahatan dengan Pidana Penjara* (Jakarta: Genta Publishing, 2010), 2-3.

beneficial aspects to animals that are victims, the environment and society, such as restitution sanctions. The provision of compensation (restitution) to animals that are tortured, mistreated, abandoned or abandoned by their owners has not been regulated in the Criminal Code or special laws governing legal protection of pets and obligations of owners to their pets. While the existence of this sanction is needed to help care and restore the health of animals that are victims, which has been carried out by the animal care community. So far, budget support for these social actions has come from the participation of non-funding communities who love or care for animals. Similarly, fines against animal owners who intentionally violent, torture or abandon animals must be strictly applied to perpetrators, not just a mere formality. This is so that everyone who will do the action thinks again before doing the deed. People are required to be more careful in caring for and treating their pets.

Renewal of legal policies in order to protect the rights of pets from violence and neglect must be carried out immediately so that cases of violence and neglect against animals do not increase which in turn can damage the image of the Indonesian nation as a civilized nation. The idea of legal reform is in line with the opinion of Barda Nawawi who stated that the implementation of criminal law reform is:

1. Part of the policy (rational effort) to update the legal substance in order to more effectively enforce the law;
2. Part of the policy (rational effort) to eradicate/overcome criminal acts in the context of community protection;
3. Part of the policy (rational effort) to overcome social problems and humanitarian problems in order to achieve / support national goals (i.e. social defense or social welfare);
4. Efforts to review and reassess (reorient and reevaluate) the main thoughts, basic ideas or socio-philosophical, socio-political, and socio-cultural values that underlie criminal policy and criminal law policy (enforcement) so far. It is not a reform of criminal law if the value orientation of the aspired criminal law is the same as the value orientation of the old criminal law inherited by the colonizer (old Criminal Code or WvS).<sup>30</sup>

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<sup>30</sup> Barda Nawawi Arief, *Pembaharuan Hukum Pidana dalam Perspektif Kajian Perbandingan* (Bandung: PT Citra Aditya Bakti, 2005), 3.

One of the laws that supports the spirit of criminal law enforcement reform and also the spirit in the new Criminal Code is Law Number 22 of 2022 concerning Corrections which supports an integrated criminal justice system organized by the government as part of the law enforcement process in the context of service, guidance and community guidance for social reintegration.

Penal policy is a science as well as an art that ultimately has a practical purpose to allow a positive legal regulation to be better formulated, can be a guide not only for law framers, but also for courts, other law enforcement officials and also the public. The ultimate goal of the existence of law and its sanctions should be to bring man closer to his civilization. This is also in line with Satjipto Rahardjo's opinion which states that law should also be seen as a building or social institution, rather than just a mere regulation. How the institution performs its social functions in and for the community, then the extent of the interest and needs of the community towards the institution.<sup>31</sup> Sunaryati Hartono said that law is not an end, but only a bridge that will lead us to the idea aspired to, which is to make Indonesian people just and civilized to jointly support and realize prosperity on earth, which include pets.

It is undeniable that the rules and conditions of enforcement and legal protection of pets in Indonesia have been far from expected. The slow handling of public complaints, apathy from the public who saw or knew about the incident, and the implementation of sanctions so far to the perpetrators also worsened existing law enforcement and protection practices. So far, protests and legal efforts against animal violence and neglect have only been carried out by animal care communities that actively report similar incidents to the authorities. Only a handful of people have this sensitivity. Therefore, one of the ways taken by the activist so far is to viralize incidents of violence and neglect of pets in order to attract public attention so that it can be used as a basis for urging law enforcement officials to process the report.

In contrast to Indonesia, New Zealand, Austria, the Netherlands, Switzerland and the United Kingdom are some examples of countries that care and are friendly to animals. These countries are even included in the Grade A Animal Protection Index category. In the UK, if an animal owner is found to have abandoned or abused his pet, he will not only be fined, but will

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<sup>31</sup> Satjipto Rahardjo, *Ilmu Hukum* (Bandung: PT Citra Aditya Bakti, 2012), 117.

also be deprived of the right to keep the animal.<sup>32</sup> In these countries, animal owners must not only fulfill the basic animal rights as stated in the Universal Declaration of Animal Rights, but are also required to take their pets for a walk (not just in the cage), paying attention to the care and health condition of their pets including the size and cleanliness of the pet cages.<sup>33</sup> In short, in these countries strict legal rules apply to pet owners and prospective pet owners. Eventually, provide a protection to animals is a form of our collective awareness and responsibility as God's noblest creatures. It is appropriate that we respect and love our fellow living beings, especially if the animal is our pet. The owner should have a commitment to keep the animal either healthy or sick.

### **C. Conclusion**

Indonesian law is still lacking in providing protection for pets from criminal acts of violence and neglect by their owners. The implementation of law enforcement against perpetrators of violent crimes and animal neglect by their owners is still very low and weak. It is necessary to formulate regulations that specifically regulate the provision of legal protection to pets and the obligations of owners to their pets along with sanctions if owners commit violence and neglect of their pets. In addition to criminal sanctions and fines that have been regulated in the Criminal Code, restitution sanctions need to be raised so that the legal sanctions given to perpetrators of animal violence and neglect have beneficial aspects for animals that are victims of violence and neglect and those who care for these animals. Similarly, the addition of sanctions for the revocation of the right to have pets for perpetrators of violence and animal neglect. An institution must regulate and supervise the implementation, fulfillment of the owner's obligations to his pet, including strict rules and supervision by the state to citizens who will have a pet, such as there must be knowledge in caring for and maintaining animals to be kept, planning and place of keeping, animal insurance, proof that the owner has the financial ability to care for his pet, registration and data collection of pets, and so on to ensure that the

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<sup>32</sup> Inten Esti Pratiwi, "Negara-negara yang Paling Peduli pada Satwa," Kompas, January 24, 2022, <https://www.kompas.com/tren/read/2022/01/24/160000865/negara-negara-yang-paling-peduli-pada-satwa?page=all>.

<sup>33</sup> Ayu Ma'as, "Hewan Pasti Bahagia di Sini, Inilah 4 Negara dengan Peraturan Kesejahteraan Hewan Terbaik," Grid, November 6, 2021, <https://kids.grid.id/read/472978732/hewan-pasti-bahagia-di-sini-inilah-4-negara-dengan-peraturan-kesejahteraan-hewan-terbaik?page=all>.

pet can live a decent life and not be abandoned. Improvement of the legal culture of the community by providing education and socialization repeatedly, including in schools and within families to be sensitive and not commit acts of violence and neglect of animals in any form.

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