

## ANALYSIS OF CRIMINAL SANCTIONS FOR PEOPLE OF ANIMAL ABUSE

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### ABSTRACT

The old Indonesian Criminal Code, which is a translation of Wetboek van Strafrecht for Nederlandsch Indie, has provided regulations regarding the abuse of animals. However, so far there are still many cases of animal abuse, because people consider this act to be trivial and the criminal sanctions are not too severe. The aim of writing this article is to find out appropriate and strict rules to prevent animal abuse. This article was written using a normative legal research method with a statutory approach. The results of this research are that regulations regarding animal abuse should be equipped with more specific regulations and heavier sanctions so that they can run effectively.

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## INTRODUCTIONS

As a legal state that has Pancasila as the basis of its law there is making Indonesia a country that prioritizes the rule of law in making decisions actions so as to achieve prosperity, achieve justice for society as well achieve equitable prosperity. Criminal law regulates actions carried out by individuals or groups Together who regulates the relationship with the state. According to Muljanto, it was stated that the entirety of the law which regulates the entirety of the rules that apply to the state, with regulates what is not permitted and prohibited as well as regarding punishments for perpetrators suspected of violating the prohibited rules (Takdir., 2013).

The imposition of a crime cannot be separated from the existence of a crime, it is known that Crime itself is defined as an act that can legally be said to be against the law. This criminal act violates or disobeys or contradicts what is true has been regulated in a rule that has been implemented and is legal so that perpetrators can is expected to be punished.

In reality, crime does not occur due to the violation of human rights but also develops in crimes against other living creatures, for example against animal. Crimes against animals can take the form of acts of torture carried out for satisfaction personal or other reasons essentially hurt animals. Torture refers to an act to hurt or become injured or cause pain, which is the aim of that carried out by the perpetrator (Baikhaki, 2019).

The behavior of animal abuse is increasing day by day individually or by groups. Animals are one of the living creatures of creation God who has the right to life and freedom from torture committed by humans so that animal abuse by people is one form deviation is strictly prohibited. Even the torturers are also animal owners pets who intentionally abuse pets.

Regarding the regulation of perpetrators who torture animals, basically there are already regulations, however seen in reality, many owners and non-owners of animals are kept as well who don't like torturing animals even though there are regulations prohibiting it and there are still many who don't reported to the appropriate authorities.

The reason why there is a lot of animal abuse is because of the lack of humanity and compassion love from the perpetrator who had the heart to carry out torture even though it was an evil act can be said to be bad. Apart from that, there is a low level of legal understanding regarding the prohibition of torture animals and punishments that can be said to be less or light for perpetrators of torture are also available factors why animal abuse can occur.

It is clear that the behavior of animal abuse that is carried out is violations and there are regulations that clearly regulate and prohibit even torture against this animal is included in the criminal realm. Even the torture of these animals is described in Article 302 of the Criminal Code with its sanctions is also regulated in that article. Apart from that, it is also regulated in article 406 paragraph (2) and also in article 540 paragraph (1) and (2) of the Criminal Code. Apart from that, the Criminal Code also regulated regarding animal abuse as outlined in the amended regulations of Law No.18/2009 with Law No.14/2014, apart from the Law, it is also regulated by Government Regulation No.95/2012 which regulates guarantees related to the care and treatment of animals, specifically regulated in article 66 paragraphs (1) and (2) and also in article 67 of this Government Regulation. The formulation of the research problem is How are criminal acts of animal abuse regulated in Indonesia? What are the sanctions? criminal offense against perpetrators of animal abuse resulting in death?

## RESEARCH METHOD

This article was written using a normative type research method with a statutory approach (Peter Mahmud Marzuki, 2016). The technique for collecting legal materials uses library research (Fajar ND & Achmad, 2007). The legal materials used in this research are primary legal materials and secondary legal materials. Analyze legal problems using deductive analysis techniques (Sulaiman, 2018).

## RESULT AND DISCUSSION

In general, law means all rules, whether written or not generally and specifically binding on the people who are required to comply with these regulations so that it has a coercive nature and violators can

be punished sanctions that have been regulated. Regarding criminal law, criminal law is defined as all forms of regulations. Indeed, it has been regulated in a rule that if the violation fulfills the elements of an act that I said to be a criminal act, then criminal sanctions can be given to the person involved the offender (Leonard, 2016).

Criminal law is defined as all or all existing laws in a country of course it does. This opinion was expressed by Moeljatno. The basic rules can be known from: a. determine the rules which are permitted and which are not permitted, b. determine something when and what actions can be punished, c. regulate what is appropriate imposed and implemented against the alleged perpetrator (Faisal & Rustamaji, 2021).

Criminal law is generally divided into two parts, namely criminal law in general rules that regulate everyone's binding rules or apply to the general public, as well as those that Second, criminal law specifically regulates certain things, for example regulates corruption crimes, military crimes. Acts that violate criminal law are usually called criminal acts, acts Criminal law itself contains a basic understanding related to what is the basis of legal science criminal law which defines what can be said to be an actual actcriminally it has been regulated that this act is prohibited.

Perpetrators of animal abuse can be given criminal punishment. Regarding the legal regulation of actions that are said to torture animals, it is regulated in several ways regulations such as Law No.18/2009 as amended by Law No.41/2014. As is this regulation proves that Indonesia recognizes the existence of protection for animals because the issue of animal protection is an important and necessary issue regulated because animals are also living creatures created by God. This law also regulates related matters of animal welfare. The existence of this law proves that the regulations regarding animals are prohibited being abused has been regulated so that it is not good to torture so it is enforced against animals that are abused it is very clear that it must be enforced.

Carrying out deliberate blows to an animal's physical body, not giving it food or drink, without providing gifts proper care, stress from always being tied up without being given freedom, and being allowed to feel the cold rainwater and heat without being provided with shade or a special house is one of the actions which is said to be an act of physical abuse of animals. Meanwhile, seen through from Psychological abuse, including abuse, includes, among other things, giving less or even less affection nothing, ignoring what is a need along with what is health, isolating as well as actions in the form of binding without being given space to be free and always being shouted at by others being scolded is a form of psychological abuse (Ismantara, Puspa Sari, Elvira, & Sally, 2021).

Even though regulations regarding the protection of animals have been formed and passed, they still remain in reality, many people deliberately carry out acts of persecution against one or more animals. Therefore, consistent and good enforcement is needed enforce animal protection considering that this problem is very complex exists because it does not involve just one problem. According to the Criminal Code, the facts in article 302 show that the actions are classified Animal abuse is prohibited and the perpetrator can be punished. To Law enforcement is definitely the responsibility of the authorities because of them obtain the authority and power to follow up.

Law enforcement can be interpreted as good if enforcement is intended to guarantee order and security due to law enforcement due to violations. Regarding torture, there are very strong regulations

prohibiting torture, but this is the reality there are still many perpetrators, this is due to a lack of law enforcement so that unscrupulous individuals.

The animal abuser dares without feeling guilty to carry out the abuse. The need for law enforcement officers is very important so that things reek of persecution towards animals can be suppressed somewhat, which in turn can increase love and taste. It is the responsibility of animal owners or people who see animals not to torture them instead help care for and look after it.

As has been explained, animals are forms of creatures that have their own things the existence of feelings in the animal so that it is able to adapt in an environment and live mingle in a certain environment and what differentiates them from humans is the presence of reason mind that does not exist or is not owned by one creature, namely animals.

Animals can be distinguished between those that are included in animals, those that are included in animals pets, which are included in what are called livestock, and which can be categorized as wild animals. Still the definition of animal can be found in Law No. 41/2014 on a regular basis contained in article 1 paragraph (3), then in article 1 paragraph (4), which follows article 1 paragraph (5) and at the end of article 1 paragraph (6).

Regarding the use of animals that is carried out without prioritizing animal health is suspected of being persecution as explained in article 540 paragraph (1) of Criminal Code law which can be threatened in the form of imposition of sanctions, namely imprisonment with a maximum length of article 8 months or with a maximum fine of Rp. 2,225.00. Which can be expected with In this article, the animal user does or uses the animal to work more than the limit. It is indeed owned by the animal itself.

It is clear that animal abuse can be subject to sanctions that have been regulated previously as explained above, it is very dangerous for perpetrators of animal abuse it is easy to find what is wrong in Indonesian positive law considering that Indonesia is a country with a civil law legal system which means that an action Sanctions can only be given if there are already regulations regarding what has been done (legality) so that there are regulations regarding what constitutes a violation of torture. Animals are easy to find and search for, and sanctions will be easy too. But in reality, imposing sanctions is still difficult and the rate of animal abuse is still high in Indonesia. Indonesia, this proves that law enforcement can reduce the number of animal abuse there are still not enough of them in Indonesia.

## CONCLUSION

Mistreatment of animals is an action that is legally permissible actions that are prohibited and required not to be carried out because animals are also animal one of the creatures that lives and has a soul and has feelings and can feel things which is called being hurt and persecuted. Efforts can be made to reduce this abuse seen from the existence of article 302 of the Criminal Code. Even though there are rules and what you will get if violates these provisions but in reality there are still many people who carry out abuses because the sanctions are considered light. Apart from the Criminal Code, there are also other existing regulations, namely the Law No.18/2009 amended Law No.41/2014.

Providing sanctions to perpetrators of acts of abuse against animals is currently considered is still lacking and there is no clear certainty regarding this matter. There are even several incidents that provide

sanctions against perpetrators of abuse that do not provide sanctions as it should be which must be accepted in the sense that it is not appropriate even though there has been a gift sanctions regulated in articles 302, 540 in the legal provisions of the Criminal Code and Law No.18/2009 amended by Law No.41/2014. In this regulation, sanctions can be imposed if animal abuse occurs in the form of prison sanctions, imprisonment or fines.

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