

## **Circulation of Dog Meat for Consumption Purposes in Indonesian Laws and Regulations**

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### **Abstract**

The trade in dog meat for consumption has occurred in several places in Indonesia, spread across several cities with special consumers, such as in Medan, Jogjakarta, Bandung, Surakarta, DKI, Manado, Bali. This has attracted public attention, especially animal-loving groups, and has become a national and international concern. Dogs have been slaughtered and consumed by ignoring technical aspects of veterinary public health and animal welfare. The process of cutting dog meat can potentially transmit zoonotic diseases (rabies) and other diseases such as salmonella and ring worm. Several regions in Indonesia have issued regional regulations regarding the prohibition of dog meat distribution. Likewise, there is Law Number 18 of 2009 concerning Animal Husbandry and Health as amended by Law Number 41 of 2014 concerning Amendments to Law Number 18 of 2009 concerning Animal Husbandry and Health; Law Number 18 of 2012 concerning Food; PP No.95/2012 concerning Veterinary Public Health and Animal Welfare, PP No.47/2014 concerning Prevention and Control of Animal Diseases and Circular Letter of the Directorate General of Livestock and Animal Health, Ministry of Agriculture No. 9874/SE/pk.420/F/09/2018 concerning Increasing Supervision of Dog Meat Circulation/Trade. However, in Indonesian law, there are no specific provisions that contain sanctions relating to the capture, trade, slaughter or consumption of dog meat. This study uses normative legal research methods with several approaches, namely the statutory approach and the conceptual approach.

**Keywords:** Distribution, Consumption, Dog Meat, Indonesian Legislation

### **Introduction**

The trade in dog meat for consumption has occurred in several places in Indonesia, spread across several cities with special consumers, such as in Medan, Jogjakarta, Bandung, Surakarta, DKI, Manado, Bali. This has attracted public attention, especially animal-loving groups, and has become a national and international concern. Dogs have been slaughtered and consumed by ignoring technical aspects of veterinary public health and animal welfare. The process of cutting dog meat can potentially transmit zoonotic diseases (rabies) and other diseases such as salmonella and ring worm. Live dog trade usually occurs across districts or provinces. From the results of the study, 55% of live dog traffic was equipped with a Veterinary Certificate, while 45% were not equipped with a Veterinary Certificate. This shows that the community (Wahyuwardani et al., 2020) activity in transporting live dogs is carried out illegally. Issuance of veterinary certificates is important in relation to the spread of animal diseases, especially rabies. Of course this is worrying because currently Indonesia is experiencing an increase in cases of rabies, cases of rabies in Indonesia in the last few weeks have been in the public spotlight. The number of cases of death caused by this disease has also increased. Director of Prevention and Control of Infectious Diseases Imran Pambudi stated that until the end of June 2023 there were 53 cases of death due to rabies that occurred in several regions. Whereas in

2022 the total will reach 102 cases of death. Consumption of dog meat is not directly related to the transmission of rabies, but the widespread circulation of dog meat through the dog trade without a veterinary certificate can certainly be a source of rabies.

The Food and Agriculture Organization (FAO) states that 70% of new diseases that have appeared in humans in the last decades are diseases of animal origin and this is largely due to human efforts to find food sources of animal origin. Therefore, it is necessary to educate the public to break this myth and educate them that dog meat is not only unfit for human consumption (not a food category), but also carries the risk of carrying diseases such as E. Coli, Salmonella, Cholera and Trichinellosis. In addition, handling dogs from capture to slaughter in rabies endemic areas will increase the risk of exposure to rabies as well as increase the spread of rabies (Schlundt et al., 2004).

In Asia, an estimated 30 million dogs are killed for human consumption each year, in a brutal trade involving extreme cruelty to animals. In Indonesia alone, there are around 1,000,000 dogs that are killed every year. They are caught and stolen to be transported throughout Indonesia, in order to meet the demand for dog meat. Many family pets are stolen, and many are also caught from the streets and villages to be traded illegally.

The issue of the dog meat trade cannot only be viewed from animal welfare reasons. Implementation of animal welfare is a shared responsibility as mandated in Law Number 18 of 2009 concerning Animal Husbandry and Animal Health as amended by Law Number 41 of 2014, Chapter VI Part Two concerning Animal Welfare, specifically Article (67) states that the implementation of animal welfare is carried out by the Government and Regional Government together with the Community. To address this, the Directorate General of Livestock and Animal Health has issued Circular Letter Number 2286/SE/PK.400/F/03/03/2018 concerning Improvement of Implementation and Supervision of the Implementation of Animal Welfare and Circular Letter of the Director General of Livestock and Animal Health Number 9874/SE/pk.420/F/09/2018 concerning Increasing Supervision of the Circulation of the Dog Meat Trade.

The dog meat trade poses not only a serious threat to human and animal health. There is cruelty and brutality involved in the methods of capturing, transporting and slaughtering dogs. Many of the consumption dogs come from stolen family pets, and many are picked up from the streets and settlements. Crammed into cramped cages and sacks, their snouts were so tightly bound they could barely breathe. They are taken on long journeys by motorbikes or overcrowded trucks to be supplied to markets, slaughterhouses and restaurants. Many of them died from suffocation, dehydration, or heatstroke, even before reaching their destination. For the survivors, they will witness their friends being brutally murdered in a filthy slaughterhouse, while waiting for their turn.

This is not in accordance with the principle of animal welfare, the 5F principle (Five freedoms) or five freedoms refers to the Farm Animal Welfare Council which guarantees the implementation of animal welfare in a humane manner, namely freedom from hunger and thirst (animals are given easy access to drink and feed according to their diet, feeling hot and uncomfortable (animals are given a comfortable shade to rest); pain, trauma and illness (animals are given prevention and treatment according to their handling); fear and long-term stress (preventing animal suffering to a minimum); and expressing behavior natural (animals are given space and facilities according to animal needs (Wahyuwardani et al., 2020).

In the case of dog confinement, in most cases related to the distribution of dog meat, of course the 5 principles of animal freedom cannot be fulfilled, so it can be said that this violates the principle of animal welfare.

## **Methods**

In this study used normative legal research methods. Normative legal research is legal research that places law as a building system of norms. The system of norms built is regarding principles, norms, rules of law, court decisions and doctrines (teachings) (Fajar & Achmad, 2017). The approach used in this study is a statutory approach and a conceptual approach. Some of these approaches are used to build legal arguments to solve the problem being studied. This research includes normative legal research so that it uses legal materials. Normative legal research relies on library research through studies of primary legal materials and secondary legal materials (Terry, 2002). Sources of legal materials in normative legal research are primary or primary legal materials and secondary legal materials as complementary or supporting materials. The technique of collecting legal material is carried out first of all by studying documents, namely by studying, studying and analyzing legal materials related to this research. Analysis of legal materials was carried out by means of descriptive qualitative. That is, legal materials are presented descriptively and analyzed qualitatively, namely analyzing legal materials based on the quality and correctness of legal materials and then conclusions are drawn which are the answers to the problems in this study

## **Results and Discussion**

### **Dogs as non-food animals**

Talking about food and non-food animals, we must pay attention to some related terms. First, the definition of food as stated in Article 1 point 1 of Law Number 18 of 2012 concerning Food: Food is everything that comes from biological sources of agricultural, plantation, forestry, fishery, livestock, aquatic and water products, both processed and unprocessed designated as food or drink for human consumption, including food additives, food raw materials and other materials used in the process of preparing, processing and/or making food or drink (Teodoree, 2022).

Non-food animals are animals or animals whose entire or part of their life cycle is on land, water and/or air, whether they are kept or in their habitat, it is not permitted to be processed or not processed for human consumption.

Meat from non-food animals is not food of animal origin suitable for consumption by the public. This is also confirmed by Law Number 18 of 2012 concerning the definition of food. The definition of food based on Law no. 18/2012 is everything originating from biological sources of agricultural, plantation, forestry, fishery, livestock and aquatic products, both processed and unprocessed, which are intended as food or drink for human consumption, including food additives, food raw materials, and other materials used in the process of preparing, processing and/or making food or drink. Referring to this definition, dog meat is not included in the food category because dogs are not included in the livestock product category.

In addition, Law Number 18 of 2009 concerning Animal Husbandry and Health as amended by Law Number 41 of 2014 concerning Amendments to Law Number 18 of 2009 concerning Animal Husbandry and Health (“UU 41/2014”) stipulates cattle definition. Livestock are pets whose products are intended as food producers, industrial raw materials, services, and/or their by-products related to agriculture. The above description shows that the meat of pets such as dogs and cats is not explicitly recognized as a consumable animal product.

In addition, referring to Part E of the Circular of the Directorate General of Livestock 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. The parties who are the subject of the letter are also advised, among other things: not to issue a Veterinary Certificate (Certificate of Animal Health Products/SKPH) specifically for dog meat if it is known to be

for consumption and a Letter of Recommendation for the Importation of Dog Meat for Consumption and to tighten traffic control over the distribution/trade of dog meat ; continue to issue a Veterinary Certificate (Certificate of Animal Product Health/SKPH) as a requirement for the administration of live dog traffic and a Recommendation Letter for the Entry of live dogs accompanied by laboratory test results) with at least stating the origin, purpose and designation (as a pet/pet/hunting dog) ; make written appeals in their respective areas not to carry out commercial distribution and/or trading of dog meat.

### **Provisions in the Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code**

Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code Article 337 states "(1) Convicted of committing animal abuse with a maximum imprisonment of 1 (one) year or a maximum fine of category II, Everyone who: a. hurt or injure animals or harm their health by exceeding the limit or without proper purpose; or b. have sex with animals. (2) If the act as referred to in paragraph (1) results in the animal being sick for more than 1 (one) week, disabled, seriously injured, or dead, the animal shall be punished with imprisonment for a maximum of 1 (one) year and 6 (six) months or fined category III at most. (3) In the event that the animal as referred to in paragraph (1) belongs to the perpetrator of the crime, the animal can be confiscated and placed in a proper place for the animal.

Furthermore, Article 338 states "(1) Shall be punished with imprisonment for a maximum of 1 (one) year or a maximum fine of category II, Everyone who: a. uses and makes use of animals beyond their natural capabilities which can damage health, threaten safety, or cause animal death; b. provide materials or drugs that can endanger animal health; or c. use animal parts or organs for improper purposes".

This article refers to the prohibition of mistreatment of animals, and if it refers to the meaning of abuse in the elucidation of Article 66 letter C of Law no. 18 of 2009 and Law no. 41 of 2014 concerning livestock and animal health states that abuse is an act to obtain satisfaction and or profit from animals by treating animals beyond the limits of their biological and physiological abilities, for example by barking cows.

The elucidation of Article 338 states: "This provision is not intended to punish acts committed for cultural/traditional, religious, or trust. Paragraph (1) Letter a What is meant by "natural ability" is the natural ability of animals. Explanation of letter c states: What is meant by "improper purposes include, other than for consumption, science, research, and medical purposes".

In the elucidation of Article 338 paragraph 1 letter c, it can be concluded that it is permissible to use animal body parts or organs for consumption purposes because that purpose is not included in the meaning of inappropriate purposes.

The question arises what if someone argues that he did not abuse the dog but slaughters it for consumption purposes? Of course this can cast doubt on the fulfillment of the element of animal abuse as contained in article 337 of the Criminal Code, as well as in Article 338 of the Criminal Code because the use of animal body parts or organs is considered a proper goal if it is done with the aim of consumption. Meanwhile, the article does not mention the criteria for animals that may and may not be consumed. This will create its own difficulties because in this case clarity and completeness of rules are needed so that they can guarantee legal certainty and provide protection for dogs as animals that are actually unfit for consumption.

Renewal is needed in the criminal law system to overcome the problem of the circulation of meat from non-food animals for consumption. Reform of the criminal law system can cover a very broad scope, which includes: Renewal of "substance of criminal law", which includes

renewal of material criminal law (KUHP and laws outside the KUHP), formal criminal law (KUHAP) and criminal law enforcement; Updating the "criminal law structure", which includes, among other things, reforming or managing institutions/agencies, management/management systems and mechanisms as well as supporting facilities/infrastructure of the criminal law enforcement system (criminal justice system); and renewal of the "criminal law culture", which includes among others issues of legal awareness, legal behavior, legal education. In this case the author is more focused on substance renewal, namely the renewal of material criminal law (Anindia & Sularto, 2019).

Substantive renewal is carried out through the means of criminalization, criminalization is the object of study of substantive criminal law which discusses the determination of an act as a crime (criminal action or crime) which is punishable by certain criminal sanctions. Disgraceful actions that previously did not qualify as prohibited acts are justified as criminal acts that are punishable by criminal sanctions (Luthan, 2009).

Criminalization for a new criminal act can originate from social norms that are the source of the formation of criminal law norms, which include moral, religious and cultural values and principles that live in public awareness (Sulistia & Zurnetti, 2011).

### **Prohibition of Circulation of Dog Meat in Several Regions of Indonesia**

Regencies/cities that have implemented regulations prohibiting dog trading include; Karanganyar through Karanganyar Regency Regulation No. 74/2019 in early March 2021. The Regency Regulation contains a prohibition on the consumption of dog meat according to Law No. 18/2012 concerning Food. This regulation applies to any person or entity conducting business selling or slaughtering both raw and processed meat from non-food animals for consumption. Sukoharjo; The Sukoharjo Regency Government has banned the consumption of dog meat by issuing Regional Regulation No. 5/2020 concerning the Development and Empowerment of Street Vendors. Through this Perda, the Sukoharjo Regency Government prohibits the practice of selling and slaughtering non-food animal meat. Animals that are in the non-food category include dog meat, monitor lizards, snakes and so on. Salatiga City; Apart from Karanganyar and Sukoharjo, the Salatiga City Government also prohibits its citizens from consuming and buying and selling dog meat.

The prohibition is stated in the Salatiga Mayor's Circular Letter (SE) No. 510/345/414 concerning the Prohibition of Trafficking of Dog Meat issued on 26 April 2021. Malang; The Mayor of Malang, Sutiaji also banned the trade in dog meat by issuing SE No. 5 of 2022 concerning Control of the Distribution and Trade of Dog Meat. In January 2020, Dog Meat Free Indonesia (DMFI) conducted an investigation and found 13 stalls selling dog meat. After the SE was issued, Sutiaji emphasized that all members of the public, butcher traders, business people, restaurants, stalls and street vendors who provide dog meat are guided by this regulation. Semarang city; The Mayor of Semarang, Hendrar Prihadi issued Circular Number B/426/524/I/2022 concerning Supervision of Dog Meat Circulation/Trade. The ban policy refers to a 2018 Ministry of Agriculture circular letter concerning the supervision of the distribution of dog meat. Semarang City is the fourth city to impose a ban on the dog meat trade after Karanganyar Regency, Salatiga City, Sukoharjo Regency and Malang City. Purbalingga Regency; The Purbalingga Regency Government is trying to stop the distribution of dog meat by issuing a District Head Circular Letter (SE) Number 035/10540 dated 1 October 2018 concerning Increasing Supervision of the Distribution/Trade of Dog Meat. Bali; Bali Governor's Instruction Number 524/5913/DISNAKKESWAN/2019 concerning the prohibition on the distribution and trade of dog meat, is one of the solutions to prevent the sale and distribution of dog meat in Bali. In the instruction, it is emphasized that dog meat is not food of animal origin that is fit for consumption by the public.

The City Government (Pemko) of Medan also prohibits the commercial sale of dog meat. This prohibition was strengthened by the issuance of a Circular Letter (SE) numbered 440/4676 dated 22 April 2022.

Furthermore, in the Blitar district, with the aim of ensuring food safety of animal origin and preventing zoonotic diseases, as an initial follow-up, the issuance of Circular Letter (SE) Number 524/679/409.115.2/2022 dated 22 April 2022 concerning Control and Circulation of Trade Dog and cat meat. The points contained in the SE are as follows: The Blitar Regency Government prohibits any person or entity from conducting business activities in the commercial distribution or trade of dog and cat meat; The Blitar Regency Government does not issue a Veterinary Certificate (Certificate of Animal Product Health/SKPH) specifically for dog and cat meat; The Blitar Regency Government does not issue Recommendation Letters for the Importation of dog and cat meat and tightens traffic or trade in dog and cat meat; The Blitar Regency Government educates the public through socialization carried out by regional apparatus, including schools and other related parties about the risk of zoonotic transmission due to consuming dog and cat meat and the application of animal welfare principles; The Blitar district government in the context of supervision, control and monitoring actively coordinates with related agencies, including the Indonesian National Police, Civil Service Police Unit, Veterinary Center (BBVet), East Java Province Animal Husbandry Service (UPT Laboratories of Public Health) to assist in monitoring and verification of laboratory test results related to the process of investigating the distribution or trade of dog and cat meat.

With this Circular issued by the regional government, it is hoped that consumers or the public will receive safe and healthy food, considering that dog and cat meat can potentially spread zoonotic diseases. The community is expected to actively assist in socializing the Circular Letter and campaigning for the prohibition of the distribution of dog and cat meat. According to MUI, apart from being unlawful to consume dog and cat meat, it has many harms than benefits when consumed.

There are weaknesses in several regional regulations that have been issued, such as Circular Letter No. 5 of 2022 concerning Control of the Circulation and Trade of Dog Meat issued by the mayor of Malang, in the circular letter only mentions the prohibition for dog meat traders, both those who are active in people's markets, modern markets, other trading places to sell dog meat as well as prohibition for business actors, restaurants, stalls and street vendors (PKL) as well as other food and beverage places to provide food made from ingredients derived from dog meat. The circular letter only mentions prohibitions but does not mention clear sanctions if there is a violation of the prohibition. The absence of clear sanctions will certainly have the potential to make people tend to ignore existing prohibitions and continue to sell non-food animal meat. Apart from that, the circular letter that was issued only mentions a ban on the distribution of dog meat, even though there are still many other non-food animals such as cat meat which are also often traded for consumption purposes.

## **Conclusion**

The circulation of dog meat, which in its process does not have standardized food safety guarantees, has the potential to become a zoonotic vector in society. Zoonotic vectors due to consumption of non-food animal zoonoses account for about 60% of all infectious diseases and 75% of infectious diseases that appear in humans. Zoonoses are also responsible for two billion cases of disease that occur in humans and two million human deaths every year. The increasing risk of the trade in non-food animal meat to human and animal health, as well as evidence of cruelty to dogs and criminal acts that occur in the process of trading dogs for human consumption must be ended immediately. This is done to maintain public health and animal welfare in Indonesia. There are no clear rules and sanctions regarding the ban on the

distribution of dog meat for consumption purposes, so this phenomenon will certainly continue in society. When this continues, public health and animal welfare in Indonesia will be at stake.

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