

# **Juridical And Sociological Review Of Animal Protection Law In Dog Meat Trade Cases In Sukoharjo Central Java Indonesia**

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## **abstract**

In the use of animals by humans, over time there have been many function and there are principles that need to be considered in its use and handling. Animal abuse and animal abuse in Positive law have been regulated, regarding prohibitions against mistreating animals include Article 302 of the Criminal Code, Article 66 paragraph 2 of Law no.18 of 2009 concerning Amendments to Law Number 18 of 2009 concerning Animal Husbandry And Animal Health. Dog slaughterhouse activities where dogs are abused slaughtered and their meat traded for human consumption, in an unnatural way. The dog meat trade is an act that violates animal welfare. On In November 2021, problems regarding dog slaughterhouses were discovered in Dukuh Wiroragen, Kartasura District, Sukoharjo Regency. This research aims to find out the review criminal law regarding criminal acts of dog abuse and meat trafficking dogs at the slaughterhouse in Dukuh Wiroragen, Kartasura District, Sukoharjo Regency. In this research the author using a conceptual and comparative approach. The data source comes from primary data obtained through interviews with parties from the animal welfare activist coalition and the Police Sukoharjo. Secondary data in the form of primary legal materials in the form of the Criminal Code, Law no. 41 Years 2014 concerning Amendments to Law Number 18 of 2009 concerning Animal Husbandry and Animal Health. The results of this research show that: (1.) Criminal acts of abuse dogs at the slaughterhouse in Dukuh Wiroragen, Kartasura District, Sukoharjo Regency fulfills the elements and violates Article 302 paragraphs (1) and (2) of the Criminal Code, Article 66 paragraph 2 letters c, e, f and g Law of the Republic of Indonesia Number 41 of 2014 concerning Amendments Law Number 18 of 2009 concerning Animal Husbandry and Animal Health and Article 83 Paragraphs (1) and (2) Government Regulation Number 95 of 2012 concerning Public Health Veterinary and Animal Welfare. (2.) The dog meat trade contributes to and violates criminal threats to the law 18 of 2009 Article 89 paragraph 2 as amended and supplemented by Law number 41 of 2009 , 2014 concerning amendments to Law number 18 of 2009 jo. Article 55 paragraph (1) point 1, related entering animals from areas free from infected or suspected infected areas.

**Keywords:** Animal Trade, Dog Meat Trade, Dog Meat Free Indonesia.

## **Introduction**

Dog trade activities for consumption occur in most countries in Asian regions such as China, South Korea, Vietnam, Philippines, Cambodia, Laos, Myanmar, and Thailand<sup>1</sup>. Dog meat trading activities for consumption, occurs in several regions in Indonesia, with special consumers such as in the regions North Sumatra, Central Java, West Java, East Java, DKI Jakarta, North Sulawesi, Bali and also in East Nusa Tenggara. As time goes by and understanding regarding animal welfare and welfare implementation activism activities animals, this activity is in the spotlight and also condemned by the national community as well as internationally. Various parties also demand that the dog meat trade be banned immediately stopped with efforts to carry out various actions, discussions, workshops, etc even wrote a letter to the president.

Dogs are slaughtered and consumed with ignoring technical aspects of veterinary public health and welfare animals, in the process of slaughtering dog meat and meat trade practices This dog has a risk of transmitting zoonotic diseases (rabies). Other diseases are such as salmonella, ring worms, and helminths<sup>1</sup>. Dog meat trading activities are a violation of animal welfare<sup>1</sup>. Animal welfare in its application shared responsibility of the community, as mandated in the Law Law Number 18 of 2009 concerning Animal Husbandry and Animal Health as amended by Law Number 41 of 2014, Chapter VI Part Two regarding Animal Welfare, especially Article (67), is stated that the implementation of animal welfare is carried out by the Government and Regional Government together with the Community. In 2018, the Directorate General of Animal Husbandry and Animal Health issues Circular Letter Number 2286/ SE/PK.400/F/03/03/2018 Concerning Improving the Implementation and Supervision of Welfare Implementation Animals.<sup>2</sup>

Law no. 18 of 2012 concerning Food Article 1 Paragraph (1) explains that food is everything that comes from biological sources agriculture, plantations, forestry, fisheries, animal husbandry, waters and water, both processed or unprocessed intended as food or drink for consumers human consumption, including food additives, food raw materials, and ingredients others used in the preparation, processing and/or manufacturing process food or drink.<sup>5</sup> Dog meat is not included in food consumption because it is not included as a biological source for livestock, forestry, agriculture and other products other types.<sup>6</sup> Apart from that, in section E of the Circular Letter of the Directorate General of Livestock and Animal Health Ministry of Agriculture Number 9874/SE/pk.420/F/09/2018 has it is emphasized that dog meat is not included in the definition of food. <sup>7,8</sup>

In November 2021 the Sukoharjo Resort Police carried out arrest at the oldest dog slaughterhouse in Sukoharjo Regency, namely at Wiroragen Hamlet, Kartasura District, Sukoharjo Regency by confiscating it as many as 53 dogs from the dog slaughterhouse and arrested the owner slaughterhouse and also the driver. The dog meat is distributed to the people consumers in Central Java. Distribution of dogs in the slaughterhouse, not in accordance with Standard Operating Procedures (SOP) and service standards farm. This causes the people of Central Java to have great potential for contracting rabies.<sup>10,15</sup>

Based on the background that the author has stated above, then some of the main problems that the author will formulate are as follows following:

1. What is the form of legal protection for animals in cases dog meat trade in slaughterhouses in Sukoharjo Regency?
2. What is the legal basis for the dog meat trade in Indonesia?

#### C. Research Objectives

a. Purpose of Writing Based on the problems mentioned above, then

The objectives to be achieved in writing this thesis are:

1. To find out the legal review regarding slaughterhouse perpetrators dogs for consumption in the Sukoharjo Regency area
2. To find out about the law regarding the meat trade dogs in Indonesia

## MATERIALS AND METHODS

In expressing problems and discussions related to the material writing and research, accurate data or information is needed. Therefore scientific research facilities are used which are based on research methods. Writer using the following research methods:

a. Type of Research This research uses legal research methods Empirical normative is descriptive, that is, it is intended to provide a description on the results of the research carried out. This legal writing uses techniques qualitative which will be analyzed using interactive techniques.

b. Data Sources In general, research differentiates between data obtained directly from the public and from library materials. Data obtained directly from the community is called primary data, while data that is obtained from library materials is secondary data.

The data sources used by the author in compiling this legal research are among others:

1) Primary Data Primary data is data obtained and collected manually directly from the field which is the object of research or obtained through interviews in the form of information or facts or can also be called with data obtained from the first source

2) Secondary Data Secondary Data is data obtained from information or knowledge obtained indirectly, among others includes official documents, books, research results in the form of a report.

3) Tertiary Data Tertiary data, namely data that aims to provide guidance or explanation or supporting nature to primary materials and secondary. For example, large Indonesian dictionaries, encyclopedias and materials that are related to the problem to be studied.

Data Collection Method Data collection was carried out by study books, laws and regulations, documents or files obtained from the agency where this research was conducted, apart from. It also collects data regarding the object under study, in this case, it was carried out through interviews with the animal lover community, dog meat consumers, and sellers.

## **RESULT AND DISCUSSION**

### **Legal Basis for Prohibiting the Distribution and Dog Meat Trade**

There are at least 7 (seven) legal rules that can be used as a reference for taking action

activities of importing or distributing/trading dog meat, namely;

a) Law Number 18 of 2012 concerning Food

b) Law Number 18 of 2009 in conjunction with Law Number 41 of 2009 2014 concerning Animal Husbandry and Animal Health

c) Law Number 16 of 1992 concerning Animal, Fish and Plant Quarantine

d) Government Regulation Number 82 of 2000 concerning Animal Quarantine

e) Government Regulation Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare

f) Government Regulation Number 47 of 2014 concerning Prevention and Control of Animal Diseases

g) Presidential Regulation Number 48 of 2013 concerning Animal CultivationBased on the discussion and explanation in the previous chapters, two things which can be concluded as follows, namely a criminal act of abuse dogs at the slaughterhouse in Dukuh Wiroragen Kartasura, Sukoharjo Regency fulfills the elements and violates Article 302 Paragraph (1) and (2) of the Criminal Code, Article 66 Paragraph 2 letters c, e, f and g of Law of the Republic of Indonesia Number 41 of 2014 concerning Amendments to Law Number 18 of 2009 concerning Livestock and Animal Health and Article 83 Paragraph (1) and (2) of the Regulations Government Number 95 of 2012 concerning Veterinary and Public Health Animal Welfare. The sanctions that can be imposed are contained in Article 302 Paragraph (1) number 1 and paragraph,

(2) of the Criminal Code, the article states that persecution without proper purpose and beyond permissible limits intentionally harming or injuring an animal or harming the animal's health is threatened with a maximum imprisonment of three months or a maximum fine a lot of four thousand five hundred rupiah for committing minor abuse towards animals.

Furthermore, if the abuse results in illness lasting more than a week, or is disabled or suffers other serious injuries, or dies, then the person is guilty is threatened with imprisonment for a maximum of nine months or a fine a maximum of four thousand five hundred rupiah, for animal abuse. Type The punishment stated in this article is imprisonment or criminal punishment fine. Judging from the criminal threat formulation system used, this is: alternative formulation system. The use of the word "or" between imprisonment and The fine in this article indicates that the main penalty is only one type is dropped, so it is threatened alternatively.

### **Aspects of Criminal Offenses and Criminal Sanctions for Animal Abuse in Illegal Dog Slaughterhouses in Dukuh Wiroragen Kartasura, Sukoharjo Regency**

Animal abuse is an action to obtain satisfaction and profit from animals by treating animals beyond their limits biological or physiological. The consequences of animal abuse are that animals experience suffering, disability for life, and can even result in death, can cause death if the abuse has reached an intolerable level. According to the Criminal Code, animal abuse is, firstly, if someone intentionally hurts, injures or damages the animal's health. Second, the action is not carried out with proper intentions or exceeds permitted limits. Third, someone deliberately does not feed or drink to animals. Fourth, the act was carried out not with proper intentions or exceeded permitted limits. 2 Article 66 Paragraph (2) letter c Law of the Republic of Indonesia Number 41 of 2014 concerning Amendments to Law Number 18 of 2009 concerning Animal Husbandry and Animal Health states What is meant by mistreatment of animals is an action to obtain satisfaction and benefits from animals by treating animals beyond the limits of their biological and physiological capabilities.

Abuse of dogs in slaughterhouses is defined as the act of hurting, injuring or damaging dogs by treating dogs improperly with the aim of making a profit, where the dog meat is processed into various kinds of dishes.

Dog meat trade in Indonesia is an act that violates animal human rights and animal welfare (animal rights and animal welfare).<sup>59</sup> Law no. 18 of 2012 concerning Food Article 1 Paragraph (1) explains that food is everything that comes from biological sources, agricultural products, plantations, forestry, fisheries, animal husbandry, waters, and water, both processed and untreated, which is intended as food or drink for human consumption, including food additives, food raw materials, and other materials used in the preparation process, processing, and/or making food or drinks. <sup>5</sup> Meanwhile, dog meat is not included in food consumption because it is not a biological source product animal husbandry, forestry, agriculture and other types.<sup>60</sup> In section E of the Circular Letter Directorate General of Animal Husbandry and Animal Health, Ministry of Agriculture Number 9874/SE/pk.420/F/09/2018, it has been emphasized that dog meat is not included in the definition of food. In addition, the existence of dog slaughterhouses does not have permits and does not comply health standards. Even dogs that are slaughtered do not have a free health certificate rabies or other diseases.

In fact, the provisions relating to slaughterhouses in Indonesia has been regulated in the Minister of Agriculture Regulation Number 13 of 2010 concerning Requirements for Ruminant Slaughterhouses and Meat Slaughter Units (Meat Cutting Plant) and Government Regulation Number 95 of 2012 concerning Health Veterinary and Animal Welfare Society. Set up a slaughterhouse animals must obtain permission from the livestock service or agricultural service or service food security. The location chosen does not make people feel disturbed, infrastructure also needs to be considered so that meat is produced good quality. In addition, the process of slaughtering animals and waste disposal must be according to regulations to maintain consumer and environmental safety. Requirements Another thing is that animal slaughtering must be carried out at the slaughterhouse carried out in a halal manner according to the Islamic religion. Only pigs can be slaughtered without halal requirements and may only be slaughtered at a special pig slaughtering place (RPB) taking into account the requirements of health obligations and humanitarian ethics. Besides that, the animal being slaughtered must meet the requirements, namely not a productive female animal and the animal is in good health.

The Criminal Code regulates criminal acts abuse of animals. These regulations are Article 170 of the Criminal Code, Article 302 Criminal Code, Article 406 Paragraph 2 Criminal Code, Article 540 Paragraph 1 Criminal Code, Article 541 Paragraph 1, Article 544 Paragraph 1. Apart from the Criminal Code, abuse of animals is also regulated in Article 66 Paragraph 1 and Paragraph 2, Article 91B Paragraph 1 of Law of the Republic of Indonesia Number 41 of the Year 2014 concerning Amendments to Law no. 41 of 2014 concerning Amendments to Law no.18 of 2009 concerning Animal Husbandry and Animal Health and Article 83 Paragraphs (1) and (2) Government Regulation Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare. If you look at these regulations, then at basically, acts of abuse against animals cannot be separated from legal protection, especially regarding criminal sanctions.

### **Sociological Analysis of Law Enforcement of the Crime of Dog Abuse Illegal at the Slaughterhouse in Wiroragen Kartasura Sukoharjo Regency**

Law enforcement is an effort to realize the ideas of justice, legal certainty, and social benefits become a reality. These ideas comes from the formulated thoughts of the legislators in legal regulations. The formulation of the thoughts of law makers as outlined Legal regulations will also determine the methods and patterns of law enforcement implemented. Law enforcement functions as protection of interests man. The implementation of the law will protect human interests. In this case, violations of the law must be disciplined. Readiness and The ability of law enforcers to carry out their duties must be equipped with an understanding of the substance of the law itself.

Meanwhile, according to D. Simons, a criminal act or offense is a unlawful acts carried out intentionally or not intentionally by someone who can be held responsible for his actions and which by law has been declared as an action that can punished.

Acts of mistreatment of dogs in slaughterhouses where meat is used of the dog for consumption, is a violation of the law. This has been regulated in Article 302 Paragraphs (1) and (2) of the Criminal Code, Article 66 Paragraph 2 letters c, e, f and g of Law no. 41 of 2014 concerning Amendments to Law Number 18 of 2009 concerning Animal Husbandry and Animal Health and Article 83 Paragraphs,



(1) and (2) Government Regulation Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare. Sanctions for perpetrators abuse of animals is mentioned in Article 302 Paragraph (1) and (2) Criminal Code. Article 302 of the Criminal Code contains two types of criminal acts of abuse against animal. The abuse of animals recognized in this article is an act criminal offense of light abuse of animals (*lichte dierenmishandeling*) in Paragraph (1) and the criminal act of serious abuse of animals (*dierenmishandeling*) in Paragraph (2). The actions carried out by the perpetrator of the dog slaughter have fulfilled the elements of that article.

## **Conclusion**

Based on the discussion and explanation in the previous chapters, two things which can be concluded as follows, namely a criminal act of abuse dogs at the slaughterhouse in Dukuh Wiroragen Kartasura, Sukoharjo Regency fulfills the elements and violates Article 302 Paragraph (1) and (2) of the Criminal Code, Article 66 Paragraph 2 letters c, e, f and g of Law of the Republic of Indonesia Number 41 of 2014 concerning Amendments to Law Number 18 of 2009 concerning Livestock and Animal Health and Article 83 Paragraph (1) and (2) of the Regulations Government Number 95 of 2012 concerning Veterinary and Public Health Animal Welfare. The sanctions that can be imposed are contained in Article 302 Paragraph (1) number 1 and paragraph (2) of the Criminal Code, the article states that persecution without proper purpose and beyond permissible limits intentionally harming or injuring an animal or harming the animal's health is threatened with a maximum imprisonment of three months or a maximum fine a lot of four thousand five hundred rupiah for committing minor abuse towards animals.

Furthermore, if the abuse results in illness lasting more than a week, or is disabled or suffers other serious injuries, or dies, then the person is guilty is threatened with imprisonment for a maximum of nine months or a fine a maximum of four thousand five hundred rupiah, for animal abuse. Type the punishment stated in this article is imprisonment or criminal punishment fine. Judging from the criminal threat formulation system used, this is: alternative formulation system. The use of the word "or" between imprisonment and the fine in this article indicates that the main penalty is only one type is dropped, so it is threatened alternatively.

## **Suggestions**

Based on the explanation above, several suggestions are put forward as follows:

1. Mistreatment of dogs in slaughterhouses where their meat is used for consumption is clear evidence of human nature which always feels lacking and not satisfied. Humans should consume animals that have been determined and proven to provide benefits for body health.
2. There should be additional articles that are more complete regarding prohibitions and sanctions abuse of dogs for consumption in the Criminal Code and Law Republic of Indonesia Number 41 of 2014 concerning Amendments to Law Number 18 of 2009 concerning Animal Husbandry and Animal Health.
3. Law enforcers are expected to pay more attention to cases animal abuse and being stricter in enforcing the law. Persecution Even if it's light on animals and it's not human lives that are threatened, still must be legally proven because it has violated legal regulations.

No taking legal action against similar practices of animal abuse let society think of it as something normal and what it isn't contrary to existing laws in Indonesia.

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