

Enforcing the Law Against Animal Cruelty Perpetrators: The Animal Husbandry and Veterinary Health Act

Dewi Setiawati, Sarip Hidayat, Suwari Akhmaddhian, Haris Budiman

Faculty of Law, Universitas Kuningan, Indonesia

E-mail : setiawatidewi980@gmail.com



<https://doi.org/10.25134/unifikasi.v11i02.774>

ARTICLE INFO

ABSTRACT

Article History

Received: June 11, 2024

Revised: August 19, 2024

Accepted: Dec 12, 2024

Keywords

Animal Cruelty;

Crime;

Legal Enforcement.



Violence extends beyond humans, with a troubling increase in cases of animal cruelty. The study aims to critically assess and analyse the enforcement of legal measures against animal cruelty perpetrators in accordance with Law No. 41 of 2014 on Animal Husbandry and Veterinary Health. The study employs a juridical-empirical approach, utilising a descriptive-analytical research design. The research reveals that individuals responsible for animal cruelty can be held accountable under Article 302 of the Indonesian Penal Code, Article 66A of Law No. 41 of 2014 on Animal Husbandry and Veterinary Health, and Government Regulation No. 95 of 2012 on Veterinary Health and Animal Welfare. However, the enforcement of these legal provisions remains suboptimal. It is primarily due to insufficient public awareness of animal welfare, resulting in underreporting of abuse cases, which in turn impedes the effectiveness of law enforcement agencies in addressing the issue. The conclusion reveals that the insufficient public awareness and legal consciousness regarding Law No. 41 of 2014 on Animal Husbandry and Veterinary Health, alongside the prohibition of animal cruelty, has allowed instances of abuse to occur without being reported or addressed, thereby exposing the inadequacy of current law enforcement. It is imperative to reconsider and strengthen the legal framework by imposing more severe criminal penalties on animal cruelty offenders. Moreover, establishing a specialised task force for animal welfare could provide a strategic breakthrough in combating these violations effectively.

Introduction

According to the 1945 Constitution of the Republic of Indonesia, the nation upholds the principle of being a state governed by law. A lawful state emphasizes the supremacy of law as a means to uphold truth and justice¹. Generally, every country adhering to the rule of law embodies three fundamental principles: the supremacy of law, equality before the law, and law enforcement conducted in strict accordance with legal procedures (due process of law)². From the standpoint of legal objectives, an exemplary legal argument is one that harmoniously upholds justice, ensures legal certainty, and promotes a balanced realization of the common good. Accordingly, it is incumbent upon every individual to adhere to the law, fostering an environment where justice, certainty, and collective welfare extend equitably to all living beings, transcending the confines of human society alone³.

¹ Ias Muhlashin, "Negara Hukum, Demokrasi Dan Penegakan Hukum Di Indonesia," *Jurnal Al-Qadau : Peradilan dan Hukum Keluarga Islam* 8, no. 1 (2021): 87-100.

² Hasaziduhu Moho, "Penegakan Hukum Di Indonesia Menurut Aspek Kepastian Hukum, Keadilan Dan Dan Kemanfaatan," *Jurnal Warta* 59, no. 1 (2019): 138-149.

³ Agus Setiawan, "Penalaran Hukum Yang Mampu Mewujudkan Tujuan Hukum Secara Proporsional," *Jurnal Hukum Mimbar Justitia* 3, no. 2 (2017): 204-215.

Plants, animals, and humans must coexist in mutual care and compassion. Among all creations, humans are endowed by the Creator with the highest degree of perfection⁴. As integral custodians of the ecosystem that sustains all life, animals are indispensable to the preservation of environmental harmony. Humanity, endowed with reason and moral responsibility, must adopt a profound sense of compassion and ecological stewardship toward all living beings. This includes recognizing the invaluable contributions of animals in supporting human activities. Consequently, it is imperative that we uphold a duty of care, treating animals with dignity and refraining from any form of cruelty or exploitation⁵. Animals are living beings that coexist with humans, playing a vital role in the shared ecosystem. Law No. 41 of 2014, which amends Law No. 18 of 2009 on Animal Husbandry and Veterinary Health, defines animals as creatures inhabiting land, water, and/or air, either domesticated or thriving in their natural habitats. As living beings, animals possess inherent rights, albeit less complex than human rights. Animal rights, often referred to as animal freedoms, emphasize that the fundamental entitlements of animals are as significant as those of humans. These rights embody the moral principle that animals deserve to live according to their natural instincts, free from human domination. The Declaration of Animal Rights was first proclaimed in 1978 at UNESCO's headquarters in Paris, France, with representatives from 46 countries and 330 animal advocacy organizations in attendance⁶.

The mistreatment of animals constitutes an unlawful act explicitly prohibited under Indonesia's prevailing legal framework. Indonesia has established regulations addressing acts of animal cruelty. The legal concept of animal cruelty is enshrined in Indonesia's positive law, including provisions in Law No. 1 of 1946 concerning Criminal Law Regulations and Law No. 41 of 2014 amending Law No. 18 of 2009 on Livestock and Animal Health. The aforementioned laws serve as a safeguard for the welfare and survival of animals. According to data from the Asia For Animals Coalition, Indonesia ranks as the leading country in uploading content related to animal abuse. Data collected between July 2020 and August 2021 reveals that out of a global total of 5,480 pieces of such content, 1,626 originated from Indonesia. Animal Defender Indonesia attributes the prevalence of animal abuse content to legal uncertainties. The issue places significant pressure on Indonesian legislators to reform and strengthen laws concerning animal welfare⁷. However, it is undeniable that even the most robust regulations will be ineffective without proper oversight and consistent law enforcement. Instances of animal cruelty are disturbingly common in daily life, such as the case of a pet dog beaten with a broomstick handle by its owner in Poris, Tangerang, in December 2021; the horrific incident of a cat being blended alive by a food vlogger in May 2023; and the brutal case of a dog being thrown to crocodiles in June 2023⁸.

⁴ Daffa Okta Permana, Esther Masri, and Oti Handayani, "Sanksi Terhadap Pelaku Penganiayaan Hewan Dikaitkan Dengan Hak Asasi Hewan Di Indonesia," *Jurnal Hukum Sasana* 10, no. 2 (2024): 93-104.

⁵ Yunita Wahyu Medyawati and Mella Ismelina Farma Rahayu, "Analisis Perlindungan Hukum Terhadap Hewan Liar Yang Teraniaya Dan Diperjualbelikan (Studi Kasus: Perdagangan Daging Kucing Dan Anjing Di Pasar Tomohon Sulawesi Utara)," *Jurnal Hukum Adigama* 4, no. 2 (2021): 1-25, <http://kesmavet.ditjenpkh.pertanian.go.id/index.php/berita/berita-2>.

⁶ Verlina Verlina and Yudi Kornelis, "Pertanggungjawaban Pelaku Tindak Kekerasan Pada Hewan: Kajian Hukum Perspektif Hukum Pidana," *Jurnal Supremasi: Jurnal Ilmiah Ilmu Hukum* 13, no. 1 (2023): 113-127.

⁷ BBC, "Penyiksaan Hewan: Indonesia 'juara Dunia' Konten Siksa Binatang, Dapatkah 'Kemenangan' Kucing Tayo Mengakhiri Peringkat Ini?," *BBC New Indonesia*, last modified 2021, accessed December 20, 2023, <https://www.bbc.com/indonesia/majalah-58637176>.

⁸ Soraya Noer Adhaini and Untung Sumarwan, "Motif Pelaku Kekerasan Terhadap Perlindungan Dan Penegakan Hukum Pada Hewan Peliharaan Dalam Perspektif Kontrol Sosial," *Jurnal Anomie* 5, no. 2 (2023): 101-122.

The issues above highlight that legal compliance is influenced by several closely interconnected factors: First, the laws and regulations themselves, emphasizing the need for harmony and coherence within the legal framework. Second, adequate legal enforcement facilities, as laws are often difficult to enforce or remain unaddressed due to insufficient or unavailable resources for enforcement. Third, public awareness, legal certainty, and societal behavior. Fourth, the integrity of law enforcement officials, including those directly involved in the legal process, such as police officers, prosecutors, lawyers, judges, correctional officers, and others. Ultimately, the effectiveness of law enforcement heavily relies on the integrity of these officials⁹. Accordingly, the primary issue to be examined is: To what extent is the enforcement of legal provisions under Law No. 41 of 2014 on Livestock and Animal Health be implemented?

Research Methods

The study employed descriptive-analytical, encompassing a detailed description, explanation, and analysis of the issues at hand, followed by the formulation of conclusions to identify accurate solutions to the analyzed problems. To address legal issues and propose regulatory frameworks, researchers rely on legal documents as primary sources, including primary, secondary, and tertiary legal materials. In addition, the study adopted an empirical juridical approach, supplemented by a conceptual approach and a statutory approach to ensure comprehensive analysis and alignment with existing legal frameworks.

Results and Discussion

1. *Legal Framework Governing Animal Cruelty*

The legal provisions regarding perpetrators of animal cruelty offenses are principally governed by Law No. 1 of 1946 on the Criminal Code. This statute serves as the foundational legal instrument for imposing criminal sanctions on individuals committing acts of animal cruelty. Article 302 of Law No. 1 of 1946 on the Criminal Code provides the legal grounds for prosecuting offenders involved in animal abuse in Indonesia. The study stipulates that¹⁰:

- a. Shall be subject to a maximum imprisonment of three months or a fine of up to four thousand five hundred rupiahs for committing a minor act of animal cruelty.
 - 1) Any person who, without justifiable purpose or in an excessive manner, intentionally causes harm or injury to an animal or damages its health.
 - 2) Any person who, without justifiable purpose or exceeding the necessary limits to achieve such purpose, intentionally fails to provide the essential food required for the survival of an animal that is wholly or partially under their ownership and supervision, or of an animal that they are obligated to care for.
- b. If the act results in illness lasting more than one week, or disability, severe injury, or death, the offender shall be subject to a maximum imprisonment of nine months, or a fine of up to three hundred rupiahs, for committing animal cruelty.
- c. If the animal belongs to the offender, it may be subject to confiscation.
- d. An attempt to commit the aforementioned offense is not punishable.

⁹ Cecep Wiharma, "Penegakan Hukum Legalistik Dalam Perspektif Sosiologis," *Jurnal Hukum Mimbar Justitia* 3, no. 2 (2017): 216–233.

¹⁰ Anis Safitri, Abd Rahman, and Hardianto Djanggih, "Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Pembunuhan Hewan: Studi Perbandingan KUHP Lama Dan KUHP Baru," *Journal of Lex Theory (JLT)* 5, no. 1 (2024): 38–55.

Article 302 of Law No. 1 of 1946 on the Criminal Code is divided into four paragraphs: Paragraph 1 addresses minor acts of animal cruelty, Paragraph 2 regulates the neglect of animals, Paragraph 3 governs the confiscation of animals owned by the perpetrator, and Paragraph 4 stipulates that attempts to commit animal cruelty are not punishable. Criminal penalties for animal cruelty perpetrators: Minor animal cruelty: Maximum imprisonment of 3 months or a fine of up to Rp4,500 and Animal neglect: Maximum imprisonment of 9 months or a fine of up to IDR 300.

If the perpetrator's intent or knowledge cannot be substantiated, the prosecutor and judge lack grounds to establish intent as required under Article 302 of Law No. 1 of 1946 on the Criminal Code, necessitating the defendant's acquittal. Simons asserts that to categorize an act as animal cruelty, it must be proven that the perpetrator deliberately caused pain, injury, or harm to the animal's health. The legal provisions specifically addressing animal cruelty offenses are outlined in Law No. 41 of 2014, amending Law No. 18 of 2009 on Livestock and Animal Health. It serves as the legal foundation for imposing criminal sanctions on perpetrators of animal cruelty¹¹. Ensuring animal welfare is not solely the responsibility of society; the government also plays a significant role in protecting animals. Article 68 specifies:

- a. The Government and Regional Governments, within their respective jurisdictions, are responsible for administering Animal Health across the entire territory of the Unitary State of the Republic of Indonesia.
- b. In administering Animal Health as referred to in point (1), the Government and Regional Governments, within their respective jurisdictions, are obligated to strengthen the duties, functions, and authority of Veterinary Authorities.

Article 66A of Law No. 41 of 2014, amending Law No. 18 of 2009 on Livestock and Animal Health, can be used to prosecute perpetrators of animal cruelty in Indonesia¹².

- a. Everyone is prohibited from abusing and/or mistreating animals in a way that causes disability and/or renders them non-productive.
- b. Anyone who is aware of such acts, as referred to in paragraph (1), is obligated to report them to the relevant authorities.

Based on the above explanation, animal cruelty offenses, whether mild, moderate, or severe, are considered criminal acts. The criminal sanctions for causing harm are outlined in Article 91B, which states¹³:

- a. Any person who abuses and/or mistreats an animal, resulting in disability and/or rendering the animal non-productive as referred to in Article 66A paragraph (1), shall be punished with imprisonment for a minimum of 1 (one) month and a maximum of 6 (six) months, and a fine of at least Rp1,000,000.00 (one million rupiah) and no more than IDR 5,000,000.00 (five million rupiah).
- b. Any person who is aware of an act as referred to in Article 66A paragraph (1) and fails to report it to the authorities as stipulated in Article 66A paragraph (2) shall be punished with imprisonment for a minimum of 1 (one) month and a maximum of 3 (three) months,

¹¹ Azhara Devica Risnanda and Hendar Subhandi Bakhtiar, "Perlindungan Hukum Dalam Klasifikasi Bentuk Kekerasan Terhadap Hewan Di Indonesia," *Res Nullius Law Journal* 5, no. 2 (2023): 123-134.

¹² Nadillah Maudi Cahyani and Nashrina Nashrina, "Kriminalisasi Perilaku Penyimpangan Seksual Terhadap Hewan," *Lex Lata : Jurnal Ilmiah Ilmu Hukum* 2, no. 1 (2020): 444-465.

¹³ Alya Maharani, "Tinjauan Yuridis Tentang Penerapan Hukuman Terhadap Pelaku Tindak Pidana Penganiayaan Hewan Yang Menyebabkan Kematian," in *PNational Conference For Law Studies: Pembangunan Hukum Menuju Era Digital Society*, vol. 7, 2020, 675-686.

and a fine of at least IDR 1,000,000.00 (one million rupiah) and no more than IDR 3,000,000.00 (three million rupiah).

In determining whether a person's actions of abusing or mistreating an animal constitute a criminal offense, Sianturi S.R. asserts that it can be considered a criminal act if it meets the following elements: Subject, Fault, and Unlawfulness¹⁴.: It must be an action that is prohibited and/or mandated by law or regulations, and any violation of these provisions is subject to criminal penalties, considering the time, place, and circumstances of the act.

2. Enforcement of Animal Cruelty Laws Under Law No. 41 of 2014 on Livestock and Animal Health

Animal cruelty offenses can be resolved through two approaches: Litigation and Non-Litigation¹⁵. In the Litigation route, all cases are handed over to law enforcement authorities to be processed legally through the District Court. In the Non-Litigation route, the matter is resolved through mediation, aiming for reconciliation based on an agreement between both parties, the perpetrator and the animal's owner.

a. Institutional Framework for the Enforcement of Laws Against Perpetrators of Animal Cruelty.

Several institutions or agencies oversee issues related to animal cruelty, including:

1) Directorate General of Livestock and Animal Health

The Directorate General of Livestock and Animal Health (abbreviated as Ditjen PKH) is an executive element within the Ministry of Agriculture of the Republic of Indonesia, directly under and accountable to the Minister of Agriculture of the Republic of Indonesia. They are responsible for formulating and implementing policies in the fields of livestock commodity production, animal health, value addition, strengthening competitiveness, and marketing of livestock products. It operates in accordance with and is grounded in the provisions of Law No. 41 of 2014 on Livestock and Animal Health in performing its duties¹⁶. The organizational structure of the Directorate General of Livestock and Animal Health (Ditjen PKH) consists of: the Secretariat of the Directorate General, the Directorate of Livestock Breeding and Production, the Directorate of Animal Feed, the Directorate of Animal Health and its subdivisions, which include the Animal Health Center, the Veterinary Public Health Directorate, and the Directorate of Livestock Product Processing and Marketing. The Ditjen PKH's technical implementing units comprise 23 Technical Implementation Units (UPT). However, Kuningan Regency is not one of them. The Department of Fisheries and Livestock of Kuningan Regency is an institution that handles animal welfare, focusing specifically on fisheries and livestock. The Department of Fisheries and Livestock works with six partners in the form of veterinary service units (Puskesmas) in Kuningan Regency. In addition to inspecting livestock and fish, these partners also handle cases involving abandoned, abused, or sick animals.

¹⁴ Arief Gunawan and Fachri Bey, "The Crime of Theft with Violence at Night Under Article 365 of the Criminal Code (Study of Decision Number 19/Pid/B/220/Pn Jkt.Pst)," *Jurnal Reformasi Hukum Trisakti* 6, no. 2 (2024): 633-644.

¹⁵ Udin Latif, "Diskresi Penyidik Kepolisian Dalam Penyelesaian Perkara Pidana Melalui Jalur Non Litigasi," *Muadalah : Jurnal Hukum* 3, no. 1 (2023): 14-27.

¹⁶ Pelangi Yunita Ariestantya et al., "Strategi Komunikasi Humas Direktorat Jenderal Peternakan Dan Kesehatan Hewan Dalam Menyosialisasikan Cara Pencegahan Wabah Penyakit Mulut Dan Kuku Pada Hewan Berkuku Belah," *Ranah Research : Journal of Multidisciplinary Research and Development* 6, no. 4 (2024): 629-638.

1) Animal Welfare Organizations in Indonesia.

Here are two examples of organizations or communities that protect animal welfare in Indonesia:

a) *Animal Defender* Indonesia

Animal Defender Indonesia, established in 2011, had previously engaged in similar actions sporadically and without organization. It focuses on several aspects, such as: Rescue, Rehab, Rehome, and Educate¹⁷.

Animal Defender Indonesia encourages that cases of animal abuse or neglect be reported chronologically, without exaggeration or embellishment. The approach allows Animal Defender Indonesia to assess the urgency of the situation and provide appropriate assistance. However, due to limited personnel, funding, and facilities, Animal Defender Indonesia prioritizes aid based on urgency. The principle of "Do It Yourself" is emphasized, encouraging individuals to act independently and not give up easily. If efforts fail and no further action can be taken, then seeking help is encouraged. Animal Defender Indonesia welcomes all requests for assistance and consultation. It asserts that animal welfare and the right to life are interdependent, and everyone is responsible for sustainability.

b) Yayasan Natha Satwa Nusantara

Yayasan Natha Satwa Nusantara, located in Jakarta, is dedicated to protecting and advocating for the welfare of domestic animals. The word "Natha" comes from Sanskrit, meaning "protector." The name "Natha Satwa Nusantara" translates to "Protector of Indonesia's Animals." Humans and domestic animals have coexisted for over 15,000 years, during which time they have had a mutual and beneficial impact on one another¹⁸.

Yayasan Natha Satwa Nusantara states that many people still believe their lives do not deserve improvement and welfare. It is evidenced by the numerous cases of abuse and neglect that continue to occur, which have a significant impact on the lives of humans who share the same habitat. It is impossible to achieve human welfare while ignoring animal welfare, and vice versa. Neglecting animals negatively affects environmental health. Yayasan Natha Satwa Nusantara seeks volunteers to support its programs, including education, finding adoptions, becoming foster parents, caring for animals in shelters, and organizing fundraising efforts. If individuals are unable to offer time, effort, or adoption, they can still contribute by donating.

2) The Indonesian National Police

Law enforcement is clearly connected to the protection of pets. According to Article 13 of Law of the Republic of Indonesia Number 2 of 2002 on the Indonesian National Police, the main duties of the Indonesian National Police are: maintaining public security and order; upholding the law; and providing protection, guidance, and services to the public¹⁹.

¹⁷ Shafira Nur Rahma Sengko, Masnuna* Synakarya, and Mahimma Romadhona, "Komik Sebagai Media Untuk Menyadarkan Remaja Terhadap Isu Kesejahteraan Hewan Pada Hewan Jalanan," *Jurnal Synakarya* 4, no. 2 (2023): 123-136.

¹⁸ Diva Alya Maharani, "Legal Protection and Liability for Pet Abuse That Happens in Indonesia," *Jurnal Scientia Indonesia* 6, no. 1 (2020): 37-58.

¹⁹ Muhammad Zulfikri, Gusti Ayu Ratih Damayanti, and Fathur Rauzi, "Peranan Polisi Lalu Lintas Dalam Peningkatan Kesadaran Berlalu Lintas Melalui Tindakan Preventif Berdasarkan Undang-Undang Republik

The process of law enforcement in cases of animal abuse is similar to other criminal processes, involving investigation and inquiry. However, these cases are handled with special attention, often in collaboration with organizations, foundations, or veterinarians, due to the nature of the victim—animals—who, by their very nature, cannot speak or defend themselves in the face of the law. Nevertheless, such cases can be resolved through Restorative Justice, as animal abuse falls under the category of minor criminal offenses. The approach aims to foster reconciliation and repair harm caused, rather than solely focusing on punitive measures. The role of the police is crucial as an intermediary and mediator in the reconciliation between the victim and the perpetrator. Without such a mediator, reaching a mutually beneficial resolution would be challenging. Additionally, given the police's experience in handling various crimes, they are well-positioned to reconcile these differing interests, facilitating the possibility of Restorative Justice between the two parties: the victim or the owner of the abused animal and the perpetrator. If the mediation process results in a peaceful agreement, the case is considered resolved. However, if no win-win solution is reached, the case will be referred to the prosecutor for legal processing and resolution in court.

1) The Attorney General's Office of the Republic of Indonesia.

The Attorney General's Office of the Republic of Indonesia is a government institution with functions related to judicial power, executing state authority in the field of prosecution and other powers as stipulated by law²⁰, including:

- a) Conducting prosecutions
- b) Implementing court rulings and decisions that have gained legal force.
- c) Overseeing the implementation of conditional criminal sentences, probation sentences, and conditional discharge decisions.
- d) Conducting investigations into certain criminal offenses based on the law
- e) Completing case files for specific matters and, for that purpose, conducting additional investigations before submission to the court, coordinated with the investigator.

The Indonesian Attorney General's Office, as a law enforcement agency, conducts prosecutions against perpetrators of animal abuse and processes it.

2) District Court

The District Court is a judicial institution at the district or city level. It is established by a Presidential Decree under Law No. 2 of 1986 concerning General Courts, which divides the judiciary into two types: the District Court as the Court of First Instance and the High Court as the Court of Appeal. The District Court holds various duties, functions, and authorities as a Court of First Instance²¹.

In Law No. 2 of 1986 concerning General Courts, Article 50 states, "The District Court is tasked with and authorized to examine, adjudicate, and resolve criminal and civil cases at the first instance." Based on the provisions of this Law, the duties and

Indonesia Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia (Studi Kasus Di Polda NTB)," *Unizar Recht Journal* 1, no. 3 (2022): 386–393.

²⁰ Desi Yumenty, "Kedudukan Kejaksaan Republik Indonesia Dalam Sistem Ketatanegaraan Indonesia," *Jurnal Elqonun : Jurnal Hukum Ketatanegaraan* 1, no. 1 (2022): 61–78.

²¹ Johannes Immanuel Rich and Benny Djaja, "Penerapan Prinsip Restoratif Justice Terhadap Pertimbangan Hakim Dalam Putusan Lepas Dari Segala Tuntutan Hukum (Studi Kasus Putusan Nomor : 28 / Pid . B / 2022 / PN . LBB)," *Unes Law Review* 6, no. 4 (2024): 9802–9813.

authority of the District Court include examining, adjudicating, and resolving both criminal and civil cases for all citizens seeking justice, unless otherwise mandated by law. Examples of criminal cases that can be handled by the District Court include assault, sexual harassment, theft, traffic violations, domestic violence, animal cruelty, and others.

3) Correctional Institution

The penitentiary system is regulated by the Republic of Indonesia Law No. 12 of 1995 concerning Corrections. The definition of the penitentiary system according to this law is as follows: "The penitentiary system is a framework that outlines the direction, scope, and methods of fostering correctional inmates based on Pancasila, which is carried out in an integrated manner between the authorities, the inmates, and the community to improve the quality of inmates, enabling them to acknowledge their mistakes, reform themselves, and avoid reoffending." It aims to facilitate their reintegration into society, allowing them to actively contribute to development and live a decent life as responsible and good citizen. To achieve the role of correctional institutions, decisive actions and exemplary conduct are required, ensuring the realization of Indonesia as a rule-of-law state. Therefore, the existence of Indonesia as a rule-of-law state must be proven by the functioning of state institutions²².

b. Legislation pertaining to Animal Abuse Offenses

The legal provisions concerning animal abuse offenses are specifically regulated under Law No. 41 of 2014, which amends Law No. 18 of 2009 on Animal Husbandry and Animal Health. This serves as the legal foundation for imposing criminal sanctions on those who commit acts of animal abuse. These articles can be used to hold perpetrators of animal cruelty accountable in Indonesia. Article 66A of Law No. 41 of 2014 on the Amendment of Law No. 18 of 2009 on Animal Husbandry and Animal Health indicates that animal abuse, whether mild, moderate, or severe, constitutes a criminal offense. The criminal sanctions are outlined in Article 91B of Law No. 41 of 2014 on Animal Husbandry and Animal Health²³.

c. Programs for preventing and addressing animal cruelty

Entering the 21st century, activism increasingly leverages social media, including in Indonesia. Animal advocacy groups can communicate more swiftly through social media, which has diminished hierarchical barriers and enabled global communication. However, direct connections may prove more effective than online ones. While social media has become an essential tool for the animal protection movement, it does not come without its drawbacks.

Lowering barriers to participation in movements is a crucial aspect of social media. One way to engage in a movement is by following the Twitter or Facebook accounts of organizations. ProFauna distinguishes "activists," who actively participate in its programs, from "supporters," who are limited to online involvement. Support and activism are not the same, yet they can be seen as steps in a process. Much like the demonstration against the dolphin circus in Jakarta, which gained online support, social media has the power to

²² Roni Sulistyanto Luhukay, "Independensi Kekuasaan Kehakiman Pasca Amandemen Undang-Undang Dasar Tahun 1945 Dan Relevansinya Bagi Penegakan Hukum Yang Berkeadilan Di Indonesia," *Jurisprudentie : Jurusan Ilmu Hukum Fakultas Syariah dan Hukum* 6, no. 1 (2019): 135-154.

²³ Jonathan Toar Mampow, "Suatu Kajian Atas Tindak Pidana Kejahatan Terhadap Hewan Berdasarkan Peraturan Perundang-Undangan," *Lex Administratum* 5, no. 2 (2017): 149-157.

drive significant change²⁴. According to an interview with Drh. Rofiq from the Fisheries and Animal Husbandry Office of Kuningan Regency, it was explained that the animal health center, as part of the Fisheries and Animal Husbandry Office, has dealt with cases of animals abandoned by their owners, discarded, and abused. They provide assistance to these animals by treating their wounds, administering vitamins, and providing proper food to help them recover and regain their health. The Head of the Tipiter Unit at the Kuningan Police Station explained that until now, there have been no reports of animal cruelty cases in Kuningan Regency. This is due to the many unreported cases, which are related to the public's lack of awareness about animal welfare. Animal cruelty can often be found in daily life, but these cases are not reported to the police. Instead, they are resolved by the parties involved or even left unresolved.

According to Brigpol Yogi Prabowo, S.H, although there is currently no specific program to address animal cruelty crimes, he believes that collaboration between relevant agencies and organizations or foundations focusing on animal welfare is necessary. It could involve socialization or counseling efforts related to animal welfare. In Kuningan, there has yet to be an activity of this nature involving the police as law enforcers. Drh. Rofiq from the Fisheries and Animal Husbandry Office of Kuningan Regency mentioned that while there have been counseling efforts related to animal health, they have not specifically addressed the prohibition of animal cruelty. Mr. Muhammad Nur Irfan also stated that the Fisheries and Animal Husbandry Office has carried out both offline and online socialization and collaborated with relevant local government agencies. It can be seen in posts on the Instagram social media account, which highlight activities aimed at raising public awareness about animal health.

Analysis of Law Enforcement Against Animal Cruelty Perpetrators Based on Law No. 41 of 2014 on Livestock and Animal Health, using Lawrence M. Friedman's legal system theory²⁵, reveals the components that influence its implementation, including:

- a. Legal Structure: In this case, there are institutions related to animals, such as the Directorate General of Livestock and Animal Health. Each region has a Livestock and Animal Health Office, and in Kuningan Regency, there is the Fisheries and Livestock Office. Organizations or bodies that protect animals in Indonesia, such as Animal Defender Indonesia and Natha Satwa Nusantara Foundation, as well as law enforcement institutions like the Police, Prosecutor's Office, Courts, and Correctional Institutions, are also involved in this issue. The lack of valid data presented by specific institutions in Indonesia regarding animal cruelty cases presents a challenge to further study this problem. The data obtained is only through historical searches on social media and articles or news available online. Therefore, the Legal Structure here is still weak, as many animal cruelty cases do not receive proper handling, either preventively or repressively.
- b. Legal Substance: The prohibition of animal cruelty is outlined in Indonesia's positive law, including Law No. 1 of 1946 concerning the Criminal Code, Law No. 41 of 2014 amending Law No. 18 of 2009 on Animal Husbandry and Animal Health, and Government Regulation No. 95 of 2012 on Veterinary Health and Animal Welfare. From the aforementioned regulations, it can be seen that Indonesia has legislated against animal

²⁴ Angga Prawadika Aji, "The Role of Social Media in Shaping the Animal Protection Movement in Indonesia," *Jurnal Studi Komunikasi* 3, no. 3 (2019): 389-401.

²⁵ Priyo Hutomo Puslemasmil, "Perspektif Teori Sistem Hukum Dalam Pembaharuan Pengaturan Sistem Pemasarakatan Militer," *Jurnal Hukum dan Perundang-undangan* 1, no. 1 (2021): 46-68.

cruelty. However, these regulations need to be updated, as the penalties imposed are too lenient, and their content lacks clarity, leading to multiple interpretations by the public.

- c. Legal Culture: Despite the presence of many animal protection organizations in Indonesia using social media to advocate for animal welfare, society remains indifferent to the well-being of animals and continues to engage in or witness animal cruelty without reporting it. Many perceive animal cruelty as not a criminal act, believing it will not lead to punishment. The lack of public awareness is what weakens the legal culture surrounding animal welfare and will likely persist.

Conclusion

In summary, the regulation regarding animal cruelty offenders under the legislation is governed by Article 302 of Law No. 1 of 1946 concerning the Criminal Code, Article 66A of Law No. 41 of 2014 on Livestock and Animal Health, and Article 92 of Government Regulation No. 95 of 2012 on Veterinary Health and Animal Welfare. However, the lack of socialization and public legal awareness regarding the regulations and the prohibition has led to uncovered animal abuse. The penalties within these regulations are also too lenient and lack clarity, causing ambiguity among the public. In addition, the enforcement of the law under Law No. 41 of 2014 on Livestock and Animal Health is influenced by several components or factors, such as the uncoordinated institutional components, where there is no collaboration between law enforcement officers and animal welfare organizations, which remain passive as they wait for reports, while on the other hand, animal cruelty continues to occur and go unreported. The legal substance is not fully implemented and still fails to provide legal certainty, and the legal culture in society remains weak, with the public lacking socialization on Law No. 41 of 2014 on Livestock and Animal Health.

Suggestion

The legal framework in Indonesia that targets animal cruelty offenders can be considered adequate; however, it would be beneficial for the government to review and reassess its regulations to impose stricter penalties and give a greater deterrent for offenders. The government and relevant organizations should conduct regular outreach on animal protection laws to raise public awareness. Furthermore, law enforcement should receive training to ensure proper enforcement and safeguard animal rights. The government and law enforcement should consistently adhere to policies on animal welfare to ensure all cases of animal abuse are reported and prevented. Finally, a new breakthrough could be the establishment of a task force for animal health, actively monitoring animals in each region to ensure optimal welfare.

References

- Adhaini, Soraya Noer, and Untung Sumarwan. "Motif Pelaku Kekerasan Terhadap Perlindungan Dan Penegakan Hukum Pada Hewan Peliharaan Dalam Perspektif Kontrol Sosial." *Jurnal Anomie* 5, no. 2 (2023): 101-122.
- Aji, Angga Prawadika. "The Role of Social Media in Shaping the Animal Protection Movement in Indonesia." *Jurnal Studi Komunikasi* 3, no. 3 (2019): 389-401.
- Ariestantya, Pelangi Yunita, Wina Puspita Sari, Muria Putriana, and Asep Soegiarto. "Strategi Komunikasi Humas Direktorat Jenderal Peternakan Dan Kesehatan Hewan Dalam

- Menyosialisasikan Cara Pencegahan Wabah Penyakit Mulut Dan Kuku Pada Hewan Berkuku Belah.” *Ranah Research: Journal of Multidisciplinary Research and Development* 6, no. 4 (2024): 629–638.
- BBC. “Penyiksaan Hewan: Indonesia ‘juara Dunia’ Konten Siksa Binatang, Dapatkah ‘Kemenangan’ Kucing Tayo Mengakhiri Peringkat Ini?” *BBC New Indonesia*. Last modified 2021. Accessed December 20, 2023. <https://www.bbc.com/indonesia/majalah-58637176>.
- Cahyani, Nadillah Maudi, and Nashrina Nashrina. “Kriminalisasi Perilaku Penyimpangan Seksual Terhadap Hewan.” *Lex Lata: Jurnal Ilmiah Ilmu Hukum* 2, no. 1 (2020): 444–465.
- Gunawan, Arief, and Fachri Bey. “The Crime of Theft with Violence at Night Under Article 365 of the Criminal Code (Study of Decision Number 19/Pid/B/220/Pn Jkt.Pst).” *Jurnal Reformasi Hukum Trisakti* 6, no. 2 (2024): 633–644.
- Hasaziduhu Moho. “Penegakan Hukum Di Indonesia Menurut Aspek Kepastian Hukum, Keadilan Dan Dan Kemanfaatan.” *Jurnal Warta* 59, no. 1 (2019): 138–149.
- Hutomo Puslemasmil, Priyo. “Perspektif Teori Sistem Hukum Dalam Pembaharuan Pengaturan Sistem Pemasarakatan Militer.” *Jurnal Hukum dan Perundang-undangan* 1, no. 1 (2021): 46–68.
- Latif, Udin. “Diskresi Penyidik Kepolisian Dalam Penyelesaian Perkara Pidana Melalui Jalur Non Litigasi.” *Muadalah: Jurnal Hukum* 3, no. 1 (2023): 14–27.
- Luhukay, Roni Sulistyanto. “Independensi Kekuasaan Kehakiman Pasca Amandemen Undang-Undang Dasar Tahun 1945 Dan Relevansinya Bagi Penegakan Hukum Yang Berkeadilan Di Indonesia.” *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah dan Hukum* 6, no. 1 (2019): 135–154.
- Maharani, Alya. “Tinjauan Yuridis Tentang Penerapan Hukuman Terhadap Pelaku Tindak Pidana Penganiayaan Hewan Yang Menyebabkan Kematian.” In *PNational Conference For Law Studies: Pembangunan Hukum Menuju Era Digital Soceity*, 7:675–686, 2020.
- Maharani, Diva Alya. “Legal Protection and Liability for Pet Abuse That Happens in Indonesia.” *Jurnal Scientia Indonesia* 6, no. 1 (2020): 37–58.
- Mampow, Jonathan Toar. “Suatu Kajian Atas Tindak Pidana Kejahatan Terhadap Hewan Berdasarkan Peraturan Perundang- Undangan.” *Lex Administratum* 5, no. 2 (2017): 149–157.
- Medyawati, Yunita Wahyu, and Mella Ismelina Farma Rahayu. “Analisis Perlindungan Hukum Terhadap Hewan Liar Yang Teraniaya Dan Diperjualbelikan (Studi Kasus: Perdagangan Daging Kucing Dan Anjing Di Pasar Tomohon Sulawesi Utara).” *Jurnal Hukum Adigama* 4, no. 2 (2021): 1–25. <http://kesmavet.ditjenpkh.pertanian.go.id/index.php/berita/berita-2>.
- Muhlashin, Ias. “Negara Hukum, Demokrasi Dan Penegakan Hukum Di Indonesia.” *Jurnal Al-Qadau: Peradilan dan Hukum Keluarga Islam* 8, no. 1 (2021): 87–100.
- Permana, Daffa Okta, Esther Masri, and Oti Handayani. “Sanksi Terhadap Pelaku Penganiayaan Hewan Dikaitkan Dengan Hak Asasi Hewan Di Indonesia.” *Jurnal Hukum Sasana* 10, no. 2 (2024): 93–104.
- Rich, Johannes Immanuel, and Benny Djaja. “Penerapan Prinsip Restoratif Justice Terhadap Pertimbangan Hakim Dalam Putusan Lepas Dari Segala Tuntutan Hukum (Studi Kasus Putusan Nomor : 28 / Pid . B / 2022 / PN . LBB).” *Unes Law Review* 6, no. 4 (2024): 9802–9813.

- Risnanda, Azhara Devica, and Hendar Subhandi Bakhtiar. "Perlindungan Hukum Dalam Klasifikasi Bentuk Kekerasan Terhadap Hewan Di Indonesia." *Res Nullius Law Journal* 5, no. 2 (2023): 123-134.
- Safitri, Anis, Abd Rahman, and Hardianto Djanggih. "Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Pembunuhan Hewan: Studi Perbandingan KUHP Lama Dan KUHP Baru." *Journal of Lex Theory (JLT)* 5, no. 1 (2024): 38-55.
- Sengko, Shafira Nur Rahma, Masnuna* Synakarya, and Mahimma Romadhona. "Komik Sebagai Media Untuk Menyadarkan Remaja Terhadap Isu Kesejahteraan Hewan Pada Hewan Jalanan." *Jurnal Synakarya* 4, no. 2 (2023): 123-136.
- Setiawan, Agus. "Penalaran Hukum Yang Mampu Mewujudkan Tujuan Hukum Secara Proporsional." *Jurnal Hukum Mimbar Justitia* 3, no. 2 (2017): 204-215.
- Verlina, Verlina, and Yudi Kornelis. "Pertanggungjawaban Pelaku Tindak Kekerasan Pada Hewan: Kajian Hukum Perspektif Hukum Pidana." *Jurnal Supremasi: Jurnal Ilmiah Ilmu Hukum* 13, no. 1 (2023): 113-127.
- Wiharna, Cecep. "Penegakan Hukum Legalistik Dalam Perspektif Sosiologis." *Jurnal Hukum Mimbar Justitia* 3, no. 2 (2017): 216-233.
- Yument, Desi. "Kedudukan Kejaksaan Republik Indonesia Dalam Sistem Ketatanegaraan Indonesia." *Jurnal Elqonun : Jurnal Hukum Ketatanegaraan* 1, no. 1 (2022): 61-78.
- Zulfikri, Muhammad, Gusti Ayu Ratih Damayanti, and Fathur Rauzi. "Peranan Polisi Lalu Lintas Dalam Peningkatan Kesadaran Berlalu Lintas Melalui Tindakan Preventif Berdasarkan Undang-Undang Republik Indonesia Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia (Studi Kasus Di Polda NTB)." *Unizar Recht Journal* 1, no. 3 (2022): 386-393.

How to Cite :

Setiawati, Dewi, Sarip Hidayat, Suwari Akhmaddhian, and Haris Budiman. "Enforcing the Law Against Animal Cruelty Perpetrators: The Animal Husbandry and Veterinary Health Act". *Unifikasi: Jurnal Ilmu Hukum* 11.2 (2024): 144-155.