

## A Jurisdictional Approach to Indonesia's Wildlife Trade

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### ABSTRACT

Indonesia is one of the countries that lack a sense of concern for animals due to the rampant wildlife trade that occurs in the country. Bushmeat is not consumable since it is not regulated inside the Indonesian Law Number 18 of 2012 concerning food (hereinafter abbreviated as Law on Consumables). Various traded wild animals are believed by several individuals to have contained many good properties when consumed and can cure various diseases. But Bushmeat is a source of diseases such as Emerging Infectious Diseases (EIDs) and Coronavirus Disease (Covid-19) while also endangering the preservation of biodiversity. This bushmeat trade also sells the meat of protected endangered animals, which are proven to have violated Law Number 5 of 1990 concerning Conservation of Biological Natural Resources Article and its Ecosystem (hereinafter abbreviated as Law on Conservation of Biological Natural Resources Article and its Ecosystem), as well as other laws. The research method applied in this research would be normative juridical, which uses positive Law as a source of existing Law. The goal of this research is to understand the regulations related to Bushmeat trading based on the Law and the application towards bushmeat dealers established in Indonesia's Law Number 41 of 2014 concerning Amendments to Law Number 18 of 2009 concerning Animal Husbandry and Health (hereinafter abbreviated as Law on Livestock and Animal Health), Law on Consumables, Law on Conservation of Biological Natural Resources Article and its Ecosystem, Government Regulation Number 7 of 1999 concerning Preservation of Plant and Animal Species, Law Number 8 of 1999 concerning Consumer Protection (hereinafter abbreviated as Law on Consumer Protection) and the Criminal Code.

**Keywords:** Constitution; Consumption; Bushmeat; Trading; Wild animal.

## ABSTRAK

Indonesia adalah salah satu negara yang minim rasa kepedulian terhadap hewan karena maraknya perdagangan satwa liar yang terjadi. Padahal, daging satwa liar bukanlah daging yang dapat dikonsumsi, karena tidak diatur dalam Undang-Undang Nomor 18 Tahun 2012 Tentang Pangan (untuk selanjutnya disingkat UU Pangan). Berbagai satwa liar yang diperdagangkan ini dipercayai oleh beberapa masyarakat memiliki banyak khasiat yang baik dan dapat menyembuhkan berbagai penyakit. Kenyataannya, daging satwa liar adalah sumber terjadinya wabah penyakit seperti *Emerging Infectious Disease* (EIDs) dan *Coronavirus Disease* (Covid-19) serta mengancam kelestarian keanekaragaman hayati. Perdagangan daging satwa liar ini terkadang juga menjual daging satwa liar dilindungi yang terbukti melanggar Undang-Undang Nomor 5 Tahun 1990 Tentang Konservasi Sumber Daya Alam Hayati dan Ekosistemnya (untuk selanjutnya disingkat UU Konservasi Sumber Daya Alam Hayati dan Ekosistemnya), serta Undang-Undang lainnya. Metode penelitian yang digunakan dalam penelitian ini adalah yuridis normatif yang menggunakan hukum positif. Adapun tujuan penelitian ini yaitu memahami pengaturan terkait perdagangan satwa liar berdasarkan Undang-Undang yang berlaku dan mengetahui penerapan hukuman terhadap para pelaku penjual daging satwa liar ditinjau dari Undang-Undang Nomor 18 Tahun 2009 Tentang Peternakan dan Kesehatan Hewan yang dirubah dengan Undang-Undang Nomor 41 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 18 Tahun 2009 Tentang Peternakan dan Kesehatan Hewan (untuk selanjutnya disingkat UU Peternakan dan Kesehatan Hewan), UU Pangan, UU Konservasi Sumber Daya Alam Hayati dan Ekosistemnya, Peraturan Pemerintah Nomor 7 Tahun 1999 Tentang Pengawetan Jenis Tumbuhan dan Satwa (untuk selanjutnya disingkat PP No. 7/1999), Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen (untuk selanjutnya disingkat UU Perlindungan Konsumen) dan Kitab Undang-Undang Hukum Pidana (untuk selanjutnya disingkat KUHP)

**Kata Kunci:** *Daging; Konsumsi; Perdagangan; Satwa Liar, Undang-Undang.*

## Introduction

Food is essential to all living organisms, including humans. Food is defined as a material consumed to gain nutrients and energy.<sup>1</sup> Food consumption is a way to acquire various nutrients such as carbohydrates, proteins, fats, minerals, and vitamins. Consuming meat is done to meet human growth needs by obtaining protein from animals.<sup>2</sup> Getting animal protein can be done by consuming milk, eggs, and various livestock meats allowed to be consumed, such as chicken, beef, lamb, and goat meat.

However, humans cannot consume all meat. This is because there are some animals whose meat contains bacteria and can cause disease outbreaks when consumed. Chicken meat, one of the most common meats to consume, may also contain pathogenic microorganisms capable of causing disease.<sup>3</sup> Especially meats that are not recognized in the Law on Consumables, would they not have a higher chance of containing diseases?

Bacterial contamination of food can become a disease-carrying medium<sup>4</sup> One of the disease outbreaks caused by bushmeat consumption is the Coronavirus Disease 2019 (Covid-19) outbreak.<sup>5</sup> According to the World Health Organization (WHO). The leading cause of the Covid-19 pandemic originated

from consuming wild animals such as snakes, bats, mice, dogs, cats, etc.<sup>6</sup>

China is among the countries that consume wild animals. They were the first country affected by the global Covid-19 outbreak. It is since the people of Wuhan ate those odd foods. Not only in China but several markets in Indonesia also sell various Bushmeat, one of which is the Beriman Tomohon Market, located in Manado, North Sulawesi.<sup>7</sup>

Beriman Tomohon market is very different from markets in general because it sells Bushmeat such as snake, bat, rat, dog, cat, and other bushmeats.<sup>8</sup> Several locals consume Bushmeat because it is a tradition to eat during a family gathering. In addition, some local people also believe that some bushmeat can be used as medicine to cure diseases.

As a result, the community has become a bushmeat consumer. Consumption of wild animals is also not included in the consumable meat category because Bushmeat is sold separately from livestock and forestry goods. If these wild animals are regularly consumed, there is a potential that they will go extinct.

That being the case, the wildlife trade must be addressed since it may cause a conflict with the Food Law and the Consumer Protection Law. Selling

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<sup>1</sup> Agata Pransiska; Novie Revlie Pioh; Welly Waworundeng Launde, "Tugas Dan Fungsi Badan Pengawas Obat Dan Makanan Dalam Melindungi Kesehatan Masyarakat Di Kota Manado (Studi Kasus Tentang Penggunaan Bahan Makanan Berbahaya Di Kota Manado)," *Jurnal Eksekutif* 2, no. 5 (2020): 1-17, <https://ejournal.unsrat.ac.id/index.php/jurnaleksekutif/article/view/29457/28578>.

<sup>2</sup> Yuli Astuti Hidayati et al., "Pengolahan Hasil Ternak Untuk Memenuhi Kebutuhan Protein Hewani Di Kelompok PKK Kelurahan Padasuka Cimahi," *Media Kontak Tani Ternak* 1, no. 2 (December 12, 2019): 7-11, <https://doi.org/10.24198/mktt.v1i2.23662>.

<sup>3</sup> Nadifa Rafika; Khaerani Kiramang Irmawati, "Tingkat Cemaran Bakteri Escherichia Coli Pada Daging Ayam Yang Dijual Di Pasar

Tradisional Makassar," in *Prosiding Seminar Nasional Mega Biodiversitas Indonesia 4*, 2018, 42-50.

<sup>4</sup> Irmawati.

<sup>5</sup> Walsyukurniat Zentrato, "Gerakan Mencegah Daripada Mengobati Terhadap Pandemi Covid-19," *Jurnal Education and Development* 8, no. 2 (2020): 242-48.

<sup>6</sup> Sodikin Amir, "Sodikin, Amir. 2021. "Desak Jokowi Setop Konsumsi Dan Jual Beli Daging Anjing Serta Satwa Liar," *Harian Kompas*, April 12, 2021.

<sup>7</sup> Yunita Wahyu; and Mella Ismelia Farma Rahayu Medyawati, "Analisa Perlindungan Hukum Terhadap Hewan Liat Yang Teraniaya Dan Diperjualbelikan (Studi Kasus: Perdagangan Daging Kucing Dan Anjing Di Pasar Tomohon Sulawesi Utara)," *Jurnal Hukum Adigama* 4, no. 2 (2021): 1183-1207.

<sup>8</sup> *Ibid.*

Bushmeat is also against the Criminal Code regarding Animal Protection Articles 302 and 406 because those animals are not categorized as livestock or forestry animals, so it is classified as an act of animal abuse. In addition, cases regarding bushmeat trades are still common in our country.<sup>9</sup>

According to food.detik.com, on January 23rd, 2022, there is news regarding various traded wild animals with their price ranges. The Tomoho Beriman Market is a market that is quite famous for selling multiple bushmeats. This trade is carried out because it is a habit of the surrounding community to consume it as a dish.<sup>10</sup>

In addition to the Tomohon Beriman Market, this wildlife trade case also occurred in 2021, to be precise, in Pasar Jaya, Pasar Senen, Central Jakarta. Reporting from Suara.com, the market was found to be selling dog meat for the past few years. However, the market manager did not know the trade, indicating that observations had not been carried out efficiently, causing consumer protection to be set aside on behalf of profit.<sup>11</sup> In addition, there were cases of selling 1007 turtle eggs in the Riau Islands in 2020, reporting from tribunbatam.id there were 5 (five) people who carried out this turtle egg trade.<sup>12</sup>

The turtle eggs were also obtained from Bintan and Anambas.<sup>13</sup> All types of sea turtles have also been included in Government Regulation No. 7/1999, stating that Law protects them. Even

though Indonesia has established multiple regulations to minimize the occurrence of such actions, it is still encounter-able today

Humans and animals live side by side, fulfilling needs in food and clothing, where the skin and fur of these wild animals can be used as materials to make clothes. The actions of these perpetrators are acts that are fatal and in violation. Based on the statements above, 2 (two) problems were found, "how regulations related to wildlife trade are based on the applicable law?" and "How should the violators of Indonesian positive legislation be punished for selling wild animal meat?".

This research aims to understand the regulations related to the wildlife trade based on the applicable laws and determine the punishments for the perpetrators selling Bushmeat in Indonesia's positive Laws.

## Methodology

This research implements the normative juridical law research methodology with an approach to legislation (*statute approach*) or positive Law as a source of existing Law.<sup>14</sup> Normative juridical research methods can also be carried out by examining, studying, investigating, and observing research theories, concepts, and legal principles.<sup>15</sup>

Hence, the primary legal material to use would be "Livestock and Animal Health Law, the Food Law, the Law on

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<sup>9</sup> Mathilda Eleonora and Frans Santoso, "Eksplorasi Perdagangan Daging Anjing Sebagai Pendukung Perancangan Film Animasi Pendek," *Visual Heritage: Jurnal Kreasi Seni Dan Budaya*, 2019, <https://doi.org/10.30998/vh.v1i03.37>.

<sup>10</sup> Riskia Fitria, "Segini Harga Daging Ular Hingga Monyet Yang Dijual Di Pasar Tomohon," *Detik.Com*, 2022.

<sup>11</sup> Agung Sandy; and Fakhri Fuadi Muflih Lesmana, "Kasus Pasar Senen Jual Daging Anjing, IKAPPI: Selama Ini Kerjaan Pasar Jaya Ngapain Aja?," *Suara.Com*, September 13, 2021.

<sup>12</sup> Dewi Haryati, "Jual Telur Penyus Di Kepri, 5 Orang Masuk Bui, Terancam Pidana 5 Tahun," *Tribun News Batam*, April 12, 2020.

<sup>13</sup> Haryati.

<sup>14</sup> M. Najibur Rohman, "Tinjauan Yuridis Normatif Terhadap Regulasi Mata Uang Kripto (Crypto Currency) Di Indonesia," *Jurnal Supremasi* 11, no. 2 (August 31, 2021): 1-10, <https://doi.org/10.35457/supremasi.v11i2.1284>.

<sup>15</sup> Mohammad Mashulin Amjad, "Tinjauan Yuridis Sanksi Rehabilitasi Terhadap Pengguna Narkotika," *Jurnal Juristic* 1, no. 2 (2020): 1-11.

Conservation of Biological Natural Resources and Their Ecosystems, Government Regulation No. 7/1999), Consumer Protection Act and the Criminal Code".

## Discussion

### 1. Regulations Related to Wildlife Trade Based on Applicable Laws.

Food is an inseparable aspect of human life, and meat is one of the most sought-after foods by humans. Humans eat meat to meet their nutritional requirements, which are proteins derived from animals<sup>16</sup> But of course, humans cannot consume all meat freely due to the rampant "Zoonosis" virus. Or "Zoonotic," which are present in an animal.<sup>17</sup>

Those two viruses can cause diseases such as *Emerging Infectious Diseases* (EIDs) that can infect humans if consumed.<sup>18</sup> Referring to the state of Information development at the moment, it is stated that in the last three decades, approximately 75% of EIDs have attacked and infected humans.<sup>19</sup>Based on the statement above, it can be concluded that 75% of EIDs that have attacked humans originated from the actions of humans that consume meat freely.

The Food Law defines food as anything that comes from plants or animals or is usually categorized as agriculture, plantation, forestry, fishery, and animal husbandry, which aims to be

consumed or used as human food and drink. Based on this definition, it can be interpreted that an individual cannot treat acts of consumption arbitrarily because there are conditions that must be met to consume food to maintain food safety.

Food safety is essential, but it is regrettable because until now, food safety awareness in Indonesia is still low.<sup>20</sup> This can be seen from the lack of farmers' knowledge about the impact of not maintaining proper sanitation while in intimate contact with the livestock.<sup>21</sup> The feces produced by the livestock may trigger disease due to improper treatment. Thus, diseases may arise and be transmitted from animals to humans and vice versa. Not only that, but many breeders still choose to reside near their animal breeding facilities.<sup>22</sup>

The lack of knowledge about animal welfare is also a factor that hinders human awareness of the importance of food safety. This can be proven through the rampant activity of buying and selling Bushmeat in several markets in Indonesia. Article 3, number 6, regarding Livestock and Animal Health Law, explains that wild animals are wild and free to roam, including animals that humans keep.

Based on the explanation, it is clear that keeping wild animals is not a prohibition. Still, it becomes different when an individual consumes an animal

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<sup>16</sup> Hidayati et al., "Pengolahan Hasil Ternak Untuk Memenuhi Kebutuhan Protein Hewani Di Kelompok PKK Kelurahan Padasuka Cimahi."

<sup>17</sup> Yadi C Sutanto, "Konsumsi Daging Satwa Eksotik Dan Daging Anjing, Kontroversi Serta Aspek Hukumnya," Direktorat Kesehatan Masyarakat Veteriner, 2018, <http://kesmavet.ditjenpkh.pertanian.go.id/index.php/berita/berita-2/205-tomohon>.

<sup>18</sup> Kementerian Kesehatan Republik Indonesia, "Media Informasi Resmi Terkini Penyakit Infeksi Emerging," Kementerian Kesehatan Republik Indonesia, 2022, <https://infeksiemerging.kemkes.go.id/mengenal-penyakit-infeksi-emerging>.

<sup>19</sup> Indonesia.

<sup>20</sup> Gede Ari Sastrawan, "Peran Hukum Perlindungan Konsumen Dalam Menindaklanjuti Kuliner Ekstrim Berupa Satwa Liar Di Masa Pandemi Covid 19," *Jurnal Media Komunikasi Pendidikan Pancasila Dan Kewarganegaraan* 3, no. 2 (2021): 100-107.

<sup>21</sup> Oky Setyo Widodo, Sunaryo Hadi Warsito, and Shelly Wulandari, "Peningkatan Kesehatan Masyarakat Melalui Pengetahuan Penyakit Zoonosis Di Kecamatan Kepohbaru Kabupaten Bojonegoro," *Jurnal Layanan Masyarakat (Journal of Public Services)*, 2020, <https://doi.org/10.20473/jlm.v2i2.2018.56-59>.

<sup>22</sup> Widodo, Warsito, and Wulandari.

that is not included in the category of livestock that may be consumed.

Livestock is animals kept to produce food, industrial raw materials, services, and byproducts related to agriculture. The quality and quantity of the livestock must be maintained to ensure that the livestock can produce meat and products that are safe, healthy, and halal. Behind the maintenance of the quality and quantity of livestock, there must be an intervention from the government to carry out various efforts such as supervision, inspection, testing, standardization, certification, and up to the registration of these animal products.

President Jokowi strictly prohibits the consumption of meats that are not in the category of consumables, as well as the sale and purchase of Bushmeat, such as dogs, rodents, snakes, and other Bushmeat, by closing all wildlife markets in Indonesia, such as the Tomohon Market in North Sulawesi.<sup>23</sup>

However, there are still some markets in Indonesia that remain to sell meat that does not originate from livestock. One of them is the Tomohon Beriman Market which is quite famous in North Sulawesi Province. The Tomohon Beriman Market is quite famous for its uniqueness.<sup>24</sup> Tomohon market raises various pro and con arguments for selling a variety of wild animals Bushmeat. Several things are suspected to be the factors that trigger the illegal wildlife trade:

- a. Lack of knowledge of sellers and traffic controllers about what wildlife is protected.<sup>25</sup>

The lack of knowledge about protected wild animals has been regulated in Government Regulation No. 7 the Year 1999. However, many wildlife traders are still clueless because of the lack of education and information, resulting in the supposed to be protected animals being traded for their meat. Therefore, supervisions from the border authorities are still not optimal due to the thought that Bushmeat is allowed to be consumed.<sup>26</sup>

- b. Perception or belief that Bushmeat can cure disease.

Until now, some people in Indonesia still believe that Bushmeat can cure diseases when consumed. Cobras and Patola snakes are examples of meats that are considered to have the ability to cure diseases. Some say snakes are wild animals whose flesh may cure skin-related conditions such as itching.<sup>27</sup>

According to some people, the snakes' blood, bile, and marrow are believed to contain excellent benefits for health.<sup>28</sup> Bats are also one of the Bushmeats that is quite popular because they have a unique taste and are believed to cure asthma.<sup>29</sup> Lizard meat is also quite popular within the community. Usually, the monitor lizard's meat itself can be

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<sup>23</sup> Amir, "Sodikin, Amir. 2021. "Desak Jokowi Setop Konsumsi Dan Jual Beli Daging Anjing Serta Satwa Liar."

<sup>24</sup> Liana and Witno, Op. Cit p.28

<sup>25</sup> Riky Ilhamsyah Dinatingrat, "Hukum Terhadap Tindak Pidana Perdagangan Satwa Liar Yang Dilindungi Menurut Undang-Undang Nomor 5 Tahun 1990 Tentang Konservasi Sumber Daya Alam Hayati Dan Ekosistemnya (Studi Kasus Terhadap Perdagangan Burung Paruh Enggang Di Provinsi Kalimantan," *Jurnal Nestor Magister Hukum* 2, no. 2 (2015): 1-15.

<sup>26</sup> Budhy Nurgianto, "Mengapa Satwa Dilindungi Masih Marak Dijual Di Pasar Beriman,

Kota Tomohon," *Ekuatorial*, 2020, <https://www.ekuatorial.com/2020/09/mengapa-satwa-dilindungi-marak-dijual-di-pasar-beriman-kota-tomohon-conservation/>.

<sup>27</sup> Ignasius Mirdat, Siti Masitoh Kartikawati, and Sarma Siahaan, "Jenis Satwa Liat Yang Diperdagangkan Sebagai Bahan Pangan Di Kota Pontianak," *Jurnal Hutan Lestari* 7, no. 1 (March 14, 2019), <https://doi.org/10.26418/jhl.v7i1.31792..>

<sup>28</sup> *Ibid.*

<sup>29</sup> Liana and Witno., op. cit, p. 32

served in the form of a soup-like Soto. Lizards are consumed to treat skin diseases, flu, and bites from venomous animals.<sup>30</sup>

Rodents are also one of the meats that the community of Tomohon Beriman Market loves to consume to treat itching and asthma.<sup>31</sup> Even dogs that are generally kept as pets are consumed because they are believed to be able to increase blood platelets when suffering from dengue fever.

c. The Natural Resources Conservation Center lacks officers to carry out animal conservation programs.<sup>32</sup>

The Natural Resources Conservation Center manages the area of Wildlife Reserves, Nature Reserves, Nature Tourism Parks, and Hunting Parks, as well as the conservation of wild plant and animal species both inside and outside the area.<sup>33</sup> However, it is regrettable that the duties carried out by the Natural Resources Conservation Center (BKSDA) in several regions of Indonesia are still scarce. As a result, the supervision of wild animals cannot be carried out optimally.

<sup>34</sup>

d. The bushmeat trade is treated as means of supporting the life necessities.

Being a merchant is a job that brings a lot of profits. Wildlife traders sell a variety of Bushmeat to meet their needs because most of these merchants are the sole income for the family. Hence, selling Bushmeat is one of the jobs that can help them earn money to meet the needs of their family.

The presence of these types of markets evolving into businesses is based on the local community's trust. Locals believe that Bushmeat contains an excellent nutritional value and can cure various diseases.

## **2. Punishment Application Against Wild Animal Meat Sellers in Indonesian positive laws.**

1) The Responsibilities of the Wildlife Merchants based on the perspective of Biological Resources and Their Ecosystems.

The prohibition of selling protected animals is clearly stated in the Law on Conservation of Biological Natural Resources and their Ecosystems in Article 21, paragraph 2, where there is a prohibition on trading protected wild animals. Criminal liability will also be imposed on the seller under Article 40 verse 2, resulting in imprisonment of a maximum of 5 (five) years and a maximum fine of Rp. 100,000,000 (one hundred million rupiah).

2) The Responsibilities of Wildlife Merchants based on the perspective of Consumer Protection.

Consumer protection may be used to combat the sale of Bushmeat, as the globe is currently dealing with an ongoing outbreak of the Covid-19 disease. This disease outbreak is thought to be a virus originating from wild animals traded in one of the markets in Wuhan. Even though these wildlife merchants are only selling and not consuming the Bushmeat, they are indirectly involved in causing the

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<sup>30</sup> Mirdat, Kartikawati, and Siahaan, *Op.Cit*, p. 289

<sup>31</sup> Sahiu et al., *op. cit*, p 4

<sup>32</sup> Anggalih Bayu Muh. Kamim and Khandiq, "Rente Ekonomi Perdagangan Satwa Liar Dan Terpinggirkannya Kesejahteraan Hewan," *Jurnal Ekonomi Dan Kebijakan Public Indonesia* 7, no. 1 (2020): 54-76,

<https://doi.org/https://doi.org/https://doi.org/10.24815/ekapi.v7i1.17372>.

<sup>33</sup> BKSDA, "Tugas Pokok Dan Fungsi BKSDA," 2015, [https://bksdadki.com/page/tugas\\_pokok-dan-fungsi#:~:text=Funcsi Organisasi-,Tugas Pokok Organisasi,baik didalam maupun diluar kawasan..](https://bksdadki.com/page/tugas_pokok-dan-fungsi#:~:text=Funcsi Organisasi-,Tugas Pokok Organisasi,baik didalam maupun diluar kawasan..)

<sup>34</sup> Diningrat, *op. cit*, p. 9

Covid-19 disease outbreak and violating consumer protection.

Every consumer is entitled to legal protection in several laws:

- a. Article 27 of the 1945 Constitution, Article 5 verse (1), Article 33, and Article 21 verse (1).
- b. Circular Letter of the Director-General of Domestic Trade No. 235/DJPDN/VII/2001 concerning Handling of Consumer Complaints addressed to all Province/District/City Industry and Trade Offices.
- c. Government Regulation Number 58 of 2001 concerning Supervision and Implementation of Consumer Protection.
- d. Consumer Protection Act.
- e. Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution.
- f. Director-General of Domestic Trade Circular No. 795/DJPDN/SE/12/2005 concerning Guidelines for Consumer Complaint Services.

The existence of the Consumer Protection Law is intended to ensure and enforce the protection of consumer rights in Indonesia. However, it is regrettable that there are still no sanctions assertive enough to overcome this problem.

Consumers should be provided with protection, security, and safety

based on the premise of consumer protection. To avoid infections or diseases, consumers have various rights that must be safeguarded. Therefore, merchants must pay attention to their merchandise and possess sufficient education and understanding about the commodities being marketed because consuming is defined as the process of eating something to obtain energy and advantages for the body.

However, if you consume something harmful and has a bad influence, it will almost certainly hurt consumers to death due to viral infection or diseases. Therefore, selling and consuming Bushmeat has violated several articles from the Consumer's Protection Law Article 4 letter A concerning protecting consumers' rights to obtain safety, security, and comfort in consuming goods and services.<sup>35</sup>

3) Bushmeat merchants' responsibilities are based on the perspective of the Criminal Law.

Bushmeat merchants may be categorized to have committed several criminal acts because they have indirectly participated in committing acts of abuse and acts of violence against animals. The definition of abuse is a deliberate act to cause pain or injury to another person.<sup>36</sup> Violence is using physical force by coercion against people or objects.<sup>37</sup>

So based on those two definitions, it is possible to conclude that animal abuse is an intentional act to cause pain to animals. Meanwhile, violence against animals is a physical act that forces animals. Carrying out wildlife trade activities is categorized as one of the

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<sup>35</sup> I Made Bramastra De Putra, I Nyoman Gede Sugiarta, and I Putu Gede Seputra, "Pertanggungjawaban Pidana Terhadap Pelaku Penjualan Daging Anjing Ditinjau Dari Undang-Undang Nomor 8 Tahun 1999," *Jurnal Interpretasi Hukum* 2, no. 2 (June 24, 2021): 409-15, <https://doi.org/10.22225/juinhum.2.2.3450.409-415..>

<sup>36</sup> Tirtaamidjaja, "Pokok-Pokok Hukum Pidana," in *Fasco*, 1955..

<sup>37</sup> Aletheia Rabbani, "Pengertian Kekerasan Menurut Para Ahli," 2017, <https://www.sosiologi79.com/2017/04/pengertian-an-kekerasan-menurut-ahli.html..>



activities of animal abuse which can be found in Articles 170, 302, and 406 of the Criminal Code concerning Crimes Against Violent Practices: including beatings, stabbing, strangulation, and animal disposal.

Article 170 of the Criminal Code regulates the prohibition of using violence against goods or objects, which, if done, will be punished with imprisonment for a maximum of 5 (five) years and 6 (six) months. Although Article 170 of the Criminal Code does not explicitly regulate the prohibition of violence against animals, they are certainly categorized as living goods or objects since animals are capable of experiencing pain as humans do.

Explicit arrangements can be found in Article 302 of the Criminal Code, which stipulates that even the slightest abuse may be subjected to a maximum imprisonment of 3 (three) months or a maximum fine of Rp. 4,500 (four thousand five hundred rupiah).

Furthermore, suppose the act disables the animal from walking and causes death to the animal. In that case, the individual responsible for causing such actions shall be sentenced to a maximum imprisonment of 9 (nine) months or a maximum fine of Rp. 300,000 (three hundred thousand rupiah) for animal abuse.

As reported from news.detik.com in 2018, a video taken by activists in Tomohon City showed dogs being beaten with clubs to death before being burned and sold to the consumers.<sup>38</sup> Sanctions of Rp. 4,500 and Rp. 300,000 are insignificant compared to what illegal wildlife dealers do because the meat of these wild creatures is taken in a brutal and inhumane manner, resulting in the death of the living being.

As a result, law enforcement officers should draft a new regulation regulating acts of animal cruelty and imposing severe penalties to deter such irresponsible individuals. If the sentences are mild, such merchants may repeat their misdeeds and are not concerned about the consequences.

These wildlife merchants may also be charged with Article 406 paragraph 2 of the Criminal Code for damaging, killing, and eliminating the lives of animals. As indicated in the background and examples above, several cases have demonstrated animal abuse. As a result, the wildlife trade is an animal cruelty crime due to the murder of living animals.

## **Conclusion**

The act of wildlife trade violates several laws and regulations: Livestock and Animal Health Law, the Food Law, the Law on Conservation of Biological Natural Resources and Their Ecosystems, Government Regulation Number 7 of 1999 concerning Preservation of Plants and Animals, the Consumer Protection Law and the Criminal Code. The punishments for the violators of the Law may be subject to a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 100,000,000 (Article 40 Verse 2 of the Law on Conservation of Biological Natural Resources and Their Ecosystems) and maximum imprisonment of 3 (three) months or a maximum fine of Rp. 4,500 as regulated in Article 302 Verse 1, maximum imprisonment of 2 (two) years 8 (eight) months or a maximum penalty of Rp. 4,500 as stipulated in Article 406 Verse 1, and imprisonment of 5 (five) years 6 (six) months as specified in Article 170 Verse 1.

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<sup>38</sup> Elza Astari Retaduari, "Video Anjing Dibakar Hidup-Hidup Di RI Jadi Sorotan Internasional," *Detik News*, January 25, 2018.

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