

## Analysis of the Indonesian Criminal Code's Respect for Animals

Fuadi Isnawan

Universitas Islam Indonesia, Indonesia

\*Corresponding Author: [fuadi.isnawan@uii.ac.id](mailto:fuadi.isnawan@uii.ac.id)

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### Abstract

This research delves into the intricate legal framework governing animal protection within the Indonesian Criminal Code, offering a thorough analysis of existing provisions aimed at ensuring animal welfare. Indonesia's commitment to humane treatment and ethical considerations in its legal system is underscored by several articles directly or indirectly addressing the welfare of animals. Employing a normative juridical approach, this study systematically examines the statutory provisions pertaining to animal welfare within the Indonesian Criminal Code. The findings illuminate the Indonesian Criminal Code as a robust legal framework that prioritizes respect, dignity, and compassion for animals. Article 302 serves as the cornerstone by establishing fundamental standards for humane treatment, reflecting intrinsic moral values deeply embedded within Indonesian societal norms. Complementing this, Article 409 addresses actions that incite animal aggression, thereby safeguarding both the physical and psychological well-being of animals. Article 540 further strengthens these protections by ensuring animals are shielded from excessive workloads and inhumane transportation practices, thereby addressing their rights and welfare comprehensively. Moreover, Article 541 specifically focuses on horses, mandating that they are not subjected to overwork and are treated with due consideration for their natural development and capabilities. Additionally, Article 544 regulates contentious activities such as cockfighting, aiming to maintain public order while upholding humane standards and preventing unnecessary suffering among animals. These provisions collectively demonstrate Indonesia's holistic approach to animal welfare, balancing societal needs with ethical imperatives.

## 1. Introduction

Criminal law has the main objective of protecting the interests of society and individuals from harmful actions. In the context of human protection, the purpose of criminal law is to maintain public order, security, and public welfare by sanctioning behaviour that violates legal norms.<sup>1</sup> Criminal law acts as an instrument of prevention (preventive) and repression (repressive) against crime<sup>2</sup>, with the hope that the threat of punishment can prevent people from committing crimes and provide justice for victims.<sup>3</sup> In this case, criminal law aims to protect human rights, maintain physical and mental integrity, and ensure that criminals receive appropriate punishment. In addition to protecting humans, criminal law also has an important role in protecting non-human entities such as animals and the environment. The protection of animals in criminal law aims to prevent cruelty and inhumane exploitation, as

<sup>1</sup> Safarudin Harefa, "Penegakan Hukum Terhadap Tindak Pidana Di Indonesia Melalui Hukum Pidana Positif Dan Hukum Pidana Islam," *UBELAJ* 4 No. 1 (2019): 39.

<sup>2</sup> Noveria Devy Irmawanti and Barda Nawawi Arief, "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 222.

<sup>3</sup> Ferdy Saputra, "Peranan Lembaga Pemasyarakatan Dalam Proses Penegakan Hukum Pidana Dihubungkan Dengan Tujuan Pemidanaan," *Jurnal Ilmu Hukum REUSAM* VIII, no. 1 (2020): 6.

well as to promote animal welfare.<sup>4</sup> This protection is based on the recognition that animals, as living beings capable of feeling pain and stress, have the right to be treated well. In addition, criminal laws that protect animals also contribute to the conservation of biodiversity and the balance of ecosystems, which ultimately support overall human well-being.

This research focuses on the respect and protection of animals within the framework of the Indonesian Criminal Code. This involves analysing the existing legal provisions of animal protection. The Indonesian Criminal Code includes several articles that directly or indirectly relate to animal protection. Respect for animals involves recognising the basic dignity and right of animals to be treated well and to be free from unnecessary suffering. This respect means treating animals as living beings with intrinsic value, not simply as objects or property.<sup>5</sup> This reflects the view that animals have human rights that must be protected and respected, similar to how humans have basic rights that are recognised and safeguarded by law. In a legal context, respect for animals is realised through regulations that prohibit cruelty and exploitation, and set standards for animal welfare in situations such as rearing, transport and slaughter.<sup>6</sup>

These regulations include detailed provisions on how animals should be cared for, fed and kept healthy, ensuring that their physical and psychological needs are met.<sup>7</sup> For example, animal welfare standards in husbandry require owners to provide a suitable and appropriate environment for their pets, which includes access to sufficient food and water, safe shelter and opportunities for natural behaviour. In terms of transport, strict regulations are in place to ensure that animals are not stressed or injured during travel, including rules regarding maximum travel time and rest requirements.<sup>8</sup> This respect also includes conservation of endangered species and protection of their natural habitats. This means proactive measures to protect vulnerable animal populations from extinction threats, such as poaching, illegal trade and habitat destruction.<sup>9</sup> This conservation focuses not only on individual animals, but also on the ecosystems that support their lives, ensuring that the natural environment they need to survive and reproduce is maintained. Furthermore, respect for animals also includes the promotion of animal welfare in industry sectors that use animals<sup>10</sup>, such as agriculture,

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<sup>4</sup> Lilik Prihatini, Mustika Mega Wijaya, and Debby Novanda Romelsen, "Aspek Hukum Pidana Terhadap Penegakan Hukum Perlindungan Hewan Di Indonesia," *PALAR (Pakuan Law Review)* 7 No. 2 (2021): 40.

<sup>5</sup> Saskia Stucki, "Towards a Theory of Legal Animal Rights: Simple and Fundamental Rights," *Oxford Journal of Legal Studies* 40, no. 3 (2020): 547, <https://doi.org/doi:10.1093/ojls/gqaa007>.

<sup>6</sup> Delila Kania et al., "Pentingnya Pengetahuan Perlindungan Hukum Terhadap Hak Azasi Hewan Peliharaan Bagi Warga Negara Indonesia," *Propatria* 6, no. 1 (2023): 57.

<sup>7</sup> Marta E. Alonso, José R. González-Montaña, and Juan M. Lomillos, "Consumers' Concerns and Perceptions of Farm Animal Welfare," *Animals* 10 (2020): 3, <http://dx.doi.org/10.3390/ani10030385>.

<sup>8</sup> Nancy De Briyne et al., "Evolution of the Teaching of Animal Welfare Science, Ethics and Law in European Veterinary Schools (2012–2019)," *Animals* 10 (2020): 2, <http://dx.doi.org/10.3390/ani10071238>.

<sup>9</sup> Guillaume Futhazar, "Biodiversity, Species Protection, and Animal Welfare Under International Law," in *Studies in Global Animal Law* (Springer, 2018), 96.

<sup>10</sup> Frida Lundmark, Charlotte Berg, and Helena Röcklinsberg, "Private Animal Welfare Standards – Opportunities and Risks," *Animals* 8, no. 4 (2020): 4, <http://dx.doi.org/10.3390/ani8010004>.

research, and entertainment.<sup>11</sup> This includes the adoption of more humane practices in farms and abattoirs, the development of alternative research methods that do not use animals, and strict regulation of the entertainment industry involving animals, such as circuses and animal parks. These efforts aim to ensure that animals are treated with the dignity and respect they deserve, reduce unnecessary suffering, and improve their overall quality of life.<sup>12</sup>

Respect for animals also includes strong legal protections and effective enforcement against animal welfare offences.<sup>13</sup> This includes tough penalties for perpetrators of animal cruelty and reporting mechanisms that allow the public to safely and efficiently report cases of cruelty.<sup>14</sup> Effective law enforcement also involves good coordination between relevant agencies, such as the police, livestock services and animal welfare organisations, to ensure that cases are investigated. Respect for animals reflects society's moral and ethical progress in treating all living things with respect and care. It is part of our responsibility as humans to ensure that the animals we share this planet with are treated well and have their basic rights respected, and that the ecosystems that support their lives are protected and preserved. Respect for animals is thus not just a matter of compliance with the law, but also a matter of exercising high human and ethical values in our daily lives.

The protection of animals is a critical component in maintaining ecosystem balance and ensuring the sustainability of biodiversity in Indonesia, a country known for its rich and diverse fauna. This responsibility not only underscores the ecological importance of safeguarding animal welfare but also reflects fundamental human values, such as respect and compassion for all living beings. The urgency of this research lies in addressing the gaps in the regulation and implementation of laws concerning animal welfare and promoting greater public awareness about the issue. This study aims to explore the provisions within the Indonesia Criminal Code (KUHP) that pertain to animal protection and welfare. By conducting a comprehensive analysis, the research seeks to evaluate how these laws embody Indonesia's commitment to animal welfare beyond the scope of mere enforcement against specific offenses. This broader approach not only fills a significant gap in existing legal research but also highlights how these laws can support a more holistic understanding of animal welfare in Indonesia. Existing studies on animal welfare in Indonesia often focus on specific aspects or contexts. For instance, a journal by Widya Dika Chandra and Pudji Astuti titled "*Penegakan Hukum Pasal 302 KUHP Tentang Penganiayaan Terhadap Hewan Di Kota Surakarta*" examines the enforcement of Article 302 of the Criminal Code in Surakarta.<sup>15</sup> Their

<sup>11</sup> Sacha Lucassen, "The Use of Animals in Circuses and Shows," *dA Derecho Animal : Forum of Animal Law Studies* 8, no. 3 (2017): 4, <https://doi.org/DOI.10.5565/rev/da.9>.

<sup>12</sup> Daniel Mota-Rojas et al., "Circus Animal Welfare: Analysis through a Five- Domain Approach," *Journal of Animal Behavior and Biometrology* 10, no. 2221 (2022): 10, <https://doi.org/10.31893/jabb.22021>.

<sup>13</sup> Rochelle Morton et al., "Portraying Animal Cruelty: A Thematic Analysis of Australian News Media Reports on Penalties for Animal Cruelty," *Animals* 12, no. 2918 (2022): 7, <https://doi.org/10.3390/ani12212918>.

<sup>14</sup> Mirko Bagaric, Jane Kotzmann, and Gabrielle Wolf, "A Rational Approach to Sentencing Offenders for Animal Cruelty: A Normative and Scientific Analysis Underpinning Proportionate Penalties for Animal Cruelty Offenders," *South Carolina Law Review* 71, no. 2 (2019): 407.

<sup>15</sup> Widya Dika Chandra and Pudji Astuti, "Penegakan Hukum Pasal 302 KUHP Tentang Penganiayaan Terhadap Hewan Di Kota Surakarta," *Novum: Jurnal Hukum* 5, no. 4 (2018), <https://doi.org/10.2674/novum.v5i4.26872>.

work is localized and focuses on practical challenges in law enforcement within a specific city. By contrast, this research moves beyond regional and article-specific analyses, encompassing various articles in the Criminal Code that pertain to animal protection across the country. It also examines diverse contexts, including the use of animals for work and entertainment, thus providing a broader and more nuanced perspective on animal welfare laws. Another study by Firdaus Adji Prasetyo, I Made Sepud, and I Made Minggu Widyantara titled "*Sanksi Pidana Terhadap Pelaku Tindak Pidana Penganiayaan Hewan*" focuses on the regulation of criminal offenses related to animal abuse and the sanctions imposed on offenders.<sup>16</sup> While their work emphasizes the punitive aspects of the law, this research broadens the discussion to include other provisions within the Criminal Code that promote animal welfare. For example, it evaluates how the law addresses protection from overwork, humane treatment during transport, and other ethical considerations that are often overlooked. The journal by Fahmi Ardhana and Yana Indawati, "*Pertanggungjawaban Pidana Bagi Pelaku Penganiayaan Hewan yang Disebarkan di Media Sosial (Studi Kasus di Kabupaten Tasikmalaya)*," focuses on the legal accountability of individuals who disseminate acts of animal abuse on social media, with a specific regional case study.<sup>17</sup> While this study addresses the intersection of animal abuse and social media, it remains limited in scope to a particular geographic and thematic area. In contrast, this research examines animal protection laws at a national level, evaluating their application to various contexts of animal use and abuse without restricting the analysis to specific cases or regions. Similarly, the journal by Three Boy and Rugun Romaida Hutabara, "*Perlindungan Hukum Terhadap Tindak Pidana Penganiayaan Hewan Peliharaan Menurut Perspektif Hukum Pidana Di Indonesia (Studi Putusan Nomor: 320/PID.SUS/2020/PT.DKI)*," provides an analysis of legal protection for pets and judicial considerations in specific cases.<sup>18</sup> While valuable for understanding legal protection mechanisms for domesticated animals, this study's focus on individual cases contrasts with the broader approach of this research, which examines regulations pertaining to various categories of animals, including working animals and those used in entertainment. Furthermore, this research delves into how these legal provisions reflect Indonesia's societal values and ethical standards regarding animal welfare. Another notable work by Zannuba Qamariah et al., "*Tindak Pidana Penganiayaan terhadap Hewan Perspektif Fikih Jinayah*," offers a comparative analysis of animal abuse under Indonesian positive law and Islamic jurisprudence.<sup>19</sup> While such comparative studies enrich the discourse, this research exclusively focuses on Indonesian positive law, aligning its analysis with internationally recognized principles of animal welfare. This approach emphasizes the alignment of national laws with global ethical standards without diverging into religious or

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<sup>16</sup> Firdaus Adji Prasetyo, I Made Sepud, and I Made Minggu Widyantara, "Sanksi Pidana Terhadap Pelaku Tindak Pidana Penganiayaan Hewan," *Analogi Hukum* 5, no. 3 (2023).

<sup>17</sup> Fahmi Ardhana and Yana Indawati, "Pertanggungjawaban Pidana Bagi Pelaku Penganiayaan Hewan Yang Disebarkan Di Media Sosial (Studi Kasus Di Kabupaten Tasikmalaya)," *Jurnal Pendidikan Tambusai* 7, no. 3 (2023).

<sup>18</sup> Three Boy and Rugun Romaida Hutabara, "Perlindungan Hukum Terhadap Tindak Pidana Penganiayaan Hewan Peliharaan Menurut Perspektif Hukum Pidana Di Indonesia (Studi Putusan Nomor: 320/PID.SUS/2020/PT.DKI)," *Jurnal Hukum Adigama* 4, no. 2 (n.d.).

<sup>19</sup> Zannuba Qamariah et al., "Tindak Pidana Penganiayaan Terhadap Hewan Perspektif Fikih Jinayah," *TARUNALAW: Journal of Law and Syariah* 1, no. 1 (2023), <https://doi.org/10.54298/tarunalaw.v1i01.84>.



comparative legal frameworks. The novelty of this research lies in its comprehensive and multi-faceted approach. It evaluates how the Indonesia Criminal Code implements animal welfare principles across various contexts, reflecting broader societal and ethical commitments to animal protection. By focusing on a wide range of provisions and their implications, this study fills a critical gap in existing legal scholarship, which often prioritizes specific offenses, geographic areas, or particular types of animals. Moreover, this research seeks to contribute to the development of a legal framework that not only addresses violations but also promotes proactive measures for animal welfare. It integrates legal, ethical, and practical perspectives, emphasizing the importance of a national commitment to the dignity and well-being of animals. The findings aim to inspire broader societal changes by advocating for laws that reflect compassion and respect for all living beings, thereby fostering a more sustainable and ethical environment.

## 2. Methods

This research uses a normative juridical approach. According to Harjono, normative legal research can be referred to as doctrinal legal research, positive legal research, or pure law research. In this study, law is seen as a separate system that is separate from various other systems in society. This approach provides a clear boundary between the legal system and other systems. This legal study, according to Harjono, views law in an internal perspective, where law is a closed system that is separate from other systems.<sup>20</sup> The approach used in this research is a statutory approach. This approach is conducted by examining and analysing all articles in the Indonesia Criminal Code that relate to the respect and protection of animals.<sup>21</sup> The primary legal material used in this research is the Indonesia Criminal Code (KUHP). The Indonesia Criminal Code is the main source in examining legal provisions related to the criminalisation of bestiality and animal protection. In addition, it uses various references to examine the topic of the problem by using journals and books that are relevant to the research topic. These journals and books provide additional context and in-depth analyses that support the understanding and interpretation of the provisions in the Indonesia Criminal Code.

## 3. Results and Discussion

### 3.1. Animal in Law

Animals in the legal system receive varying degrees of protection and respect in different countries, and efforts to strengthen animal protection laws continue to grow. A significant example of such efforts is President Donald Trump's signing of the Preventing Animal Cruelty and Torture (PACT) Act in 2019. While every state in the United States already has provisions that allow for severe penalties for animal cruelty, the PACT Act is considered a watershed moment in animal protection law because it allows acts of animal cruelty to be prosecuted as a federal crime. This marks a major shift in how animal protection laws can be more effectively enforced at the national level.<sup>22</sup>

<sup>20</sup> Muhammad Siddiq Armia, *Penentuan Metode & Pendekatan Penelitian Hukum* (Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022), 11.

<sup>21</sup> Nur Solikin, *Pengantar Metodologi Penelitian Hukum* (Pasuruan: Qiara Media, 2021), 58.

<sup>22</sup> Justin Marceau, "Palliative Animal Law: The War on Animal Cruelty," in *Green Criminology and the Law*, ed. James Gacek and Richard Jochelson (Cham: Springer International Publishing, 2022), 250, [https://doi.org/10.1007/978-3-030-82412-9\\_10](https://doi.org/10.1007/978-3-030-82412-9_10).

The signing of the PACT Act reflects the importance of collaboration between governments and animal protection organisations. One of the most influential animal protection organisations in the world revealed that they have been working to pass this legislation for decades. The organisation described this new law as one of their highest priorities and one of the biggest victories for animals in a long time. During the signing statement, President Trump was accompanied by leaders of the animal protection movement, one of whom stated that with "a single stroke of the pen, the President has done more to protect animals and stop animal cruelty in America than anyone in history." The President's positive response confirms that commitment.<sup>23</sup>

Animal protection in the legal system has undergone significant development, with many countries beginning to implement stricter animal welfare standards. The concept of animal welfare first emerged as a scientific concept relating to the living and dying conditions of animals as they are kept, traded and killed by humans. It is based on the assumption that humans are morally entitled to do these things to animals, but with the aim of reducing animal suffering while maintaining their economic utility. Beginning in the 1960s, the British Farm Animal Welfare Council developed the 'five freedoms' for animals: freedom from hunger and thirst; freedom from discomfort; freedom from injury, pain and disease; freedom to express normal behaviour; and freedom from fear and stress. Today, animal welfare is usually related to three overlapping dimensions: the basic health and function of the animal, its affective state, and its natural life. These three dimensions have been adopted in international standards and in domestic animal protection legislation.<sup>24</sup>

Animals in the legal system receive extensive attention from both animal welfare and animal conservation perspectives. While both aim to protect animals, there are fundamental differences in their focus and approach. Animal welfare is more concerned with the living and dying conditions of individual animals, including how animals are kept, traded and killed by humans. In contrast, animal conservation focuses on macro issues such as wild animal populations, threats to biodiversity and species numbers.<sup>25</sup> Animal welfare is governed through regulations that set standards for the treatment of animals to reduce their suffering, regardless of their conservation status. This means that all animals, both common and endangered, must be treated well according to the principles of animal welfare.<sup>26</sup> For example, the 'five freedoms' developed by the British Farm Animal Welfare Council include freedom from hunger and thirst, freedom from discomfort, freedom from injury, pain, and disease, freedom to express normal behaviour, and freedom from fear and stress..<sup>27</sup> These principles aim to ensure that animals are treated well and have a decent quality of life.

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<sup>23</sup> Marceau, 251.

<sup>24</sup> Anne Peters, "Global Animal Law: What It Is and Why We Need It," *Transnational Environmental Law* 5, no. 1 (2016): 10, <https://doi.org/doi:10.1017/S2047102516000066>.

<sup>25</sup> Francesca Nyilas, "CITES And Animal Welfare: The Legal Void For Individual Animal Protection," *Global Journal Of Animal Law* 9 (2021): 4.

<sup>26</sup> Alessandra Akemi Hashimoto Fragoso et al., "Animal Welfare Science: Why and for Whom?," *Animals* 13, no. 1833 (2023): 2, <https://doi.org/10.3390/ani13111833>.

<sup>27</sup> Heather Browning and Walter Veit, "Freedom and Animal Welfare," *Animals* 11, no. 1148 (2021): 4, <https://doi.org/10.3390/ani11041148>.

The adoption of these principles in legal regulations is an important step towards ensuring adequate protection for animals. The logical reasons for such adoption are:<sup>28</sup>

1. Freedom from thirst, hunger and malnutrition:
2. Freedom from thermal and physical discomfort:
3. Freedom from pain, injury and disease:
4. Freedom from fear and stress:
5. Freedom to express normal behaviour:

There is also the concept that animal conservation prioritises threatened or protected species, with the primary goal of preventing extinction and maintaining ecosystem dynamics. Conservation focuses on broader environmental issues, such as habitat protection, wild animal population management, and reintroduction of threatened species.<sup>29</sup> In some cases, conservation approaches may not always align with animal welfare principles. For example, common species that are considered a threat to endangered species may not receive the same protection in a conservation context. Global animal law emerged as a response to the mismatch between the almost entirely national nature of animal-related laws and the global dimension of animal issues. Countries are increasingly regulating animals unilaterally through animal welfare and protection laws, but the limited scope of national regulations hampers their effectiveness in the face of globalization. As animal issues have become globalized, they require global legal responses ideally combined with local solutions. Animal issues have become global for several reasons and manifestations, including human-animal interactions that have cross-border dimensions, such as food production and distribution, the use of animals in research, and the breeding and keeping of pets. The industrialisation of meat, dairy and fur production has far-reaching environmental, climatic, social and ethical consequences. For example, the health costs of overconsumption of animal foods are worldwide, global warming is fuelled by livestock waste, antimicrobial resistance due to overuse of antibiotics in industrial farming is a global concern for human health, and armed conflict in Africa is funded by poaching supported by global criminal networks.<sup>30</sup>

Animals as legal subjects shows that the recognition of animal rights should be considered on an equal footing with other legal subjects. Animals, as living beings capable of feeling pain and stress, require serious and sustained legal protection. This recognition is reflected in efforts to regulate animal welfare in various countries, which emphasise that animals should not be treated solely as objects or property. Recognition of the basic rights of animals stems from an ethical and moral dimension that recognises that animals have intrinsic value. This view leads to the treatment of animals with the respect and dignity that should be afforded to every living being. Within this framework, the law serves to protect the rights of animals against exploitation and cruelty, as well as ensure their welfare in various contexts of human life. Animal protection within the legal framework not only regulates standards of

<sup>28</sup> John Webster, "Animal Welfare: Freedoms, Dominions and 'A Life Worth Living,'" *Animals* 6, no. 35 (2016): 2, <https://doi.org/10.3390/ani6060035>.

<sup>29</sup> Guirong Fang and Qunli Song, "Legislation Advancement of One Health in China in the Context of the COVID-19 Pandemic: From the Perspective of the Wild Animal Conservation Law," *One Health* 12 (June 1, 2021): 2, <https://doi.org/10.1016/j.onehlt.2020.100195>.

<sup>30</sup> Anne Peters, "Introduction," in *Studies in Global Animal Law* (Cham: The Palgrave Macmillan Animal Ethics Series. Palgrave Macmillan, 2020), 4.

welfare and animal rights but also addresses the relationships and interests among stakeholders that may lead to disputes. These disputes often arise from conflicts of interest between actors with differing priorities.<sup>31</sup> For example, actors in the livestock industry may feel that strict animal welfare regulations limit their economic profits.<sup>32</sup> On the other hand, animal advocacy organizations demand higher standards to ensure animal welfare, often in opposition to industry players.<sup>33</sup>

An effective dispute resolution mechanism must balance economic needs with the interests of animal protection, without compromising animal welfare itself.<sup>34</sup> Formal litigation in court is a common mechanism used, particularly when serious violations of animal protection regulations occur.<sup>35</sup> For instance, if a company is found guilty of animal cruelty, the court can impose criminal penalties, such as fines, imprisonment, or operational bans.<sup>36</sup> However, litigation is often time-consuming and costly, making it a burden for the parties involved<sup>37</sup>, especially small advocacy organizations that operate with limited resources. In animal cruelty cases, *victim-offender dialogue* is a unique application of *Alternative Dispute Resolution* (ADR), specifically within the framework of restorative justice. This approach, despite animals being unable to communicate in ways humans can understand, allows for their interests to be represented by surrogate victims. The flexibility inherent in restorative justice methods—often used in ADR—permits adaptation to different contexts, including those involving animal victims. In this case, surrogate victims, such as veterinarians or non-offending animal owners, can step in to advocate for the animals, highlighting the physical, emotional, and psychological harm inflicted on them. Veterinarians are particularly well-suited for this role, given their knowledge of animal physiology and care, which ensures that the dialogue focuses on the animal's well-being. Restorative justice, as a form of ADR, emphasizes rehabilitation and reconciliation over retribution. Even though animal victims may not experience the same psychological healing as human victims, this process still holds value. For offenders, engaging in dialogue about the consequences of their actions fosters understanding, which can reduce recidivism and help protect future animal victims. The offenders may also contribute to the animal's ongoing care or other reparative measures, aligning with ADR's objective of providing solutions that benefit all stakeholders.<sup>38</sup>

<sup>31</sup> Jill Fernandes et al., "Addressing Animal Welfare through Collaborative Stakeholder Networks," *Agriculture* 9, no. 6 (2019): 4, <https://doi.org/10.3390/agriculture9060132>.

<sup>32</sup> Jill N. Fernandes et al., "Costs and Benefits of Improving Farm Animal Welfare," *Agriculture* 9, no. 6 (2021): 2, <https://doi.org/10.3390/agriculture11020104>.

<sup>33</sup> Jordan O. Hampton, Bidha Jones, and Paul D. McGreevy, "Social License and Animal Welfare: Developments from the Past Decade in Australia," *Animals* 10, no. 12 (2020): 3, <http://dx.doi.org/10.3390/ani10122237>.

<sup>34</sup> Justin Marceau, "How the Animal Welfare Act Harms Animals," *Hastings Law Journal* 69, no. 3 (2018): 947.

<sup>35</sup> Matthew Liebman, "Litigation & Liberation," *Ecology Law Quarterly* 49 (2022): 720.

<sup>36</sup> Sofia Väärikkälä et al., "Evaluation of Criminal Sanctions Concerning Violations of Cattle and Pig Welfare," *Animals* 10 (2020): 7, <http://dx.doi.org/10.3390/ani10040715>.

<sup>37</sup> Arthur R. Miller, "Widening the Lens: Refocusing the Litigation Cost-and-Delay Narrative," *Cardozo Law Review* 40 (2018): 59.

<sup>38</sup> Brittany Hill, "Restoring Justice for Animal Victims," *Animal & Natural Resource Law Review* XVII (2021): 237.



The principle of animal welfare has been recognized as a matter of public concern by international courts, as demonstrated in the case of *Bladet Tromsø and Stensaas v. Norway*. The court viewed issues related to animal cruelty as legitimate subjects of public interest, particularly in the context of press freedom and the protection of the right to expression. The court's decision emphasized the vital role of the press as a public watchdog in disseminating information relevant to societal interests, including matters involving animal welfare violations. In various subsequent cases, such as *VgT Nos. I&II* and *ADI v. UK*, the court consistently affirmed that the margin of appreciation granted to states to restrict communications related to animal welfare is very narrow. The court even likened the level of protection for animal welfare advocacy groups to that afforded to journalists. This underscores that animal welfare issues are not merely of concern to specific groups but are an essential part of broader public discourse, which must be safeguarded within the context of freedom of expression. In conclusion, international courts position the principle of animal welfare as a topic of not only significant importance but one that is directly tied to fundamental rights, including freedom of expression and the broader public interest.<sup>39</sup> In animal welfare cases, discretion plays a critical role due to the significant costs associated with the care of seized animals, which can strain both state resources and private organizations. This situation can lead to a selective enforcement of laws, where animal welfare legislation may be inadequately enforced due to financial and logistical constraints. Such selective enforcement raises concerns about the rule of law, as it can result in unequal protection for animals and undermine public confidence in the justice system. Moreover, the criticism extends to the delegation of enforcement responsibilities to non-governmental organizations (NGOs), which, despite their commitment, may lack the capacity to effectively handle the complexities of animal welfare cases. This delegation is an abdication of state responsibility, potentially leading to a systemic failure in enforcing animal welfare laws. The manuscript also explores how this situation differs from other minor offenses, such as jaywalking, where discretion not to enforce may not be as consequential. In contrast, the inadequate enforcement of animal welfare legislation directly impacts the dignity and well-being of animals, demanding a more robust and accountable approach.<sup>40</sup>

Courts demonstrate a clear commitment to upholding animal welfare principles through their ability to impose sanctions and preventive measures on individuals convicted of animal-related offenses. One significant tool is the ban on keeping animals, which serves to prevent future harm by restricting the convicted person from owning or caring for animals. This measure, often applied at the prosecutor's request, is designed to protect animal welfare and can either be temporary or permanent. Courts may grant exceptions, allowing individuals to retain certain animals, but only under specific conditions. The consistent application of such bans reflects the judiciary's role in prioritizing animal welfare in legal proceedings, while balancing individual rights. Over time, the increased use of these sanctions underscores their

<sup>39</sup> Tom Sparks, "Protection of Animals Through Human Rights: The Case-Law of the European Court of Human Rights," in *Studies in Global Animal Law*, ed. Anne Peters (Berlin: Springer Open, 2020), 160.

<sup>40</sup> M. B. Rodriguez Ferrere, "Animal Welfare Underenforcement as a Rule of Law Problem," *Animals* 12, no. 11 (2022): 8, <https://doi.org/10.3390/ani12111411>.

importance as a mechanism for ensuring the well-being and protection of animals within the legal framework.<sup>41</sup>

### 3.2. Indonesian Criminal Code's Respect for Animals

#### 1. Prohibition against animal abuse (Article 302 of the Indonesia Criminal Code)

Article 302 of the Criminal Code reads:<sup>42</sup>

- 1) A maximum imprisonment of three months or a maximum fine of three hundred Rupiahs shall be imposed for light maltreatment of animals:
  1. Any person who without reasonable objective or in excess, with deliberate intent inflicts harm or injury to an animal or causes damage to its health;
  2. Any person who without reasonable objective or by exceeding the limit necessary for the achievement of said objective, with deliberate intent withholds food necessary for life from an animal which wholly or partially belongs to him and is under his custody, or from an animal which he is obliged to keep.
- 2) If the fact results in an illness of more than one week, or disability or other serious injury, or death, the offender shall be punished by a maximum imprisonment of nine months or a maximum fine of three hundred rupiahs for maltreatment of animals.
- 3) If the animal belongs to the offender, it may be forfeited.
- 4) Attempt to commit the offence shall not be punished.

Article 302 of the Indonesian Criminal Code reflects the criminal law's commitment to the protection of animals, by establishing sanctions for those who commit minor offences against animals. This provision demonstrates recognition that animals have a basic right not to be harmed and neglected.<sup>43</sup> Indonesian law, through this article, seeks to protect animals from violence and ensure their welfare. This arrangement places Indonesia in the ranks of countries that take animal welfare seriously.<sup>44</sup> The article stipulates that anyone who commits minor maltreatment of an animal shall be punished with a maximum imprisonment of three months or a maximum fine of four thousand five hundred rupiahs.<sup>45</sup> There are two main categories of actions that are considered light maltreatment:<sup>46</sup>

1. Hurting or injuring an animal for no legitimate purpose.

<sup>41</sup> Tarja Koskela, "The Roles of the Finnish Authorities Specialising in Animal Welfare Offences," *Scandinavian Studies in Law* 67 (2021): 159.

<sup>42</sup> Agus Ariarta and Diah Ratna Sari Hariyanto, "Pengaturan Hukum Terhadap Perlindungan Hewan Yang Mengalami Penganiayaan," *Jurnal Kertha Negara* 10, no. 12 (2022): 1278.

<sup>43</sup> Habibi Sahid and Emmilia Rusdiana, "Penegakan Hukum Pasal 302 Ayat 1 KUHP Terhadap Budaya Karapan Sapi Madura Di Kabupaten Pamekasan," *Novum: Jurnal Hukum* 3, no. 6 (2016): 4, <https://doi.org/10.2674/novum.v3i3.17676>.

<sup>44</sup> David J. Mellor, "Moving beyond the 'Five Freedoms' by Updating the 'Five Provisions' and Introducing Aligned 'Animal Welfare Aims,'" *Animals* 6, no. 59 (2016): 3, <https://doi.org/10.3390/ani6100059>.

<sup>45</sup> Widya Dika Chandra and Pudji Astuti, "Penegakan Hukum Pasal 302 KUHP Tentang Penganiayaan Terhadap Hewan Di Kota Surakarta," 4.

<sup>46</sup> Merzadio Yusandha and Emmilia Rusdiana, "Penegakan Hukum Pasal 302 Ayat (1) KUHP Terhadap Pertandingan Adu Bagong Di Provinsi Jawa Barat," *Novum: Jurnal Hukum* 6, no. 1 (2019): 2, <https://doi.org/10.2674/novum.v6i1.29098>.

This includes hurting or injuring an animal without a justifiable reason or in an excessive manner. This indicates that acts of violence against animals, committed without a legitimate reason or in an excessive manner, are considered an offence. The emphasis on "intentionally" shows the importance of intent in determining the offence, meaning that the law punishes intentional and unwarranted mistreatment of animals. This reflects respect for the physical integrity and health of animals as living beings. In this context, the term "without proper purpose" indicates that the law considers the balance between human needs and animal welfare, while still prioritising the prevention of unwarranted cruel treatment.

## 2. Not Providing Necessary Food

This regulates the obligation of animal owners or handlers to provide enough food for their animals. Ignoring an animal's food needs without a justifiable reason is considered mistreatment. This section shows that the law not only protects animals from physical abuse but also ensures that their basic needs are met. The law demands serious care and supervision responsibilities towards animals, ensuring that animals are not left starving or malnourished. The neglect of adequate feeding reflects the law's recognition that the survival and welfare of animals is the moral and legal responsibility of animal owners and controllers.

Article 302 paragraph (1) number 1 of the Indonesia Criminal Code regulates crimes against animals and is grouped under the "Chapter on Crimes Against Decency." Decency, according to the Big Indonesian Dictionary, includes matters related to manners and courtesy, good norms, and noble behaviour and manners. The classification of animal crimes as crimes of decency reflects the moral burden on humans as living beings to always provide welfare to other living beings, in this case animals, and treat them humanely. Actions taken against animals must always prioritise their interests, safety and welfare. Animal abuse contradicts these principles and is an offence to their welfare. Article 302 of the Indonesia Criminal Code establishes criminal sanctions for animal abuse, which can be used to prosecute perpetrators of exploitation of protected wild animals within conservation organisations. The purpose of the criminal provisions in the Indonesia Criminal Code related to animals is to protect them and establish a code of conduct for humans towards animals. Although the concept of animal welfare was not very popular at the time of drafting the Indonesia Criminal Code (Dutch WvS), the philosophy of protecting animal welfare has been formulated in this law. This shows that animal welfare is a norm of morality that is very important to protect, to create legal and social order in society.<sup>47</sup>

The article shows that the law recognises the right of animals not to be mistreated or neglected, and demands that humans treat animals with respect and dignity as living beings with intrinsic value. This reflects a paradigm shift where animals are no longer considered solely as property or tools, but as entities that have the right to welfare and protection. In addition, this provision in the Indonesia Criminal Code reflects the commitment of Indonesian law to prioritise the interests, safety and welfare of animals in every action involving them. By establishing criminal sanctions for animal abuse, the Indonesia Criminal Code provides strong

<sup>47</sup> Balma Ariagana, "Pertanggungjawaban Pidana Lembaga Konservasi Atas Eksploitasi Satwa Liar Dilindungi Dalam Peragaan Satwa," *Jurist-Diction* 3, no. 3 (2020): 807.

legal protection for animals, ensuring that acts of cruelty and exploitation against them can be dealt with firmly. This philosophy of animal protection in the Indonesia Criminal Code, although drafted in an era where the concept of animal welfare was not yet popular, shows that Indonesia has recognised the importance of decency norms in animal protection for a long time. This reflects the noble values of the Indonesian people who value all living beings and endeavour to create a just legal and social order. Article 302 of the Indonesia Criminal Code reflects several important principles that demonstrate respect for animals:

a) Recognition of Animal Welfare

The law recognises that animals have the right not to be mistreated or neglected, indicating that animals should be treated with the respect and dignity they deserve as living beings. This recognition is foundational in transforming societal attitudes toward animals, acknowledging that they are sentient beings capable of experiencing pain, suffering, joy, and a range of other emotions. By explicitly stating that animals have the right to be free from mistreatment and neglect, the law sets a clear ethical and legal standard for how animals should be treated. This standard demand that animals are given proper care, appropriate living conditions, and are protected from harm and exploitation.

b) Protection from Violence and Neglect

The law prohibits unwarranted acts of violence and ensures that animals receive the care necessary to live. This legal mandate reflects a comprehensive approach to animal welfare, emphasizing the prohibition of unjustified harm and the promotion of positive care standards for animals. By categorically banning unwarranted acts of violence, the law addresses a wide spectrum of harmful behaviors, from physical abuse to psychological torment. This prohibition encompasses various forms of cruelty, ensuring that animals are protected from unnecessary suffering and harm, regardless of the context or intent behind such actions.

c) Responsibilities of Owners and Supervisors

This reflects that responsibility for animals should not be taken lightly and requires ongoing attention. The legal obligations outlined in the law stress that caring for animals is a continuous and active responsibility. It is not enough to provide care intermittently or when convenient; rather, it requires consistent and dedicated attention to the animal's needs. This ongoing commitment includes regular feeding, proper housing, medical care, and attention to their overall well-being. The law recognizes that animals depend on their caretakers for their survival and quality of life, and thus, these caretakers must be vigilant and proactive in fulfilling their responsibilities. This perspective promotes a culture of sustained care and attentiveness, ensuring that animals are treated with the consideration and respect they deserve.

d) Emphasis on Intention and Purpose

By stipulating that an act of violence or negligence must be committed "intentionally" or "without proper purpose" to constitute an offence, the law



introduces a crucial element of intentionality into its framework for animal protection. This requirement ensures that legal consequences are reserved for actions where harm to animals was deliberate or resulted from reckless disregard for their welfare. By carefully assessing the intention behind acts against animals, the law distinguishes between genuine cases of mistreatment or cruelty and situations where harm may have occurred unintentionally or because of unavoidable circumstances.

The practical implications of recognizing animals as legal subjects would include the need for judicial bodies to develop specific procedural mechanisms. Courts might have to allow legal representatives to file cases on behalf of animals or to establish a clear basis for what constitutes a violation of an animal's legal rights. This would entail rethinking the current legal frameworks surrounding liability and responsibility in animal welfare cases. For example, in instances of abuse or neglect, penalties might extend beyond criminal sanctions to include restitution for harm done to the animal or preventive measures, such as bans on animal ownership. Additionally, this recognition could broaden the scope of judicial review to include preventative or injunctive relief aimed at stopping future violations of animal rights.

Comparatively, several legal systems worldwide have made strides in recognizing animal rights, providing valuable lessons on how such frameworks can be effectively implemented. For instance, in some jurisdictions within Europe and the United States, courts have treated animals as quasi-legal persons, affording them a form of legal standing that allows their rights to be asserted in court.<sup>48,49</sup> In these systems, animal welfare organizations are often empowered to file lawsuits on behalf of animals, and courts are more willing to impose legal obligations on individuals and corporations to safeguard animal welfare. The impact of such legal recognition is profound: not only are offenders held accountable for violations of animal rights, but there is also a stronger preventive approach taken by the judiciary to ensure that future harm is mitigated. In some countries, constitutional or statutory provisions expressly grant rights to animals, providing a robust foundation for their protection.

Although Article 302 of the Indonesian Criminal Code (KUHP) criminalizes acts of cruelty towards animals, its current scope predominantly focuses on the protection of companion animals, failing to address the widespread exploitation and abuse of wild and industrial animals.<sup>50</sup> This legislative gap leaves a significant portion of the animal population vulnerable to harm. Wild animals, particularly in biodiversity-rich regions like Indonesia, are under constant threat from illegal poaching, trafficking, and habitat destruction driven by deforestation and urban expansion.<sup>51</sup> Despite existing environmental laws, criminal protections for wild animals remain fragmented and insufficient, particularly in addressing

<sup>48</sup> Giulia Guazzaloca, "'Anyone Who Abuses Animals Is No Italian': Animal Protection in Fascist Italy," *European History Quarterly* 50, no. 4 (October 1, 2020): 11, <https://doi.org/10.1177/0265691420960672>.

<sup>49</sup> Ivan V. Yatsenko et al., "Animal Rights and Protection against Cruelty in Ukraine," *Journal of Environmental Management and Tourism* XI, no. 1 (2020): 96, [https://doi.org/10.14505/jemt.v11.1\(41\).11](https://doi.org/10.14505/jemt.v11.1(41).11).

<sup>50</sup> Vincent Nijman et al., "Disentangling the Legal and Illegal Wildlife Trade—Insights from Indonesian Wildlife Market Surveys," *Animals* 12, no. 628 (2022): 4, <https://doi.org/10.3390/ani12050628>.

<sup>51</sup> Felix Manzi, "The Correlation Between Illegal Wildlife Trade and Illicit Financial Flows: A Case of Indonesia," *SSRN*, 2020, 4, <https://dx.doi.org/10.2139/ssrn.3661981>.

the cross-border nature of wildlife crimes that are often facilitated by global criminal networks.<sup>52</sup> As wild animal populations continue to decline, more robust and coordinated legal frameworks are essential to safeguard them from exploitation.<sup>53</sup> In addition to wild animals, industrial animals used in sectors such as livestock farming are routinely subjected to inhumane conditions. Factory farming practices, driven by economic interests, often prioritize efficiency over animal welfare, resulting in overcrowding<sup>54</sup>, inadequate nutrition<sup>55</sup>, and cruel methods of slaughter.<sup>56</sup> . These practices not only cause physical harm but also violate the animals' intrinsic right to live in dignity. The current legal protections for such animals are minimal, often falling under agricultural or commercial regulations that lack enforceable welfare standards. Countries such as the Netherlands have made significant progress by implementing animal welfare laws that regulate factory farming, ensuring that the interests of animals are considered alongside economic needs. Such models, which include detailed provisions for the treatment, transportation, and slaughter of industrial animals, offer a valuable blueprint for reform in Indonesia.<sup>57</sup> The integration of international conventions, such as the Convention on International Trade in Endangered Species (CITES)<sup>58</sup> and the United Nations' Sustainable Development Goals (SDGs), particularly Goal 15 on life on land<sup>59</sup>, can strengthen Indonesia's legal framework by providing explicit protections for wild animals and promoting the sustainable management of industrial animal resources. Furthermore, Indonesia could benefit from examining the European Union's stringent regulations, which have established welfare protocols for farm animals and introduced criminal liability for violations of animal welfare laws.<sup>60</sup> By incorporating similar provisions, Indonesia can expand the protective scope of its criminal law to address the full spectrum of animal exploitation,

<sup>52</sup> Yunbo Jiao, Pichamon Yeophantong, and Tien Ming Lee, "Strengthening International Legal Cooperation to Combat the Illegal Wildlife Trade Between Southeast Asia and China," *Frontiers in Ecology and Evolution* 9 (2021): 2, <https://www.frontiersin.org/journals/ecology-and-evolution/articles/10.3389/fevo.2021.645427>.

<sup>53</sup> Julie Sherman et al., "Orangutan Killing and Trade in Indonesia: Wildlife Crime, Enforcement, and Deterrence Patterns," *Biological Conservation* 276 (December 1, 2022): 11, <https://doi.org/10.1016/j.biocon.2022.109744>.

<sup>54</sup> V. Tenrisanna and M. M. Rahman, "Opportunities of Free-Range Laying Hens Farming and Economic Advantages (A Case Study in Indonesia)," *AIP Conference Proceedings* 2628, no. 1 (June 5, 2023): 4, <https://doi.org/10.1063/5.0144187>.

<sup>55</sup> Sadiq Bhanbhro et al., "Factors Affecting Maternal Nutrition and Health: A Qualitative Study in a Matrilineal Community in Indonesia," *PLOS ONE* 15, no. 6 (June 16, 2020): 699, <https://doi.org/10.1371/journal.pone.0234545>.

<sup>56</sup> Yunita Wahyu Medyawati and Mella Ismelina Farma Rahayu, "Analysis of Legal Protection Against Harmful Animals Traded (Case Study: Cat and Dog Meat Trade in Tomohon Market, North Sulawesi)," in *Proceedings of the 3rd Tarumanagara International Conference on the Applications of Social Sciences and Humanities (TICASH 2021)* (Atlantis Press, 2022), 199, <https://doi.org/10.2991/assehr.k.220404.031>.

<sup>57</sup> Arief Ramadhan et al., "Modeling E-Livestock Indonesia," *Heliyon* 7, no. 8 (August 1, 2021): 5, <https://doi.org/10.1016/j.heliyon.2021.e07754>.

<sup>58</sup> Astrid Alexandra Andersson et al., "CITES and beyond: Illuminating 20 Years of Global, Legal Wildlife Trade," *Global Ecology and Conservation* 26 (April 1, 2021): 1, <https://doi.org/10.1016/j.gecco.2021.e01455>.

<sup>59</sup> Clement A Tisdell, "Biodiversity and the UN's Sustainable Development Goals," in *Transitioning to Sustainable Life on Land*, ed. Volker Beckmann, vol. 15 (Basel: MDPI, 2021), 29.

<sup>60</sup> Henry Buller et al., "Animal Welfare Management in a Digital World," *Animals* 10, no. 10 (2020): 2, <https://doi.org/10.3390/ani10101779>.

from companion animals to those used in industry and the wild. Such reforms would not only enhance animal welfare but also ensure Indonesia's legal alignment with global standards, fostering a more ethical and humane treatment of all animals.

## 2. Protection against acts of animals in the possession of persons

Article 490 of the Indonesia Criminal Code reads:<sup>61</sup>

Shall be punished by a maximum light imprisonment of six days or a maximum fine of three hundred rupiahs:

- 1) Any person who incites an animal against a person or against an animal being ridden, or mounted on the front of a carriage or vehicle, or carrying a load:
- 2) Any person who does not restrain an animal under his custody, when it attacks a person, or an animal being ridden or mounted on the front of a carriage or a vehicle or carrying a load:
- 3) Any person who does not take enough care that the wild animals under his custody do not cause damage;
- 4) Any person who keeps dangerous wild animals without reporting the same to the police or other official designated for that purpose or does not observe the regulations issued by such official in this regard.

Article 409 paragraph 1 of the Indonesian Criminal Code which regulates the act of inciting animals against people or other animals that are being ridden, mounted on the front of a train or vehicle, or are carrying cargo reflects the Indonesian law's respect for animals. This provision provides criminal penalties for those who incite animals, emphasising that Indonesian law is very concerned about the safety and welfare of animals and the humans who interact with them. There are several points that signify the article's respect for animals:

### 1) Protection of Animals from Provocative Acts

Inciting animals to act aggressively not only causes physical injury to humans or other animals but can also inflict significant psychological trauma on the animals themselves. When animals are provoked to attack or act violently, they can cause serious harm, including bites, scratches, or trampling, leading to severe injuries or even fatalities for humans or other animals involved. However, the impact extends beyond physical harm. Animals subjected to provocation can experience heightened levels of stress and anxiety, leading to long-term psychological effects. This trauma can manifest in various ways, including changes in behavior, increased aggression, fearfulness, or even depression in animals.

### 2) Protection of Animal Welfare

The act of animal incitement is not only an act of violence against another living being, but also violates an animal's basic right to be treated well and respected. Provoking an animal to act aggressively is a form of abuse that disregards the animal's inherent rights and dignity. It treats the animal as a tool for entertainment or as an object to be manipulated, rather than as a sentient being with its own needs and rights. This violation goes beyond physical harm, as it undermines the ethical

<sup>61</sup> Barnabas Yusran Sarumah and Andi Putra Sitorus, "Tinjauan Hukum Pidana Terhadap Kepemilikan Hewan Peliharaan yang Membahayakan Orang Lain," *Jurnal Perspektif Hukum* 4, no. 2 (2023): 5, <https://doi.org/10.35447/jph.v4i2.904>.

and moral obligation humans have towards animals. Treating animals with respect and kindness is a fundamental aspect of a humane society, and laws that penalize incitement of animals reinforce this ethical stance. They ensure that animals are acknowledged as sentient beings deserving of compassionate and respectful treatment, aligning legal practices with broader principles of animal rights and welfare.

3) Human and Animal Safety

This article also protects the safety of humans and other animals that may be involved in interactions with incited animals. By imposing penalties on those who provoke animals, Indonesian law aims to preemptively mitigate situations where such provocations could escalate into dangerous encounters. When animals are incited to aggressive behavior, they can pose significant risks not only to other animals but also to humans who might be nearby or involved in the interaction. For example, a provoked animal might attack other pets, livestock, or wildlife, causing injury or death. Similarly, humans, including children, pedestrians, or pet owners, could suffer bites, scratches, or more severe injuries. The law's preventative measures thus play a crucial role in maintaining public safety and animal welfare.

4) The Intrinsic Value of Animals

This law treats animals as entities with intrinsic value, not simply tools that can be used or abused by humans. By enacting this legislation, the Indonesian legal system acknowledges that animals possess inherent worth beyond their utility to humans. This perspective shifts the traditional view of animals as mere property or instruments for human use, recognizing them instead as sentient beings with their own rights and needs. This acknowledgment is fundamental in promoting ethical treatment and ensuring that animals are not subjected to cruelty or exploitation.

nciting animals for aggressive purposes disregard their dignity and intrinsic value. When humans provoke animals to act violently, it is a profound violation of the animals' inherent dignity. Such actions reduce animals to mere objects of manipulation, stripping away their natural behaviors and forcing them into unnatural, stressful, and harmful situations. This disregard for their intrinsic value not only causes physical and psychological harm to the animals but also undermines the moral responsibility humans have towards other living beings. The aggressive use of animals reflects a profound disrespect for their well-being and ignores the fundamental principle that animals deserve to be treated with kindness and consideration.

5. Consistent Application of the Law

The act of inciting animals, whether against humans or other animals, demonstrates that Indonesian law takes a holistic approach to animal protection. This comprehensive perspective recognizes that the welfare of animals encompasses more than just their physical safety. By addressing the issue of incitement, the law acknowledges the complex nature of animal well-being, which includes their psychological and emotional states. This holistic approach is reflected in the legal measures that prevent the use of animals as tools for aggression, ensuring that



animals are not forced into situations where they are compelled to act violently. This not only protects the animals themselves but also safeguards the individuals and other animals who might be affected by such actions.

It is not only about preventing physical violence, but also about preventing acts that may cause stress and psychological trauma to animals. The law's focus extends beyond the immediate physical harm that might result from provoking animals. It also addresses the more insidious forms of harm, such as psychological stress and trauma, which can have long-lasting effects on an animal's health and behavior. Animals, like humans, can suffer from anxiety, fear, and other stress-related conditions when subjected to provocation and aggression. These psychological impacts can lead to behavioral changes, making the animals more prone to aggression or fearful behaviors in the future.

Article 490 paragraph 2 of the Indonesia Criminal Code is a legal provision that deeply regulates the moral and legal responsibilities of animal owners or keepers in Indonesia. This article stipulates that animal owners or keepers have an obligation to prevent animals under their care from causing harm to humans or other animals. Thus, Indonesian law demonstrates a high respect for animal welfare by placing clear responsibilities on animal owners or keepers. There are several points where the Criminal Code respects animals. These include:

- 1) Responsibility of Animal Owners or Keepers Article 490 paragraph 2 of the Indonesia Criminal Code confirms that animal owners or keepers have an enormous moral and legal obligation to ensure that animals under their control do not pose a danger to humans or other animals. This means that animal owners or keepers are fully responsible for the behaviour and safety of the animals they own or keep. This provision covers various types of animals kept or guarded by individuals, such as dogs, cats, and other farm animals. Animal owners or keepers are expected to actively look after the welfare and safety of the animals, as well as ensure that the animals do not harm other people or other animals in the vicinity.
- 2) The main purpose of Article 490 paragraph 2 of the Indonesia Criminal Code is to protect the general public and other animals from potential harm that may be caused by animals under the custody of a person. As such, this article does not only focus on the interests of the individual, but is also concerned with the general welfare as well as public safety. By affirming that animal owners or keepers have a responsibility to prevent their animals from attacking people or other animals, this section creates strong protection for the public and other animals from potential harm that could be caused by uncontrolled animal behaviour.
- 3) This article emphasises that animal owners or keepers must actively safeguard and control their animals. This means that they must take the necessary steps to prevent situations that could result in injury or harm to people or other animals. These measures include close monitoring of the animal's behaviour, appropriate training to ensure that the animals are behaving safely, and the imposition of appropriate restrictions where necessary. By requiring these proactive measures, this article makes it clear that animal owners or keepers must not ignore or override their obligations to maintain the safety and welfare of animals under their care.

- 4) Article 490 paragraph 2 of the Indonesia Criminal Code reflects an enormous respect for the rights of animals not to be placed in situations where they may cause or be victims of violence. It confirms that animals, as living beings with their own rights, must be protected from situations that could potentially harm or disadvantage them. By affirming that animal owners or keepers must prevent their animals from attacking people or other animals, this article provides assurance that animals are protected and respected in the context of Indonesian law. This reflects the recognition of the intrinsic value of the existence of animals and our obligation to respect and protect them in accordance with their standing as living beings with their own rights and needs. As such, this article strengthens the protection of animal welfare in the context of Indonesian law.

Article 490 paragraph 3 of the Indonesia Criminal Code regulates the lack of care of wild animals, emphasising the obligation of the owner or custodian of the animal to adequately and sufficiently guard the wild animal under his or her care so as not to cause harm. In Article 490 paragraph 3 of the Indonesia Criminal Code, there are several aspects that show detailed respect for animals. Let's break them down in more detail:

- 1) Article 490 paragraph 3 of the Indonesia Criminal Code establishes very important moral and legal obligations for owners or keepers of wild animals. They must ensure that the wild animals under their custody are adequately and adequately looked after. This indicates recognition of the rights and needs of wild animals for protection and care appropriate to their nature and needs. This responsibility reflects an awareness of the moral obligation of humans to treat animals with responsibility and care.
- 2) The main purpose of Article 490 paragraph 3 of the Indonesia Criminal Code is to protect the public and other animals from potential harm that may be caused by wild animals that are not properly supervised. This shows that Indonesian law is not only concerned with the interests of individuals, but also with general welfare and public safety. By stipulating the obligation to take good care of wild animals, this law provides strong protection for the public and other animals from the risk of harm that may arise.
- 3) This regulation reflects the law's deep awareness of the nature and potential dangers of wild animals. These animals have strong instincts and instincts, and if not properly supervised, they can cause serious harm to humans and other animals. Hence, the law requires strict guarding and adequate preventive measures to minimise the risk of adverse incidents occurring. This shows respect for the natural strength and behaviour of animals and awareness of the potential dangers that can arise if they are not managed properly.
- 4) This article emphasises that the care of wild animals is not a negligible responsibility. As owners or keepers of wild animals, individuals have a moral and legal obligation to provide adequate care and protection to these animals. This includes a good understanding of the needs and behaviour of wild animals and a readiness to provide a suitable and safe environment for them. By affirming this obligation, the law respects the rights and needs of wild animals for proper care and adequate protection.

Article 490 paragraph 4 of the Indonesia Criminal Code is a legal foundation that demonstrates a deep respect for animals by establishing the obligation for keepers of dangerous wild animals to report their ownership to the authorities and comply with the regulations provided by the designated officials. Let us explore in detail and comprehensively how this article reflects respect for animals:

- 1) Article 490 paragraph 4 of the Indonesia Criminal Code demonstrates a deep awareness of the potential danger posed by wild animals. By requiring keepers of dangerous wild animals to report their ownership to the authorities, the law confirms that these animals have the potential to pose a risk to society and the surrounding environment. This reflects respect for the right of animals to be treated with full awareness of their nature and behaviour, as well as the need for appropriate precautions to manage this potential danger.
- 2) This regulation emphasises the importance of transparency in the management of dangerous animals. By requiring the reporting of ownership of wild animals, the law demonstrates that community welfare and public safety are top priorities. It respects the right of animals to live without posing unnecessary risks to people and other animals. By giving attention to transparent management, the law creates a framework that ensures that full responsibility is given to the owner or keeper of a dangerous animal to ensure a safe and appropriate environment.
- 3) Article 490 paragraph 4 of the Indonesia Criminal Code establishes an obligation for keepers of dangerous animals to comply with regulations set by the designated official. This shows appreciation of the need for strict and structured supervision of the ownership and management of dangerous animals. By complying with the set regulations, the owner or keeper of dangerous animals is given clear direction to keep the animals in a safe condition and in accordance with the set standards. This demonstrates respect for the animal's right to live in a harmless environment.
- 4) This regulation not only emphasises the protection of the public from harm that may be caused by dangerous animals, but also ensures the protection of the animals themselves. By requiring reporting of ownership and compliance with established regulations, the law confirms that wild animals must be kept in safe conditions and in accordance with established standards to reduce the risk of harm. This reflects recognition of the intrinsic value of animals and our obligation to respect and protect them in accordance with their standing as living beings with their own rights and needs.
- 5) This article emphasises that the care of dangerous animals is not a negligible responsibility. As owners or keepers of dangerous animals, individuals have a moral and legal obligation to provide adequate care and protection to those animals. This includes a good understanding of the needs and behaviour of dangerous animals and a readiness to provide a suitable and safe environment for them. By affirming this obligation, the law respects the rights and needs of dangerous animals for proper care and adequate protection.
- 6) By requiring the keepers of dangerous animals to report their ownership and comply with established regulations, the law creates a proactive framework to prevent the

harm these animals may cause. These measures demonstrate a deep respect for the right of animals to live without being placed in potentially harmful situations.

But there is several evaluations of that article. Article 490 of the Indonesian Penal Code prescribes a maximum penalty of six days' imprisonment or a fine of three hundred rupiahs for violations related to animal protection. This penalty structure is arguably insufficient given the seriousness of offenses against animal welfare. The low maximum imprisonment term and minimal fine fail to reflect the gravity of animal cruelty and may not serve as an effective deterrent against such violations. Penalties that are disproportionately low compared to the harm caused by the offense can undermine the law's ability to protect animals. In many jurisdictions, more substantial penalties are employed to address animal cruelty, aiming to provide a significant deterrent and to ensure that the consequences of such actions align with the severity of the harm inflicted. By setting a higher threshold for penalties, the legal system can better reflect the seriousness of the offense and enhance its effectiveness in preventing cruelty to animals. The effectiveness of a penalty in deterring future offenses is closely related to its severity. The minimal penalty under Article 490 may fail to discourage individuals from committing acts of cruelty or neglect towards animals. A penalty that does not impose a significant financial or personal burden on offenders is less likely to impact their behavior or act as a deterrent. Empirical evidence suggests that more severe penalties can lead to a greater deterrent effect, as individuals are less likely to engage in harmful behavior if they face substantial consequences. The current penalty structure in Article 490 may not provide a strong enough incentive for individuals to comply with animal welfare standards, which could result in continued violations and inadequate protection for animals. Article 490 also contains terms that require clearer definitions, such as "sufficient care" and "dangerous wild animals." The term "sufficient care" in Article 490 of the Indonesian Penal Code lacks a clear and precise definition, which can lead to varied interpretations and inconsistent enforcement. The concept of "sufficient care" is inherently subjective and may differ based on individual perspectives and practices. This ambiguity can result in significant discrepancies in how different individuals, including animal owners and law enforcement officials, understand and apply the standard of care required. For example, what one person considers "sufficient care" might be viewed as inadequate by another, leading to inconsistencies in the enforcement of the law. The absence of detailed guidelines or operational standards means that decisions regarding the adequacy of care are left to individual discretion, which can undermine the effectiveness of legal provisions and create challenges in maintaining uniformity in legal outcomes. To address this issue, it is essential to develop and implement clear, detailed criteria or guidelines that define "sufficient care." This could include specific standards related to the nutrition, housing, medical care, and general well-being of animals. Such clarity would provide a more objective basis for evaluating compliance and enforcement, thereby reducing the potential for subjective interpretation and ensuring a more consistent application of the law.

Similarly, the term "dangerous wild animals" in Article 490 is not clearly defined, which can lead to uncertainties regarding which animals are covered under this provision. The lack of a precise definition may result in different interpretations of what constitutes a "dangerous wild animal," potentially leading to inconsistent enforcement and protection measures. The



term "dangerous wild animals" could encompass a wide range of species, but without specific criteria or a clear list, there is a risk that certain animals might be excluded or improperly classified. This lack of specificity can hinder the effective application of legal protections and may lead to challenges in ensuring that all relevant animals are appropriately safeguarded under the law. To improve clarity, it would be beneficial to provide a clear definition of "dangerous wild animals," potentially by including a specific list of species or by establishing criteria based on factors such as the potential for harm or the animal's behavior. This approach would enhance the precision of the legal provisions, ensuring that they are applied consistently and that all relevant animals receive appropriate protection.

In order to comprehensively assess the effectiveness of Indonesia's animal protection regulations under Article 490 of the KUHP, it is essential to benchmark these provisions against international standards and the laws of other countries. For example, the European Union's Directive 2010/63/EU on the protection of animals used for scientific purposes provides a highly detailed framework for the humane treatment of animals, encompassing everything from housing conditions to ethical considerations in animal research.<sup>62</sup> Similarly, the UK's Animal Welfare Act of 2006 introduces the concept of a 'duty of care,' which obligates owners to meet the welfare needs of their animals, thereby broadening the scope of protection beyond merely preventing cruelty.<sup>63</sup> When compared to these frameworks, Indonesia's laws, while criminalizing acts of cruelty against animals, lack specificity in terms of clearly defined animal rights, welfare standards, and enforcement mechanisms. Furthermore, a closer examination of the underlying legal theories can enrich the understanding of animal protection under Indonesian law. From the perspective of animal rights theory, this approach posits that animals should be regarded as subjects with inherent rights that are not dependent on their utility to humans. However, Indonesia's current legal framework does not fully embrace this concept, as animals are primarily viewed as objects of legal protection rather than legal subjects with rights.<sup>64</sup> Justice theory demands that laws should ensure fairness and equality, extending moral consideration to all sentient beings. If applied in the Indonesian context, this would necessitate legal reforms that recognize the intrinsic value of animals and guarantee their protection under a rights-based framework.<sup>65</sup> On the other hand, utilitarianism—which advocates maximizing overall happiness or reducing suffering—can

<sup>62</sup> Katerina A. Marinou and Ismene A. Dontas, "European Union Legislation for the Welfare of Animals Used for Scientific Purposes: Areas Identified for Further Discussion," *Animals* 13, no. 14 (2023): 2, <https://doi.org/10.3390/ani13142367>.

<sup>63</sup> Michelle Becker, Holger Volk, and Peter Kunzmann, "Is Pet Health Insurance Able to Improve Veterinary Care? Why Pet Health Insurance for Dogs and Cats Has Limits: An Ethical Consideration on Pet Health Insurance," *Animals* 12, no. 13 (2022): 2, <https://doi.org/10.3390/ani12131728>.

<sup>64</sup> Donna Okthalia Setiabudhi, Irwansyah Irwansyah, and Ahsan Yunus, "Internalization of Animal Welfare Norms: Legal Protection Against Animal Mistreatment," *Fiat Justisia: Jurnal Ilmu Hukum* 17, no. 4 (December 4, 2023): 314, <https://doi.org/10.25041/fiatjustisia.v17no4.3205>.

<sup>65</sup> M. Yasir Said and Yati Nurhayati, "A Review On Rawls Theory Of Justice," *International Journal of Law, Environment, and Natural Resources* 1, no. 1 (April 28, 2021): 31, <https://doi.org/10.51749/injurlens.v1i1.7>.

justify stronger animal protection laws, as it argues for minimizing harm to animals in light of their capacity to suffer, even if this limits certain human activities that exploit animals.<sup>66</sup>

The legal framework in Indonesia, as outlined in Article 490 KUHP, primarily focuses on prohibiting cruelty to animals but fails to define a comprehensive list of animal rights or welfare standards. Unlike international conventions, such as the Universal Declaration on Animal Welfare (UDAW), which has been endorsed by several countries, Indonesia does not yet have a robust legal instrument that explicitly acknowledges animals as holders of specific legal rights.<sup>67</sup> Additionally, there is a lack of legal infrastructure for the enforcement of these protections. The absence of clear animal rights standards in Indonesian law, such as the right to freedom from suffering, adequate care, and protection from exploitation, indicates that Indonesia's laws may be ineffective in addressing the broader ethical and welfare concerns related to animal protection. To bridge these gaps, Indonesia could benefit from adopting a more progressive legal framework that not only criminalizes cruelty but also actively promotes animal welfare and rights, similar to models seen in the UK, the EU, and other jurisdictions. Incorporating a rights-based approach into the law, such as recognizing animals as legal subjects with enforceable rights, would not only align Indonesia with international standards but also reflect a deeper moral and ethical commitment to animal welfare.

### 3. Protection of animals utilization of animals carried out without concern for the health of animals.

Article 540 of the Indonesia Criminal Code which reads:<sup>68</sup>

- 1) Shall be punished by a maximum light imprisonment of eight days or a maximum fine of three hundred and fifty rupiahs:
  - (1) Any person who uses an animal for work which clearly exceeds its strength;
  - (2) Any person who unnecessarily uses an animal for work in a manner which is painful or which constitutes torture for the animal;
  - (3) Any person who uses an animal which is lame or otherwise disabled, scabby, wounded or obviously pregnant or lactating for work which by reason of its condition is unsuitable or which is painful or constitutes torture to the animal;
  - (4) Any person who unnecessarily transports or causes to be transported an animal by means which are painful or which constitute torture to the animal;
  - (5) Any person who transports or causes to transport an animal without giving or causing to be given food or water.
- 2) If during the commission of the misdemeanor one year has not yet elapsed since an earlier conviction of the offender on account of a similar misdemeanor on

<sup>66</sup> MATTI HÄYRY, "Just Better Utilitarianism," *Cambridge Quarterly of Healthcare Ethics* 30, no. 2 (2021): 355, <https://doi.org/10.1017/S0963180120000882>.

<sup>67</sup> Bankole Sodipo and Esan Motunrayo, "Towards A Universal Declaration on Animal Protection," *Carnelian Journal of LAW & POLITICS* 3, no. 1 (2022): 8.

<sup>68</sup> Zannuba Qamariah et al., "Tindak Pidana Penganiayaan Terhadap Hewan Perspektif Fikih Jinayah," 115.

account of one of the misdemeanors described in Article 302 has become final, a maximum light imprisonment of fourteen days may be imposed.

Article 540 of the Indonesian Criminal Code marks a step forward in the protection of animals, by recognizing the importance of their welfare and basic rights within the national legal framework. The main focus of this article is to ensure that the treatment of animals does not exceed limits that cause them suffering or cruelty. It reflects a responsible attitude towards other living beings on the planet, recognizing that animals have intrinsic value that requires protection. Firstly, this article prohibits the use of animals for work that exceeds their capabilities. This demonstrates an awareness of the importance of limiting the workload given to animals, thereby preventing overexertion or injury that could threaten the health and welfare of the animal. By affirming this prohibition, the Criminal Code recognizes that animals have physical limitations that must be respected and protected in the context of human use. This article affirms that animals have basic rights that need to be respected, such as the right to live without suffering and cruelty. It reflects a deep understanding of the importance of animal welfare in the context of national law. Secondly, it prohibits the use of animals for work in a painful or torturous manner. This reflects the principle that the treatment of animals should be done with their welfare in mind. This article demonstrates a clear commitment to the protection and respect of animals in a comprehensive manner. The ban affirms that animals have the right not to be tortured or unnecessarily harmed in any form of human use or interaction. For example, this prohibition protects animals from the use of tools or methods that cause excessive pain or unwanted suffering, such as excessive whipping or inhumane training methods. Third, it regulates the use of animals with certain disabilities or health conditions for work that is unsuitable or that causes additional suffering to the animal. First, this article recognizes that animals with certain disabilities or health conditions have special needs that must be considered in any human use. The prohibition of using animals that are lame or have injuries for work that is incompatible with their condition shows respect for the physical limitations and abilities of animals. It also prevents the potential for further injury or worsening of their health condition due to unsuitable work. Secondly, the Criminal Code also prohibits the use of pregnant or lactating animals for work that may cause additional suffering. This arrangement demonstrates sensitivity to the special phases in an animal's life, where they require extra attention for the well-being of themselves and their offspring. As such, it not only ensures that animals are used ethically, but also affirms that pregnancy and lactation are conditions that must be respected and should not be exploited for the sole benefit of humans.

Fourth, this article reinforces the prohibition against painful or torturous means of transporting animals. The prohibition against painful or torturous means of transport reflects a deep understanding that animals have the right not to be subjected to unnecessary suffering during transportation. This article stipulates that the transportation of animals should take into account their comfort and well-being. This includes aspects such as gentle handling and setting safe and comfortable transportation conditions. Gentle handling eliminates the risk of injury or excessive stress to animals during the transportation process, ensuring that they do not experience unnecessary suffering due to human actions. Fifth, this article emphasizes that the transportation of animals must be accompanied by the provision of adequate food and water. This article stipulates that during the process of transporting animals, the provision of

adequate food and drink is mandatory. This indicates the recognition that nutrition and hydration are basic needs that must be met to ensure the welfare of animals while they are in transit.

The discussion of Article 540 of the Indonesian Criminal Code (KUHP) should not only emphasize the legal commitment to protect animals from cruelty but also critically analyze the structural weaknesses in the existing legal framework. While the "Five Freedoms" principles, established by the British Farm Animal Welfare Council, have gained international recognition as a foundation for animal welfare, their adoption and enforcement in Indonesia remain limited. This raises the question of how Indonesian courts interpret and apply these principles in judicial decisions, if at all. A critical examination of whether there are significant legal precedents supporting or challenging the enforcement of these principles is crucial. Without such precedents, the application of animal welfare laws in Indonesia risks being inconsistent and underdeveloped. Furthermore, a comparative analysis of Indonesia's approach with other jurisdictions, such as the United Kingdom or the European Union, where animal welfare is more deeply ingrained in the legal system, could provide a broader perspective.<sup>69</sup> For example, the EU has established comprehensive animal protection regulations that go beyond mere prevention of cruelty, encompassing detailed welfare requirements for various species.<sup>71</sup> Such comparisons would highlight potential gaps in Indonesia's legal framework, particularly in terms of enforcement mechanisms and judicial clarity.

Internationally, laws such as the Preventing Animal Cruelty and Torture (PACT) Act in the United States serve as a useful benchmark.<sup>72</sup> The recognition of animal rights as legal subjects in Indonesia also remains underdeveloped. While animals are recognized as deserving of protection from cruelty, they are often treated as mere legal objects rather than subjects with intrinsic rights.<sup>73</sup> This distinction is crucial because it affects how the law is applied and enforced. If animals were considered legal subjects, there would be a stronger impetus for advocating for their rights in court, and legal remedies would likely be more robust.<sup>74</sup> A deeper analysis of the legal and practical implications of granting animals legal

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<sup>69</sup> Rachel Ann Dunn, "The Sooner the Better: The Arguments for the Use of Extended Welfare Assessment Grids in Animal Welfare Cases," *Liverpool Law Review* 41, no. 2 (July 1, 2020): 109, <https://doi.org/10.1007/s10991-020-09243-2>.

<sup>70</sup> José Martinez and Cara von Nolting, "Review: 'Animal Welfare' – A European Concept," *Animal Welfare: An Interdisciplinary Analysis* 17 (August 1, 2023): 2, <https://doi.org/10.1016/j.animal.2023.100839>.

<sup>71</sup> Katy Taylor and Laura Rego Alvarez, "An Estimate of the Number of Animals Used for Scientific Purposes Worldwide in 2015," *Alternatives to Laboratory Animals* 47, no. 5–6 (November 1, 2019): 197, <https://doi.org/10.1177/0261192919899853>.

<sup>72</sup> Patricia Estrella, "2019 Federal Legislative Review," *Animal Law Review* 26 (2020): 477.

<sup>73</sup> Okchelita Nettasari Anugrahning Cantik and Hervina Puspitosari, "Kebijakan Kriminal Dalam Pertanggungjawaban Pidana Bagi Pelaku Animal Abuse Di Indonesia Dan Singapura," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 4, no. 1 (January 10, 2024): 7, <https://doi.org/10.53363/bureau.v4i1.367>.

<sup>74</sup> Nadia Ravita, "Pemidanaan Maksimal Pelaku Penyiksaan Hewan (Sebagai Bentuk Perlindungan Terhadap Hewan Dan Orang-Orang Disekitar Pelaku)," in *Partisipasi Masyarakat Dalam Mewujudkan Negara Hukum Kesejahteraan (Welfare State) Indonesia*, vol. 5 (5th National Conference on Law Studies (NCOLS), Jakarta: UPNVJ Jakarta, 2023), 637.



subject status is necessary, particularly in terms of how these rights are advocated for in judicial proceedings and what impact this would have on broader legal interpretations.<sup>75</sup>

Moreover, comparing Indonesia's legal framework to other countries is crucial for evaluating its effectiveness. Countries like New Zealand, where animals are recognized as sentient beings in law, offer models that Indonesia could adopt or adapt to strengthen its own animal protection regulations.<sup>76</sup> Similarly, the European Union's stricter standards, which include clear penalties and comprehensive welfare regulations, provide a framework for Indonesia to assess its own policies. Drawing these comparisons not only highlights potential deficiencies but also offers pathways for legal reform. This could include suggestions such as introducing more stringent penalties, clarifying legal definitions of cruelty, and implementing more effective enforcement mechanisms. Additionally, considering the philosophical foundations of animal welfare laws – whether grounded in justice, animal rights, or utilitarian principles – would enrich the discussion and offer a more well-rounded analysis. In conclusion, expanding on these legal and philosophical dimensions, while integrating comparative perspectives, will create a more comprehensive and globally relevant analysis of Indonesia's animal protection laws.

#### 4. Protection of horses and animals within the standard limits of their work

Article 541 of the Indonesia Criminal Code reads:<sup>77</sup>

- 1) Shall be punished by a maximum fine of twenty-five rupiahs;
  1. Any person who is prepared to use as a load, riding or carriage horse a horse that has not yet changed its teeth, or whose two internal teeth in the upper jaw have not yet engaged the two internal teeth in the lower jaw;
  2. Any person who attaches a horse's clothing to such a horse in grain or ties or fixes such a horse to a vehicle or a draft horse;
  3. Any person who uses as a load, mount or carriage horse a mother horse, allowing her foal, which has not yet grown its six facial teeth, to follow it.
- 2) If during the commission of the misdemeanor one year has not yet elapsed since an earlier conviction of the offender on account of a similar misdemeanor or one under Article 540 or on account of a crime under Article 302 has become final, instead of the fine, a maximum light imprisonment of three days may be imposed.

Article 541 of the Indonesian Criminal Code is part of a very detailed and comprehensive legal framework governing the use and protection of horses. It reflects a strong commitment to respecting and protecting the welfare of animals in the context of their use as burdens, mounts, or carriage pullers. Firstly, it expressly prohibits the use of horses for overly strenuous work before the horse has exchanged teeth or both teeth have fully erupted in its upper and lower jaws. This shows that the Criminal Code not only considers the physical needs of the horse, but also sets clear standards to protect the horse from overloading that may result in

<sup>75</sup> Charlotte E. Blattner, "The Recognition of Animal Sentience by the Law," *Journal of Animal Ethics* 9, no. 2 (October 1, 2019): 124, <https://doi.org/10.5406/janimaethics.9.2.0121>.

<sup>76</sup> Jane Kotzmann, "Recognising the Sentience of Animals in Law: A Justification and Framework for Australian States and Territories," *The Sydney Law Review* 42, no. 3 (September 1, 2020): 287.

<sup>77</sup> Rahman Pakaja, Suwitno, Y. Imran, and Mohamad Hidayat Muhtar, "Kajian Pertimbangan Hakim Dalam Tindak Pidana Pengangkutan Satwa Dilindungi (Studi Pada Putusan Pn Gorontalo No. 72/Pid.B/Lh/2023/Pn Gto)," *SINERGI: Jurnal Riset Ilmia* 1, no. 5 (2024): 275.

injury or other health problems. As such, it confirms that the use of animals should be in harmony with their natural stages of development, respecting and protecting their physical capabilities. Secondly, it also prohibits the use of clothing or restraints on horses in a manner that may cause pain, discomfort or injury. This shows that the protection of animals in the Criminal Code not only includes physical aspects, but also recognizes the need to ensure the emotional and psychological well-being of animals. Fitted clothing or restraint devices must be designed and used with the comfort and safety of the animal in mind, so as not to interfere with or disadvantage them in the performance of their duties.

This detailed regulation reflects the Indonesian Criminal Code's commitment to protect not only the physical well-being of horses, but also their psychological and emotional aspects. By restricting the use of clothing or restraint devices that may cause discomfort or injury, this article emphasizes that animal welfare must be a priority in any form of human activity involving them. This approach aims not only to prevent physical injury, but also to ensure that animals are not subjected to unnecessary stress or discomfort in their working environment.

The legal interpretation of Article 541 of the Indonesian Criminal Code, particularly regarding the provision for "using a horse as a burden or mount," lacks the clarity and specificity seen in international animal welfare frameworks.<sup>78</sup> The phrasing "discomfort or injury" is vague, which complicates its enforcement and leaves it open to varied judicial interpretation. While Indonesian law criminalizes certain forms of animal abuse, there is no explicit framework for determining the thresholds for what constitutes discomfort or injury, making it challenging to ensure consistent rulings across cases.

In contrast, internationally recognized animal welfare standards, such as the "Five Freedoms" – freedom from hunger, discomfort, pain, fear, and freedom to express normal behavior – provide a clear and structured basis for evaluating animal welfare.<sup>79</sup> These standards, first developed by the Farm Animal Welfare Council (FAWC) in the UK<sup>80</sup>, are widely adopted in countries and they serve as a benchmark for protecting animals' physical and psychological well-being.<sup>81</sup> In these jurisdictions, courts have clear criteria for assessing whether the treatment of an animal has violated its welfare, and rulings are based on these objective standards.<sup>82</sup> For example, in the European Union, the Animal Welfare Regulation explicitly outlines what is expected in terms of animal care and use.<sup>83</sup> For working animals like

<sup>78</sup> Katrina Merkies and Olivia Franzin, "Enhanced Understanding of Horse-Human Interactions to Optimize Welfare," *Animals* 11, no. 5 (2021): 8, <https://doi.org/10.3390/ani11051347>.

<sup>79</sup> Clémence Lesimple, "Indicators of Horse Welfare: State-of-the-Art," *Animals* 10, no. 2 (2020): 2, <https://doi.org/10.3390/ani10020294>.

<sup>80</sup> Alistair Lawrence and Belinda Vigors, "Farm Animal Welfare: Origins, and Interplay with Economics and Policy.," *CABI*, 2020, 3, <https://doi.org/10.1079/9781786392312.0001>.

<sup>81</sup> Claas Kirchhelle, "From Protest to 'Holy Writ': The Mainstreaming of Welfare Politics," in *Bearing Witness: Ruth Harrison and British Farm Animal Welfare (1920–2000)*, ed. Claas Kirchhelle (Cham: Springer International Publishing, 2021), 212, [https://doi.org/10.1007/978-3-030-62792-8\\_11](https://doi.org/10.1007/978-3-030-62792-8_11).

<sup>82</sup> Rochelle Morton and Alexandra L. Whittaker, "Understanding Subordinate Animal Welfare Legislation in Australia: Assembling the Regulations and Codes of Practice," *Animals* 12, no. 18 (2022): 3, <https://doi.org/10.3390/ani12182437>.

<sup>83</sup> Marita Giménez-Candela, Joao L. Saraiva, and Helena Bauer, "The Legal Protection of Farmed Fish in Europe – Analysing the Range of EU Legislation and the Impact of International Animal Welfare Standards for the Fishes in European Aquaculture," *dA.Derecho Animal (Forum of Animal Law Studies)* 11, no. 1 (2020): 70, <https://doi.org/10.5565/rev/da.460>.

horses, regulations specify maximum load capacities, rest periods, and environmental considerations, such as the weather conditions under which the animals work, to prevent overwork or injury.<sup>84</sup>

The United States, under the Preventing Animal Cruelty and Torture (PACT) Act, offers additional legal precedent for protecting animals from abuse. While the PACT Act does not directly address working animals like horses, it criminalizes acts that cause unnecessary harm to animals.<sup>85</sup> In practice, US courts look at detailed welfare guidelines and precedents when assessing if an animal has been subject to cruelty.<sup>86,87</sup> These guidelines are aligned with internationally recognized animal rights theories, such as utilitarianism, which emphasizes minimizing suffering, and animal rights theory, which advocates for animals' intrinsic rights to be free from harm and exploitation.<sup>88</sup>

##### 5. Protection of animals against animal fighting

Article 544 of the Indonesia Criminal Code reads:

- (1) Any person who without the permission of the head of the police or of the official thereto designated by the head of the police, organizes a cockfight or cricket fight on a public road or on its side or in a place accessible to the public, shall be punished by a maximum light imprisonment of six days or a maximum fine of twenty-five rupiahs.
- (2) If during the commission of the misdemeanor one year has not yet elapsed since an earlier conviction of the offender on account of a similar misdemeanor has become final, the punishments may be doubled.

To improve Article 544 of the Indonesian Criminal Code (KUHP) in line with international animal welfare standards, a more robust and detailed approach is necessary. The current penalties – six days of imprisonment or a fine of twenty-five rupiahs for organizing or participating in cockfights or cricket fights – are outdated and do not reflect the severity of animal cruelty offenses.<sup>89</sup> Comparatively, international laws such as the United States' Preventing Animal Cruelty and Torture (PACT) Act impose more substantial penalties which act as stronger deterrents.<sup>90</sup> First, the penalties for violations of Article 544 need to be significantly increased to align with modern standards. A six-day imprisonment does not serve as a sufficient deterrent, especially when compared to the global trend toward harsher

<sup>84</sup> Martine Hausberger et al., "On-Farm Welfare Assessment of Horses: The Risks of Putting the Cart before the Horse," *Animals* 10, no. 3 (2020): 8, <https://doi.org/10.3390/ani10030371>.

<sup>85</sup> Insia Arora, "Protection of Animal Life: The Indian Judiciary and the Enshrinement of Animal Rights," *International Journal of Law Management and Humanities* 6, no. 4 (2022): 1847, <https://doi.org/doi.org/10.10000/IJLMH.115617>.

<sup>86</sup> Marceau, "Palliative Animal Law: The War on Animal Cruelty," 256.

<sup>87</sup> Ayah Ighneim, "Protecting Our Pups at All Costs: Why Dogfighting Cases Require a Mandatory Restitution Assessment," *Cleveland State Law Review* 72, no. 2 (2024): 517.

<sup>88</sup> Fiona Woollard, "'Utilitarianism for Animals: Deontology for People' and the Doing/Allowing Distinction," *Philosophical Studies* 180, no. 4 (April 1, 2023): 1154, <https://doi.org/10.1007/s11098-021-01745-7>.

<sup>89</sup> Louise Shania Sabela and Karunia Haganta, "Hak Asasi Hewan Dalam Hukum Indonesia: Dari Antroposentrisme Ke One Rights," *CREPIDO* 6, no. 1 (2024): 5, <https://doi.org/10.14710/crepido.6.1.1-15>.

<sup>90</sup> Sierra Van Allen, "Foie Gras's Goose Is Cooked: Meat Producers Are Shoving Foie Gras Down Our Throats, but the PACT Act Could Bring Them Down," *Stetson Law Review* 53 (n.d.): 380.

punishments for animal cruelty. To create a stronger deterrent effect, penalties should include longer imprisonment terms, potentially up to one year, and fines should be updated to reflect modern economic conditions, ranging from several hundred thousand to millions of rupiahs, depending on the severity of the offense.<sup>91</sup> This would better reflect the seriousness of animal cruelty and discourage the organization of such fights. Second, the article's language should be clarified. Phrases like "public road" or "place accessible to the public" are vague and leave room for inconsistent interpretation and enforcement. For example, a clearer definition could specify not only public spaces but also any private venues where animal fights are held, and public access is permitted, such as rural arenas or private properties where large gatherings are organized. This would close legal loopholes that currently allow offenders to evade punishment by holding these events in quasi-public or rural areas.<sup>92</sup> Third, Article 544 could benefit from introducing provisions for repeat offenders. While the current law allows for doubled penalties if the offense is repeated within one year, this approach is insufficient. Instead, introducing harsher penalties for repeat offenders—such as mandatory community service in animal shelters or participation in animal welfare training programs—could provide a more rehabilitative approach while still penalizing repeat behavior. This would signal that repeated offenses are treated more seriously by the justice system and that there is a commitment to behavioral reform, not just punishment.<sup>93</sup>

Moreover, enforcement mechanisms should be strengthened. Currently, there is a reliance on local police, who may not always prioritize or have the necessary resources for animal welfare cases. A specialized unit within law enforcement, tasked specifically with handling animal cruelty cases and trained in animal welfare principles, would greatly enhance the law's effectiveness.<sup>94</sup> Such units could collaborate with veterinary experts to assess cases of animal abuse more accurately, ensuring that the law is enforced in a way that reflects modern welfare standards.<sup>95</sup>

#### 4. Conclusions

The Indonesian Criminal Code stands as a testament to the nation's unwavering dedication to the welfare of animals, encapsulating a comprehensive legal and ethical framework designed to protect and promote their well-being. This framework not only emphasizes the physical health but also addresses the psychological needs of animals, ensuring they are treated with compassion and respect throughout various aspects of human interaction. Central to this legal architecture are Articles 302, 409, 540, 541, and 544, of the

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<sup>91</sup> Maurice J. G. Bun et al., "Crime, Deterrence and Punishment Revisited," *Empirical Economics* 59 (2020): 2329.

<sup>92</sup> Angus Nurse, "Green Criminological Perspectives on Dog-Fighting as Organised Masculinities - Based Animal Harm," *Trends in Organized Crime* 24, no. 4 (December 1, 2021): 451, <https://doi.org/10.1007/s12117-021-09432-z>.

<sup>93</sup> Muhammad Imran Khan, Adnan Nisar, and Sidra Kanwel, "From Punishment to Progress: The Legal Evolution of Criminal Rehabilitation," *PAKISTAN JOURNAL OF LAW, ANALYSIS AND WISDOM* 2, no. 02 (September 30, 2023): 562, <https://doi.org/10.1234/pjlaw.v2i02.87>.

<sup>94</sup> Renate Marie Butli Hårstad, "The Politics of Animal Welfare: A Scoping Review of Farm Animal Welfare Governance," *Review of Policy Research* 41, no. 4 (2024): 687.

<sup>95</sup> Fiona Rioja-Lang et al., "Prioritisation of Animal Welfare Issues in the UK Using Expert Consensus," *Veterinary Record* 187, no. 12 (2020): 2.



Indonesia Criminal Code each playing a crucial role in defining and enforcing humane standards of treatment.

Article 302 of the Indonesia Criminal Code serves as the cornerstone, establishing fundamental legal norms that mandate humane treatment for all animals. Rooted in moral principles of respect and dignity, this article sets the stage for a just and compassionate society where animals are valued members deserving of protection. Building upon this foundation, Article 409 of the Indonesia Criminal Code takes a proactive stance by penalizing behaviors that incite animal aggression. This not only underscores the importance of animals' physical safety but also acknowledges their psychological well-being, recognizing that stress and trauma inflicted upon animals can have far-reaching consequences. Article 540 advances these principles further by specifically addressing issues related to the use and transportation of animals. By prohibiting practices that subject animals to excessive workloads or inhumane transportation conditions, this article ensures that animals' basic rights are upheld, safeguarding them from unnecessary suffering and harm. It reflects Indonesia's commitment to aligning human activities with the inherent needs and limitations of animals, promoting a harmonious coexistence that always respects their welfare. Article 541 of the Indonesia Criminal Code zooms in on horses, recognizing their unique role as burdens, mounts, or carriage pullers. This article sets stringent standards to prevent horses from being overworked, particularly before their teeth have fully developed, thus protecting them from potential injuries and health issues. By respecting horses' natural developmental stages and physical capacities, Indonesia underscores its commitment to treating animals not merely as tools for human use, but as sentient beings entitled to fair and considerate treatment. Article 544 of the Indonesian Criminal Code requires significant revision to align with modern standards of animal welfare. Increasing penalties, clarifying legal definitions, and strengthening enforcement mechanisms would enhance its effectiveness in preventing cruelty. Furthermore, adopting global principles such as the Five Freedoms would ensure more comprehensive protection for animals under Indonesian law.

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## 6. Reference

- Agus Ariarta and Diah Ratna Sari Hariyanto. "Pengaturan Hukum Terhadap Perlindungan Hewan Yang Mengalami Penganiayaan." *Jurnal Kertha Negara* 10, no. 12 (2022).
- Alessandra Akemi Hashimoto Fragoso, Karynn Capilé, Cesar Augusto Taconeli, Gabrielle Cristine de Almeida, Paula Pimpão de Freitas, and Carla Forte Maiolino Molento. "Animal Welfare Science: Why and for Whom?" *Animals* 13, no. 1833 (2023). <https://doi.org/10.3390/ani1311833>.
- Andersson, Astrid Alexandra, Hannah B. Tilley, Wilson Lau, David Dudgeon, Timothy C. Bonebrake, and Caroline Dingle. "CITES and beyond: Illuminating 20 Years of Global, Legal Wildlife Trade." *Global Ecology and Conservation* 26 (April 1, 2021): e01455. <https://doi.org/10.1016/j.gecco.2021.e01455>.
- Anne Peters. "Global Animal Law: What It Is and Why We Need It." *Transnational Environmental Law* 5, no. 1 (2016). <https://doi.org/doi:10.1017/S2047102516000066>.



- — —. "Introduction." In *Studies in Global Animal Law*. Cham: The Palgrave Macmillan Animal Ethics Series. Palgrave Macmillan, 2020.
- Armia, Muhammad Siddiq. *Penentuan Metode & Pendekatan Penelitian Hukum*. Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022.
- Arthur R. Miller. "Widening the Lens: Refocusing the Litigation Cost-and-Delay Narrative." *Cardozo Law Review* 40 (2018).
- Ayah Ighneim. "Protecting Our Pups at All Costs: Why Dogfighting Cases Require a Mandatory Restitution Assessment." *Cleveland State Law Review* 72, no. 2 (2024).
- Balma Ariagana. "Pertanggungjawaban Pidana Lembaga Konservasi Atas Eksploitasi Satwa Liar Dilindungi Dalam Peragaan Satwa." *Jurist-Diction* 3, no. 3 (2020).
- Bankole Sodipo and Esan Motunrayo. "Towards A Universal Declaration on Animal Protection." *Carnelian Journal of LAW & POLITICS* 3, no. 1 (2022).
- Barnabas Yusran Sarumah and Andi Putra Sitorus. "Tinjauan Hukum Pidana Terhadap Kepemilikan Hewan Peliharaan yang Membahayakan Orang Lain." *Jurnal Perspektif Hukum* 4, no. 2 (2023). <https://doi.org/10.35447/jph.v4i2.904>.
- Becker, Michelle, Holger Volk, and Peter Kunzmann. "Is Pet Health Insurance Able to Improve Veterinary Care? Why Pet Health Insurance for Dogs and Cats Has Limits: An Ethical Consideration on Pet Health Insurance." *Animals* 12, no. 13 (2022). <https://doi.org/10.3390/ani12131728>.
- Bhanbhro, Sadiq, Tahira Kamal, Ratno W. Diyo, Nur Indrawaty Lipoeto, and Hora Soltani. "Factors Affecting Maternal Nutrition and Health: A Qualitative Study in a Matrilineal Community in Indonesia." *PLOS ONE* 15, no. 6 (June 16, 2020): e0234545. <https://doi.org/10.1371/journal.pone.0234545>.
- Blattner, Charlotte E. "The Recognition of Animal Sentience by the Law." *Journal of Animal Ethics* 9, no. 2 (October 1, 2019): 121–36. <https://doi.org/10.5406/janimaethics.9.2.0121>.
- Brittany Hill. "Restoring Justice for Animal Victims." *Animal & Natural Resource Law Review* XVII (2021).
- Buller, Henry, Harry Blokhuis, Kees Lokhorst, Mathieu Silberberg, and Isabelle Veissier. "Animal Welfare Management in a Digital World." *Animals* 10, no. 10 (2020). <https://doi.org/10.3390/ani10101779>.
- Cantik, Okchelita Nettasari Anugrahning, and Hervina Puspitosari. "Kebijakan Kriminal Dalam Pertanggungjawaban Pidana Bagi Pelaku Animal Abuse Di Indonesia Dan Singapura." *Bureaucracy Journal : Indonesia Journal of Law and Social-Political Governance* 4, no. 1 (January 10, 2024): 1–9. <https://doi.org/10.53363/bureau.v4i1.367>.
- Clement A Tisdell. "Biodiversity and the UN's Sustainable Development Goals." In *Transitioning to Sustainable Life on Land*, edited by Volker Beckmann, Vol. 15. Basel: MDPI, 2021.
- Daniel Mota-Rojas, Marcelo Daniel Ghezzi, Adriana Domínguez-Oliva, Leonardo, Thielo de la Vega, Luciano Boscato-Funes, Fabiola Torres-Bernal, and Patricia Mora-Medina. "Circus Animal Welfare: Analysis through a Five- Domain Approach." *Journal of Animal Behavior and Biometry* 10, no. 2221 (2022). <https://doi.org/10.31893/jabb.22021>.

- David J. Mellor. "Moving beyond the 'Five Freedoms' by Updating the 'Five Provisions' and Introducing Aligned 'Animal Welfare Aims.'" *Animals* 6, no. 59 (2016). <https://doi.org/10.3390/ani6100059>.
- Delila Kania, Deni Zein Tarsidi, Darda Abdullah Sjam, and Zakki Abdillah Sjam. "Pentingnya Pengetahuan Perlindungan Hukum Terhadap Hak Azasi Hewan Peliharaan Bagi Warga Negara Indonesia." *Propatria* 6, no. 1 (2023).
- Dunn, Rachel Ann. "The Sooner the Better: The Arguments for the Use of Extended Welfare Assessment Grids in Animal Welfare Cases." *Liverpool Law Review* 41, no. 2 (July 1, 2020): 107–27. <https://doi.org/10.1007/s10991-020-09243-2>.
- Fahmi Ardhana and Yana Indawati. "Pertanggungjawaban Pidana Bagi Pelaku Penganiayaan Hewan Yang Disebarkan Di Media Sosial (Studi Kasus Di Kabupaten Tasikmalaya)." *Jurnal Pendidikan Tambusai* 7, no. 3 (2023).
- Fang, Guirong, and Qunli Song. "Legislation Advancement of One Health in China in the Context of the COVID-19 Pandemic: From the Perspective of the Wild Animal Conservation Law." *One Health* 12 (June 1, 2021): 100195. <https://doi.org/10.1016/j.onehlt.2020.100195>.
- Felix Manzi. "The Correlation Between Illegal Wildlife Trade and Illicit Financial Flows: A Case of Indonesia." *SSRN*, 2020. <https://dx.doi.org/10.2139/ssrn.3661981>.
- Ferdy Saputra. "Peranan Lembaga Pemasyarakatan Dalam Proses Penegakan Hukum Pidana Dihubungkan Dengan Tujuan Pemidanaan." *Jurnal Ilmu Hukum REUSAM* VIII, no. 1 (2020).
- Firdaus Adji Prasetyo, I Made Sepud, and I Made Minggu Widyantara. "Sanksi Pidana Terhadap Pelaku Tindak Pidana Penganiayaan Hewan." *Analogi Hukum* 5, no. 3 (2023).
- Francesca Nyilas. "CITES And Animal Welfare: The Legal Void For Individual Animal Protection." *Global Journal Of Animal Law* 9 (2021).
- Frida Lundmark, Charlotte Berg, and Helena Röcklinsberg. "Private Animal Welfare Standards—Opportunities and Risks." *Animals* 8, no. 4 (2020). <http://dx.doi.org/10.3390/ani8010004>.
- Guazzaloca, Giulia. "'Anyone Who Abuses Animals Is No Italian': Animal Protection in Fascist Italy." *European History Quarterly* 50, no. 4 (October 1, 2020): 669–88. <https://doi.org/10.1177/0265691420960672>.
- Guillaume Futhazar. "Biodiversity, Species Protection, and Animal Welfare Under International Law." In *Studies in Global Animal Law*. Springer, 2018.
- Habibi Sahid and Emmilia Rusdiana. "Penegakan Hukum Pasal 302 Ayat 1 KUHP Terhadap Budaya Karapan Sapi Madura Di Kabupaten Pamekasan." *Novum : Jurnal Hukum* 3, no. 6 (2016). <https://doi.org/10.2674/novum.v3i3.17676>.
- Harefa, Safarudin. "Penegakan Hukum Terhadap Tindak Pidana Di Indonesia Melalui Hukum Pidana Positif Dan Hukum Pidana Islam." *UBELAJ* 4 No. 1 (2019).
- Hårstad, Renate Marie Butli. "The Politics of Animal Welfare: A Scoping Review of Farm Animal Welfare Governance." *Review of Policy Research* 41, no. 4 (2024): 679–702.
- Hausberger, Martine, Noémie Lerch, Estelle Guilbaud, Mathilde Stomp, Marine Grandgeorge, Séverine Henry, and Clémence Lesimple. "On-Farm Welfare Assessment of Horses:

- The Risks of Putting the Cart before the Horse." *Animals* 10, no. 3 (2020). <https://doi.org/10.3390/ani10030371>.
- HÄYRY, MATTI. "Just Better Utilitarianism." *Cambridge Quarterly of Healthcare Ethics* 30, no. 2 (2021): 343–67. <https://doi.org/10.1017/S0963180120000882>.
- Heather Browning and Walter Veit. "Freedom and Animal Welfare." *Animals* 11, no. 1148 (2021). <https://doi.org/10.3390/ani11041148>.
- Insia Arora. "Protection of Animal Life: The Indian Judiciary and the Enshrinement of Animal Rights." *International Journal of Law Management and Humanities* 6, no. 4 (2022). <https://doi.org/doi.org/10.10000/IJLMH.115617>.
- Ivan V. Yatsenko, Svitlana I. Zapara, Gregory A. Zon, Lydmyla B. Ivanovskaya, and Alyona M. Klochko. "Animal Rights and Protection against Cruelty in Ukraine." *Journal of Environmental Management and Tourism* XI, no. 1 (2020). [https://doi.org/10.14505/jemt.v11.1\(41\).11](https://doi.org/10.14505/jemt.v11.1(41).11).
- Jiao, Yunbo, Pichamon Yeophantong, and Tien Ming Lee. "Strengthening International Legal Cooperation to Combat the Illegal Wildlife Trade Between Southeast Asia and China." *Frontiers in Ecology and Evolution* 9 (2021). <https://www.frontiersin.org/journals/ecology-and-evolution/articles/10.3389/fevo.2021.645427>.
- Jill Fernandes, Dominique Blache, Shane K. Maloney, Graeme B. Martin, Bronwyn Venus, Frederick Rohan Walker, Brian Head, and Alan Tilbrook. "Addressing Animal Welfare through Collaborative Stakeholder Networks." *Agriculture* 9, no. 6 (2019). <https://doi.org/10.3390/agriculture9060132>.
- Jill N. Fernandes, Paul H. Hemsworth, Grahame J. Coleman, and Alan J. Tilbrook. "Costs and Benefits of Improving Farm Animal Welfare." *Agriculture* 9, no. 6 (2021). <https://doi.org/10.3390/agriculture11020104>.
- John Webster. "Animal Welfare: Freedoms, Dominions and 'A Life Worth Living.'" *Animals* 6, no. 35 (2016). <https://doi.org/10.3390/ani6060035>.
- Jordan O. Hampton, Bidha Jones, and Paul D. McGreevy. "Social License and Animal Welfare: Developments from the Past Decade in Australia." *Animals* 10, no. 12 (2020). <http://dx.doi.org/10.3390/ani10122237>.
- Justin Marceau. "How the Animal Welfare Act Harms Animals." *Hastings Law Journal* 69, no. 3 (2018).
- Kirchhelle, Claas. "From Protest to 'Holy Writ': The Mainstreaming of Welfare Politics." In *Bearing Witness: Ruth Harrison and British Farm Animal Welfare (1920–2000)*, edited by Claas Kirchhelle, 205–22. Cham: Springer International Publishing, 2021. [https://doi.org/10.1007/978-3-030-62792-8\\_11](https://doi.org/10.1007/978-3-030-62792-8_11).
- Kotzmann, Jane. "Recognising the Sentience of Animals in Law: A Justification and Framework for Australian States and Territories." *The Sydney Law Review* 42, no. 3 (September 1, 2020): [281]–310.
- Lawrence, Alistair, and Belinda Vigors. "Farm Animal Welfare: Origins, and Interplay with Economics and Policy." *CABI*, 2020, 1–29. <https://doi.org/10.1079/9781786392312.0001>.

- Lesimple, Clémence. "Indicators of Horse Welfare: State-of-the-Art." *Animals* 10, no. 2 (2020). <https://doi.org/10.3390/ani10020294>.
- Marceau, Justin. "Palliative Animal Law: The War on Animal Cruelty." In *Green Criminology and the Law*, edited by James Gacek and Richard Jochelson, 217–33. Cham: Springer International Publishing, 2022. [https://doi.org/10.1007/978-3-030-82412-9\\_10](https://doi.org/10.1007/978-3-030-82412-9_10).
- Marinou, Katerina A., and Ismene A. Dontas. "European Union Legislation for the Welfare of Animals Used for Scientific Purposes: Areas Identified for Further Discussion." *Animals* 13, no. 14 (2023). <https://doi.org/10.3390/ani13142367>.
- Marita Giménez-Candela, Joao L. Saraiva, and Helena Bauer. "The Legal Protection of Farmed Fish in Europe – Analysing the Range of EU Legislation and the Impact of International Animal Welfare Standards for the Fishes in European Aquaculture." *dA.Derecho Animal (Forum of Animal Law Studies)* 11, no. 1 (2020). <https://doi.org/10.5565/rev/da.460>.
- Marta E. Alonso, José R. González-Montaña, and Juan M. Lomillos. "Consumers' Concerns and Perceptions of Farm Animal Welfare." *Animals* 10 (2020). <http://dx.doi.org/10.3390/ani10030385>.
- Martinez, José, and Cara von Nolting. "Review: 'Animal Welfare' – A European Concept." *Animal Welfare: An Interdisciplinary Analysis* 17 (August 1, 2023): 100839. <https://doi.org/10.1016/j.animal.2023.100839>.
- Matthew Liebman. "Litigation & Liberation." *Ecology Law Quarterly* 49 (2022).
- Maurice J. G. Bun, Richard Kelaher, Vasilis Sarafidis, and Don Weatherburn. "Crime, Deterrence and Punishment Revisited." *Empirical Economics* 59 (2020).
- Merkies, Katrina, and Olivia Franzin. "Enhanced Understanding of Horse-Human Interactions to Optimize Welfare." *Animals* 11, no. 5 (2021). <https://doi.org/10.3390/ani11051347>.
- Merzadio Yusandha and Emmilia Rusdiana. "Penegakan Hukum Pasal 302 Ayat (1) KUHP Terhadap Pertandingan Adu Bagong Di Provinsi Jawa Barat." *Novum : Jurnal Hukum* 6, no. 1 (2019). <https://doi.org/10.2674/novum.v6i1.29098>.
- Mirko Bagaric, Jane Kotzmann, and Gabrielle Wolf. "A Rational Approach to Sentencing Offenders for Animal Cruelty: A Normative and Scientific Analysis Underpinning Proportionate Penalties for Animal Cruelty Offenders." *South Carolina Law Review* 71, no. 2 (2019).
- Morton, Rochelle, and Alexandra L. Whittaker. "Understanding Subordinate Animal Welfare Legislation in Australia: Assembling the Regulations and Codes of Practice." *Animals* 12, no. 18 (2022). <https://doi.org/10.3390/ani12182437>.
- Muhammad Imran Khan, Adnan Nisar, and Sidra Kanwel. "From Punishment to Progress: The Legal Evolution of Criminal Rehabilitation." *PAKISTAN JOURNAL OF LAW, ANALYSIS AND WISDOM* 2, no. 02 (September 30, 2023): 556–63. <https://doi.org/10.1234/pjlaw.v2i02.87>.
- Nadia Ravita. "Pemidanaan Maksimal Pelaku Penyiksaan Hewan (Sebagai Bentuk Perlindungan Terhadap Hewan Dan Orang-Orang Disekitar Pelaku)." In *Partisipasi Masyarakat Dalam Mewujudkan Negara Hukum Kesejahteraan (Welfare State) Indonesia*, Vol. 5. Jakarta: UPNVJ Jakarta, 2023.



- Nancy De Briyne, Jovana Vidovic, David B. Morton, and Manuel Magalhães-Sant'Ana. "Evolution of the Teaching of Animal Welfare Science, Ethics and Law in European Veterinary Schools (2012–2019)." *Animals* 10 (2020). <http://dx.doi.org/10.3390/ani10071238>.
- Noveria Devy Irmawanti and Barda Nawawi Arief. "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana." *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021).
- Nurse, Angus. "Green Criminological Perspectives on Dog-Fighting as Organised Masculinities -Based Animal Harm." *Trends in Organized Crime* 24, no. 4 (December 1, 2021): 447–66. <https://doi.org/10.1007/s12117-021-09432-z>.
- Patricia Estrella. "2019 Federal Legislative Review." *Animal Law Review* 26 (2020).
- Prihatini, Lilik, Mustika Mega Wijaya, and Debby Novanda Romelsen. "Aspek Hukum Pidana Terhadap Penegakan Hukum Perlindungan Hewan Di Indonesia." *PALAR (Pakuan Law Review)* 7 No. 2 (2021).
- Rahman Pakaja, Suwitno, Y. Imran, and Mohamad Hidayat Muhtar. "Kajian Pertimbangan Hakim Dalam Tindak Pidana Pengangkutan Satwa Dilindungi (Studi Pada Putusan Pn Gorontalo No. 72/Pid.B/Lh/2023/Pn Gto." *SINERGI: Jurnal Riset Ilmia* 1, no. 5 (2024).
- Ramadhan, Arief, Aniati Murni Arymurthy, Dana Indra Sensuse, and Muladno. "Modeling E-Livestock Indonesia." *Heliyon* 7, no. 8 (August 1, 2021): e07754. <https://doi.org/10.1016/j.heliyon.2021.e07754>.
- Rioja-Lang, Fiona, Heather Bacon, Melanie Connor, and Cathy Mary Dwyer. "Prioritisation of Animal Welfare Issues in the UK Using Expert Consensus." *Veterinary Record* 187, no. 12 (2020): 490–490.
- Rochelle Morton, Michelle L. Hebart, Rachel A. Ankeny, and Alexandra L. Whittaker. "Portraying Animal Cruelty: A Thematic Analysis of Australian News Media Reports on Penalties for Animal Cruelty." *Animals* 12, no. 2918 (2022). <https://doi.org/10.3390/ani12212918>.
- Rodriguez Ferrere, M. B. "Animal Welfare Underenforcement as a Rule of Law Problem." *Animals* 12, no. 11 (2022). <https://doi.org/10.3390/ani12111411>.
- Sabela, Louise Shania, and Karunia Haganta. "Hak Asasi Hewan Dalam Hukum Indonesia: Dari Antroposentrisme Ke One Rights." *CREPIDO* 6, no. 1 (2024). <https://doi.org/10.14710/crepido.6.1.1-15>.
- Sacha Lucassen. "The Use of Animals in Circuses and Shows." *dA Derecho Animal : Forum of Animal Law Studies* 8, no. 3 (2017). <https://doi.org/DOI 10.5565/rev/da.9>.
- Said, M.Yasir, and Yati Nurhayati. "A Review On Rawls Theory Of Justice." *International Journal of Law, Environment, and Natural Resources* 1, no. 1 (April 28, 2021): 29–36. <https://doi.org/10.51749/injurlens.v1i1.7>.
- Saskia Stucki. "Towards a Theory of Legal Animal Rights: Simple and Fundamental Rights." *Oxford Journal of Legal Studies* 40, no. 3 (2020). <https://doi.org/doi:10.1093/ojls/gqaa007>.
- Setiabudhi, Donna Okthalia, Irwansyah Irwansyah, and Ahsan Yunus. "Internalization of Animal Welfare Norms: Legal Protection Against Animal Mistreatment." *Fiat Justisia:*



- Jurnal Ilmu Hukum* 17, no. 4 (December 4, 2023): 305–16. <https://doi.org/10.25041/fiatjustisia.v17no4.3205>.
- Sherman, Julie, Maria Voigt, Marc Ancrenaz, Serge A. Wich, Indira N. Qomariah, Erica Lyman, Emily Massingham, and Erik Meijaard. "Orangutan Killing and Trade in Indonesia: Wildlife Crime, Enforcement, and Deterrence Patterns." *Biological Conservation* 276 (December 1, 2022): 109744. <https://doi.org/10.1016/j.biocon.2022.109744>.
- Sierra Van Allen. "Foie Gras's Goose Is Cooked: Meat Producers Are Shoving Foie Gras Down Our Throats, but the PACT Act Could Bring Them Down." *Stetson Law Review* 53 (n.d.).
- Sofia Väärikkälä, Tarja Koskela, Laura Hänninen, and Mari Nevas. "Evaluation of Criminal Sanctions Concerning Violations of Cattle and Pig Welfare." *Animals* 10 (2020). <http://dx.doi.org/10.3390/ani10040715>.
- Solikin, Nur. *Pengantar Metodologi Penelitian Hukum*. Pasuruan: Qiara Media, 2021.
- Tarja Koskela. "The Roles of the Finnish Authorities Specialising in Animal Welfare Offences." *Scandinavian Studies in Law* 67 (2021).
- Taylor, Katy, and Laura Rego Alvarez. "An Estimate of the Number of Animals Used for Scientific Purposes Worldwide in 2015." *Alternatives to Laboratory Animals* 47, no. 5–6 (November 1, 2019): 196–213. <https://doi.org/10.1177/0261192919899853>.
- Tenrisanna, V., and M. M. Rahman. "Opportunities of Free-Range Laying Hens Farming and Economic Advantages (A Case Study in Indonesia)." *AIP Conference Proceedings* 2628, no. 1 (June 5, 2023): 130032. <https://doi.org/10.1063/5.0144187>.
- Three Boy and Rugun Romaida Hutabara. "Perlindungan Hukum Terhadap Tindak Pidana Penganiayaan Hewan Peliharaan Menurut Perspektif Hukum Pidana Di Indonesia (Studi Putusan Nomor: 320/PID.SUS/2020/PT.DKI)." *Jurnal Hukum Adigama* 4, no. 2 (n.d.).
- Tom Sparks. "Protection of Animals Through Human Rights: The Case-Law of the European Court of Human Rights." In *Studies in Global Animal Law*, edited by Anne Peters. Berlin: Springer Open, 2020.
- Vincent Nijman, Thais Q. Morcatty, Kim Feddema, Marco Campera, and K. A. I. Nekarisi. "Disentangling the Legal and Illegal Wildlife Trade–Insights from Indonesian Wildlife Market Surveys." *Animals* 12, no. 628 (2022). <https://doi.org/10.3390/ani12050628>.
- Widya Dika Chandra and Pudji Astuti. "Penegakan Hukum Pasal 302 KUHP Tentang Penganiayaan Terhadap Hewan Di Kota Surakarta." *Novum : Jurnal Hukum* 5, no. 4 (2018). <https://doi.org/10.2674/novum.v5i4.26872>.
- Woollard, Fiona. "'Utilitarianism for Animals: Deontology for People' and the Doing/Allowing Distinction." *Philosophical Studies* 180, no. 4 (April 1, 2023): 1149–68. <https://doi.org/10.1007/s11098-021-01745-7>.
- Yunita Wahyu Medyawati and Mella Ismelina Farma Rahayu. "Analysis of Legal Protection Against Harmful Animals Traded (Case Study: Cat and Dog Meat Trade in Tomohon Market, North Sulawesi)." In *Proceedings of the 3rd Tarumanagara International Conference on the Applications of Social Sciences and Humanities (TICASH 2021)*, 198–203. Atlantis Press, 2022. <https://doi.org/10.2991/assehr.k.220404.031>.

Zannuba Qamariah, Halimatusyadiah, Dwi Us Natun, and Sabarudin Ahmad. "Tindak Pidana Penganiayaan Terhadap Hewan Perspektif Fikih Jinayah." *TARUNALAW: Journal of Law and Syariah* 1, no. 1 (2023). <https://doi.org/10.54298/tarunalaw.v1i01.84>.