



Legal Accountability for Malpractice in Pet Ownership: A Case Study of Pet Shops

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Abstract: The phenomenon of violence against pets is increasingly prevalent in Indonesia, including malpractice committed by pet shops that provide medical services without proper authorization. This study aims to analyze the criminal legal liability for pet malpractice by pet shops and to identify the inhibiting factors in law enforcement in Gorontalo City. The research adopts a normative-empirical approach through a two-month field study using purposive sampling techniques involving cat lover communities, victims, and the police. Primary data were obtained through interviews and observations, while secondary data were collected through literature studies. The discussion highlights the case of Liga Pet Shop, which performed tail docking and administered restricted drugs without authorization—acts that fulfilled the elements of actus reus and mens rea, violating Article 302 of the Indonesian Criminal Code (KUHP) and Law No. 41 of 2014 on Animal Husbandry and Animal Health. However, criminal liability was not strictly enforced and concluded only with an apology. Inhibiting factors include weak specific regulations, limited competence of animal forensic officers, lack of investigative facilities, low public legal awareness, and a permissive culture in dispute resolution. The proposed recommendations include strengthening regulations by establishing standard operating procedures (SOPs) for pet shops, enhancing officer competence through animal forensic training, providing adequate investigative infrastructure, and launching public legal awareness campaigns. The study concludes that reforming the animal legal protection system is necessary through an integrative approach combining repressive, educational, and preventive measures to achieve fair and effective law enforcement.

Keywords: Pet malpractice; Criminal liability; Pet shop; Law enforcement; Animal protection

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1. Introduction

Since ancient times, animals have been an essential part of human life, whether as livestock or as pets for entertainment and companionship. Cats and dogs are the two most common types of pets kept by humans. Animals under human supervision become the owner's responsibility physically, morally, and legally.¹ In these relationships, humans can form strong emotional bonds with their pets. Animals are also living beings created by God and have the right to live without being harmed or neglected. Therefore, humans are obligated to treat animals well and ensure their welfare.² Keeping animals also imposes additional responsibilities in terms of finances, time, and attention. Animals require food, shelter, and medical care to maintain their health. Despite the growing affection for animals, cases of violence against them continue to be found in various regions. Hence, legal protection for animals is becoming increasingly important in today's modern social context.³

Although the relationship between humans and pets is becoming closer, the phenomenon of animal abuse and neglect continues to occur and is even increasing. Indonesia has been recorded as one of the countries with the highest content of animal cruelty according to the Asia for Animals Coalition.⁴ Such acts include direct abuse, improper feeding, and unqualified medical treatment. In the context of pet care – especially cats – owners often face difficulties due to a lack of education and awareness, leading many to rely on third parties like pet shops, which offer services such as grooming and boarding. However, not all pet shops operate according to medical standards and animal protection ethics. Malpractice by pet shop staff can lead to health problems or even death in animals. This raises questions about the legal responsibility of pet service business owners for negligence or violations committed. Thus, legal protection for pets has become a vital issue in this context.⁵

¹ Tasya Tashenda and Sukmareni Sukmareni, "Pertanggungjawaban Pidana Bagi Pelaku Penganiayaan Terhadap Hewan Peliharaan Dalam Perspektif Hukum Positif Dan Hukum Islam," *Innovative: Journal Of Social Science Research* 4, no. 5 (October 22, 2024): 8688–8701, <https://doi.org/10.31004/innovative.v4i5.14637>.

² 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 (December 27, 2024): 93–104, <https://doi.org/10.31599/sasana.v10i2.3295>.

³ "Analisis Hukum Pidana Islam Terhadap Tindak Pidana Penganiayaan Hewan Dalam KUHP - Walisongo Repository," accessed May 27, 2025, <https://eprints.walisongo.ac.id/id/eprint/14246/>.

⁴ Santi Parapat, "Pertanggungjawaban Hukum Terhadap Tindak Pidana Penganiayaan Hewan Peliharaan Dalam Perspektif Legal Formal Dan Hukum Pidana Islam Studi Putusan Pengadilan Nomor 72/Pid/C/2023/PN.PDG)" (bachelorThesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, 2025), <https://repository.uinjkt.ac.id/dspace/handle/123456789/84952>.

⁵ Ahmad Ahmad, "Measuring The Application of Corporate Social Responsibility of PT. Gorontalo Minerals," *Estudiante Law Journal* 4, no. 2 (February 15, 2022): 132–45, <https://doi.org/10.33756/eslaj.v4i2.16489>; Putri Regina Datunsolang, Fenty Puluhulawa, and Ahmad Ahmad, "Penegakan Hukum Terhadap Sungai Taluduyunu Akibat Pencemaran Limbah Pertambangan," *Terang : Jurnal Kajian Ilmu Sosial, Politik Dan Hukum* 1, no. 3 (July 4, 2024): 179–200, <https://doi.org/10.62383/terang.v1i3.415>; Mohammad Syauqi Pakaya and Ahmad Wijaya, "Efektivitas Penegakkan Hukum Terhadap Lingkungan Hidup Dalam Pertambangan Emas Tanpa Izin Di Desa Popaya, Kecamatan Dengilo, Kabupaten Pohuwato," *Borneo Law Review* 6, no. 2 (2022): 236–53,

Cases of malpractice involving pets by pet shops are legal issues requiring serious attention. One example is the death of a cat due to negligence by a pet shop owner who provided treatment without clear medical standards. This incident illustrates how business owners often exceed their authority without adhering to veterinary procedures, which should only be conducted by licensed veterinarians.⁶ In many cases, pet shops operate without official animal health permits and disregard the Standard Operating Procedures (SOPs) established by the Indonesian Veterinary Medical Association (PDHI). Medical treatment conducted by unqualified individuals can result in animal suffering or death. Such actions fall into the category of animal cruelty under Article 302 of the Indonesian Criminal Code (KUHP). Nevertheless, enforcement of the law against such violations remains weak, indicating that legal accountability for business owners has not been optimally applied. Therefore, a more in-depth study is needed on the forms of legal responsibility for malpractice committed by pet shop operators.⁷

The Indonesian government already has several regulations to protect animals from abuse and neglect. Article 302 of the KUHP stipulates criminal and financial penalties for animal abuse. Furthermore, Law No. 18 of 2009, as amended by Law No. 41 of 2014 on Animal Husbandry and Animal Health, affirms the obligation to care for animals properly. Government Regulation No. 95 of 2012 on Veterinary Public Health and Animal Welfare further strengthens this framework. The PDHI also serves as the authorized institution to set technical policies for animal health services, including grooming and medical care. According to these regulations, any individual wishing to open a business in the animal health sector must obtain official permits. Otherwise, administrative sanctions such as license revocation, fines, and business closure may be imposed.⁸

Indonesian positive law essentially provides a detailed mechanism for the protection and welfare of animals. However, many implementation barriers still exist. While the regulations are comprehensive and cover both criminal and administrative aspects, enforcement remains suboptimal. One significant weakness is the lack of oversight on pet shops offering medical services without veterinary supervision. Public awareness

<https://doi.org/10.35334/bolrev.v6i2.3246>; Maya Lasena et al., "Cockfighting Gambling Criminal Acts Commitment," *Estudiante Law Journal* 4, no. 2 (June 1, 2022): 77-90, <https://doi.org/10.33756/eslaj.v4i2.16039>.

⁶ Agatha Arai Jubilia and I. Wayan Suardana, "Application of Veterinary Ethics in Indonesia," *Veterinary Science and Medicine Journal*, March 25, 2024, 256-64, <https://doi.org/10.24843/vsmj.2024.v6.i03.p05>.

⁷ Muhammad Fadly Aulia, Dwi Cipto Budinuryanto, and Okta Wismandanu, "Persepsi Dokter Hewan Praktisi Hewan Kecil Terhadap Telemedicine Di Masa Pandemi Covid-19," *Acta VETERINARIA Indonesiana* 9, no. 2 (August 21, 2021): 82-86, <https://doi.org/10.29244/avi.9.2.82-86>.

⁸ Stefany Ismantara, "Kajian Penegakan Hukum Terhadap Tindakan Penganiayaan Hewan Dan Eksploitasi Satwa Langka," in *Seminar Nasional Hasil Penelitian Dan Pengabdian Kepada Masyarakat 2021 Pengembangan Ekonomi Bangsa Melalui Inovasi Digital Hasil Penelitian Dan Pengabdian Kepada Masyarakat* (Seminar Nasional Hasil Penelitian dan Pengabdian Kepada Masyarakat 2021 Pengembangan Ekonomi Bangsa Melalui Inovasi Digital Hasil Penelitian dan Pengabdian Kepada Masyarakat, Jakarta, 2021), https://www.researchgate.net/publication/356513876_KAJIAN_PENEGAKAN_HUKUM_TERHADAP_TINDAKAN_PENGANIAYAAN_HEWAN_DAN_EKSPLOITASI_SATWA_LANGKA.

of animal rights is also relatively low. As a result, violations of animal welfare often go unnoticed by the law. On the positive side, Indonesia's legal system offers a strong foundation for animal protection, including criminal threats for perpetrators of abuse. However, there is no efficient complaint mechanism, and not all cases receive follow-up from law enforcement. Another shortcoming lies in the light penalties under Article 302 of the KUHP, which do not create a deterrent effect. Furthermore, there is a lack of synergy among local governments, animal welfare communities, and veterinary professionals in conducting oversight. Therefore, a legal approach that is not only repressive but also educational and preventive is needed. Without a comprehensive evaluation, the legal protection of animals will be difficult to enforce justly.⁹

The proposed solution is to strengthen the legal accountability mechanisms for pet service business operators through a more integrative law enforcement approach. First, the criminal sanctions under Article 302 of the KUHP must be revised to provide stronger deterrence. Second, pet shop businesses must be routinely regulated and supervised by local governments in collaboration with the PDHI. Third, standard operating procedures (SOPs) must be mandatory for pet shop owners when delivering services involving animal health. Fourth, a digital complaint system should be developed to allow the public to report incidents of animal abuse. In addition, there needs to be a massive public education campaign on animal rights and proper care practices. Collaboration between animal lover communities and law enforcement should also be encouraged to handle abuse reports more effectively. This approach is expected to provide better protection for animals and foster a stronger sense of responsibility among pet service business owners.

The purpose of this study is to raise legal awareness among the public – especially pet shop operators – regarding the importance of providing services in accordance with the law and ethical standards for animal welfare. This study also aims to identify forms of legal responsibility for negligence resulting in the suffering or death of pets. Using a normative approach and case studies, this research is expected to contribute to improving the animal legal protection system in Indonesia. Additionally, the study aims to critique weaknesses in existing regulations and propose reinforcement in their enforcement aspects. This research also serves as a tool for advocating the importance of professionalism in animal health services. Another objective is to encourage government, community, and public involvement in creating a responsible animal care system. Through this approach, it is hoped that a collective awareness will be

⁹ Zamroni Abdussamad et al., "Pendekatan Cultural Studies Perlindungan Hukum Bagi Penyandang Disabilitas Di Kabupaten Boalemo," *Community Development Journal : Jurnal Pengabdian Masyarakat* 4, no. 6 (December 11, 2023): 11518–26, <https://doi.org/10.31004/cdj.v4i6.16043>; Fatmawaty S. Khali and Fenty U. Puluhulawa, "Optimalisasi Pemberian Bantuan Hukum Jaksa Pengacara Negara Pada Sengketa Tata Usaha Negara Di Gorontalo," *Philosophia Law Review* 2, no. 2 (November 15, 2022): 112–24, <https://doi.org/10.56591/pilar.v2i2.13508>; Fenty Usman Puluhulawa, Jufryanto Puluhulawa, and Moh Gufran Katili, "Legal Weak Protection of Personal Data in the 4.0 Industrial Revolution Era," *Jambura Law Review* 2, no. 2 (June 20, 2020): 182–200, <https://doi.org/10.33756/jlr.v2i2.6847>.

formed that animals are subjects that must be respected and protected. Thus, the welfare of pets can be realized meaningfully in society.

2. Method

The research method used in this study is empirical legal research, or field research, as described by Soerjono Soekanto, who stated that empirical legal research relies on empirical facts of human behavior through interviews, observations, and questionnaires. This research was conducted in Gorontalo City, Gorontalo Province, against the background of a malpractice case involving Liga Pet Shop, over a two-month period from August to September. The data used includes primary data obtained directly from the field and secondary data from literature studies. The population of this study comprises cat lover communities in Gorontalo City, using purposive sampling techniques to include cat lovers, victims, and the police. Data collection techniques include interviews, direct observation, and document studies. The data obtained were analyzed both qualitatively and quantitatively to discover meaningful social patterns within the context of the case studied and to draw conclusions based on relevant theories.¹⁰

3. Analysis and Discussion

3.1. Criminal Liability for the Actions of Pet Malpractices by Pet Shops

The researcher conducted in-depth research and analysis on criminal liability for medical malpractice in pets by pet shops (*Liga Petshop*) in Gorontalo City. This research is carried out through literature studies on relevant laws and regulations, case analysis in the field and analysis of criminal law principles.

A case of malpractice by the Petshop League has been reported for the first time by a victim of pet owners to the Telaga Biru Police, Gorontalo, in 2023. The Petshop League is reported for performing various medical actions such as cutting limbs (tails) and administering hard drugs through injectable media that should only be carried out by Veterinarians who have a license or license. Telaga Biru Police, PDHI Gorontalo, Animal Husbandry and Health Service of Gorontalo Regency and Gorontalo Cat Lover conducted an inspection to the location (Petshop League) that is suspected of illegally providing animal health services. However, according to the police, this report then ended only with a statement by the owner of the Petshop League admitting the mistake and an agreement not to repeat the same mistake.

Medical actions carried out by pet shops without adequate competence can be categorized as actions "without a proper purpose or in an overreaching manner,

¹⁰ Irwansyah Irwansyah, *Penelitian Hukum ; Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2020); Peter Mahmud Marzuki, *Penelitian Hukum, Edisi Revisi* (Jakarta: Prenadamedia Group, 2014); Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum : Normatif & Empiris* (Yogyakarta: Pustaka Pelajar, 2010).

intentionally hurting or injuring an animal or harming its health".¹¹ Pet shops' efforts to "help" animals, even if they have good intentions, become inappropriate if they are done without adequate medical knowledge and skills, so that they have the potential to harm animals. Furthermore, such unprofessional medical actions result in illness for more than a week, disability, and serious injury to animals, then Article 302 paragraph (2) of the Criminal Code can be applied with the threat of imprisonment for a maximum of nine months or a maximum fine of three hundred thousand rupiah. The researcher found that in the case of malpractice by the Petshop League, the accountability instructed in Article 302 of the Criminal Code was not carried out properly if it was seen that this case only ended with the giving of a statement by the perpetrator.¹²

Law Number 41 of 2014 provides a more specific legal framework related to animal welfare. Medical measures that are not authorized and result in disability or unproductivity in animals can be categorized as "mistreating and/or abusing animals" as prohibited in Article 66A paragraph (1). The criminal sanctions regulated in Article 91B of this law are much heavier than the Criminal Code, indicating that there is greater concern for animal protection. If the act of medical malpractice by the pet shop causes the death of the animal, Article 91B paragraph (2) provides for a criminal threat of longer confinement and a larger fine. This underlines that the state provides serious protection of animal life and health, and actions that result in the loss of animal life due to negligence or incompetence may be subject to proportionate sanctions.

In determining criminal liability, the element of fault (*schuld*) is crucial. If the pet shop performs medical actions with the awareness that they do not have competence and that the action has the potential to harm the animal (*dolus eventualis*), then the element of intentionality can be fulfilled.¹³

On the other hand, if the loss to the animal is caused by the pet shop's lack of caution or lack of thoroughness in carrying out actions that should only be carried out by the veterinarian (*culpa lata*), then the element of forgetfulness can also be the basis for criminal liability. Medical malpractice actions by pet shops not only have implications for the criminal law aspect, but also violate the principles of animal welfare. Animals as living beings have the right to proper and professional care, especially when they

¹¹ Fajar Rochmad Sholeh, Hanuring Ayu Ardhani Putri, and Femmy Silaswaty Faried, "Analisis Kejahatan Terhadap Hewan di Indonesia," *JURNAL BEVINDING* 1, no. 11 (January 30, 2024): 14–23, <https://journal.uniba.ac.id/index.php/JB/article/view/1101>.

¹² Bendry Almy, "Kebijakan Hukum Pidana Penyelesaian Perkara Tindak Pidana Melalui Upaya Diversi Bagi Pelaku Dewasa Dalam Mewujudkan Keadilan Restoratif," *Jurnal Panji Keadilan : Jurnal Ilmiah Nasional Mahasiswa Hukum* 3, no. 2 (June 30, 2020): 178–91, <https://doi.org/10.36085/jpk.v3i2.1196>.

¹³ Alya Maharani and Kayus Kayowuan Lewoleba, "Tinjauan Yuridis Tentang Penerapan Hukuman Terhadap Pelaku Tindak Pidana Penganiayaan Hewan Yang Menyebabkan Kematian," *Justitia Jurnal Ilmu Hukum Dan Humaniora* 8, no. 4 (September 1, 2021): 540–48, <https://doi.org/10.31604/justitia.v8i4.540-548>.

are sick or injured. Medical measures taken by incompetent parties can aggravate the animal's condition, cause unnecessary suffering, and even lead to death.¹⁴

From an ethical perspective, pet shops have a moral responsibility not to act outside the limits of their competence. Prioritizing profits alone without considering animal welfare is an unjustifiable action. Education to pet owners about the importance of taking sick animals to an authorized veterinarian is also part of the pet shop's responsibility.¹⁵

According to R. Soesilo's opinion, criminal liability requires the existence of two main elements of *actus reus* (prohibited material acts) and *mens rea* (inner attitude or fault of the perpetrator).¹⁶ Based on the researcher's analysis, the Petshop League case shows *actus reus* in the form of tail cutting and giving hard drugs through injection by the Petshop League that is not authorized. *Mens rea* in this action is intentionality or at least awareness of the potential danger to animals due to medical actions without expertise and permission. This act violates Article 302 of the Criminal Code concerning animal abuse and/or Article 66A and Article 91B of the Animal Husbandry and Health Law related to the prohibition of animal abuse and abuse that results in losses, as well as the possibility of violating the rules of illegal veterinary practice without a valid license.

According to Moeljatno, for the occurrence of criminal acts/acts, the following elements must be fulfilled:

- a) The existence of (human) deeds
- b) Who meets the formulation in the law (this is a formal requirement, related to the enactment of Article 1 paragraph (1) of the Criminal Code);
- c) It is unlawful (this is a material condition, related to the following of the teachings of material unlawfulness in its negative function).¹⁷

Based on the researcher, if you consider every element of the occurrence of the criminal act stated by Moeljatno, it has become clear that the act of medical malpractice by the Petshop League is a criminal offense in this deep according to the researcher needs stricter criminal accountability by the Petshop League, not only a statement of

¹⁴ Widya Dika Chandra and Pudji Astuti, "Penegakan Hukum Pasal 302 Kuhp Tentang Penganiayaan Terhadap Hewan Di Kota Surakarta," *Novum: Jurnal Hukum* 5, no. 4 (October 15, 2018), <https://doi.org/10.2674/novum.v5i4.26872>.

¹⁵ Azhara Devica Risnanda, "Perlindungan Hukum Dalam Klasifikasi Bentuk Kekerasan Terhadap Hewan Di Indonesia: Legal Protection to Animals Under Indonesian Law in Classifying Forms of Violence Against Animals," *Res Nullius Law Journal* 5, no. 2 (August 7, 2023): 123-34, <https://doi.org/10.34010/rnlj.v5i2.9789>.

¹⁶ Anis Rifai, "Rekonstruksi Pengaturan Pertanggungjawaban Pidana Pihak Yang Menggunakan Dokumen Palsu," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 3, no. 1 (March 30, 2022): 28-34, <https://doi.org/10.18196/ijclc.v3i1.12806>.

¹⁷ Bambang Hartono, Aprinisa Aprinisa, and Aditya Akbarsyah, "Implementasi Sanksi Pidana Pelaku Tindak Pidana Kejahatan Terhadap Nyawa Orang Lain Yang Direncanakan (Pembunuhan Berencana)," *Jurnal Penelitian & Pengkajian Ilmiah Mahasiswa (JPPIM)* 2, no. 4 (December 28, 2021): 31-44, <https://www.wisnuwardhana.ac.id/jppim/index.php/jppim/article/view/56>.

apology for having committed a medical act beyond the limits of its authority and resulting in losses to pets.

3.2. Factors Inhibiting Law Enforcement Against Perpetrators of Pet Malpractice in Gorontalo City

In 2024, the Pet Shop League will again be reported by Gorontalo Cat Lover to the Gorontalo City Police with the same type of case. To find out the obstacles to law enforcement against pet malpractice perpetrators in Gorontalo City, the researcher conducted an interview at the Gorontalo City Police.

"This case of malpractice was reported by the Gorontalo Cat Lover animal lovers community with a total of 5 victims, but this case was withdrawn. Because of the nature of the complaint, when the report was withdrawn, the process was not continued. So far, there are also no standard rules for animal medical practice and limits on malpractice, nor are there any medical personnel in the Police who can conduct animal forensic analysis".¹⁸

Based on the results of the interview, the researcher then identified the obstacles to law enforcement against perpetrators of pet malpractice in Gorontalo City by juxtaposing it with the theory of legal effectiveness by Soerjono Soekanto which identified five main factors that affect law enforcement, namely legal factors (legislation), law enforcement factors, legal facilities and facilities factors, community factors, and cultural factors.¹⁹

3.2.1. Legal Factors (Legislation)

Lack of specific rules governing SOPs at Petshop. The absence of standard rules on animal medical practice and the limitation of malpractice in Gorontalo City directly shows the weakness of the legal substance. The Animal Husbandry and Health Act makes no specific mention of malpractice of medical measures and only provides for more specific arrangements and harsher sanctions against the mistreatment and abuse of animals resulting in disability, unproductivity, or even death. The law in relation to enforcement must have certainty so that there is no arbitrariness so that it can provide protection for the legal community it regulates.²⁰ Without specific regulations, it is difficult to gauge whether the actions of an animal health professional have overstepped the line and caused harm. The Gorontalo City Police acknowledged this condition by stating, "so far there have been no standard rules for animal medical practice and malpractice restrictions."²¹ This situation creates legal uncertainty and hinders law enforcement officials in determining the existence of criminal violations.

¹⁸ Interview with Briпка Melkcy George Reversent S. Naue, Banit Tipidter Sat Criminal Investigation of the Gorontalo Police, May 5, 2025. At the Gorontalo Police Station

¹⁹ Soerjono Soekanto, *Pokok-Pokok Sosiologi Hukum / Soerjono Soekanto | Perpustakaan Mahkamah Konstitusi* (Jakarta: PT RajaGrafindo Persada, 2004). Pp. 110

²⁰ Jufryanto Puluhulawa, Moh. Rusdiyanto U. Puluhulawa, and Vifi Swarianata, *Pengantar Ilmu Hukum* (Yogyakarta: UII Press, 2022). Pp. 63

²¹ Ibid.

3.2.2. Law Enforcement Factors

Based on the analysis of the researchers' findings, the limitation of competence and the potential for misinterpretation of the law by law enforcement are also one of the main factors in the inhibition of law enforcement related to malpractice of media actions by the Petshop League in Gorontalo City. The limited number of animal forensic experts at the Gorontalo City Police reflects the lack of competence in handling specific cases related to animal health. Police statement, "there are no medical personnel in the Police who can conduct animal forensic analysis,"²² indicates that the apparatus lacks human resources with the expertise needed to prove the existence of malpractice scientifically. Furthermore, the misinterpretation of the status of complaints in animal abuse cases ("Because of the nature of the complaint, when the report is withdrawn, the process is not continued") shows a lack of a deep understanding of animal protection law, which is also an aspect of law enforcement.

According to the researcher's analysis, Article 302 of the Criminal Code does not require a complaint from the owner of the animal or a certain party in order for prosecution to be carried out. The wording of the article is general ("Whose goods..."). This indicates that anyone who knows of an act of animal abuse can report it, and the police are obliged to follow up if it meets the criminal element. If this is a complaint, then there will be a phrase stating that prosecution can only be carried out on the basis of the complaint of the aggrieved party. In addition, Articles 66A and 91B of the Livestock and Animal Health Law also do not include a requirement for complaints from certain parties. In fact, Article 66A paragraph (2) explicitly requires anyone who sees or knows of animal abuse to report it to the authorities. This obligation to report is contrary to the nature of the complaint whose prosecution depends on the victim's initiative to report.

3.2.3. Facilities and Facilities Factor

Lack of resources to support scientific investigations. The absence of animal forensic experts in the police is also included in the limited facilities and facilities. Investigations of malpractice cases often require scientific analysis to prove a causal relationship between medical actions and losses to animals. Without adequate facilities and experts, the proving process becomes very difficult. The defect of this factor certainly has a great influence on the previous factor, namely the law enforcement factor. In short, if the facilities and infrastructure are inadequate, law enforcement apparatus cannot carry out their role properly.²³

3.2.4. Community Factors

Low legal awareness of the community. Although the report by the Gorontalo Cat Lover animal loving community shows that there is legal awareness in some

²² Ibid.

²³ Roy Djordy Satingi, Fenty Puluhalawa, and Nuvazria Achir, "Faktor Penghambat Penegakan Hukum Terhadap Pengangkutan Hasil Tambang Ilegal," *Hukum Inovatif: Jurnal Ilmu Hukum Sosial Dan Humaniora* 1, no. 3 (May 29, 2024): 126–34, <https://doi.org/10.62383/humif.v1i3.304>.

communities, the withdrawal of the report indicates a potential lack of trust in the legal system or a preference for out-of-court settlements. This factor suggests that despite the initiative of the community to enforce the law, social dynamics can hinder the process. The public often does not know that the statement letter does not have permanent legal force.²⁴

3.2.5. Legal Culture Factors

According to the researcher's analysis, if referring to the theory of Rational Choice Victimology developed by Gary Becker which states that individuals make decisions based on rational calculations between costs and benefits,²⁵ Therefore, one of the factors that is an obstacle to law enforcement is the permissive culture where the tendency to resolve disputes peacefully or familiarly because the formal legal process is considered too complicated and has the potential to damage social relations, and requires costs, so informal settlement is preferred and becomes the reason behind the withdrawal of reports, even though it does not provide a significant deterrent effect for malpracticers.

5. Conclusion

Based on the overall discussion in writing this thesis, it can be concluded that the illegal actions carried out by the Petshop League in the form of tail cutting and injecting hard drugs without authority reflect the deliberate elements of actus reus and mens rea, as well as violating the provisions of Article 302 of the Criminal Code and Article 66A jo. Article 91B of the Animal Husbandry and Health Law, however, criminal liability against the Petshop League has not been firmly and proportionately enforced because it only ends in an apology. In addition, law enforcement against malpractice against pets in Gorontalo City faces various complex obstacles, including weak regulations due to the lack of specific rules on animal medical practice standards and pet shop SOPs, limited competence of law enforcement officials, especially in the field of animal forensics, lack of facilities and infrastructure to support investigations, low legal awareness of the community, and a permissive legal culture that tends to resolve cases informally based on efficiency considerations, which ultimately does not provide an adequate deterrent effect for lawbreakers.

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²⁴ Sriani Ratu, Jacobus Ronald Mawuntu, and Cobi E. M. Mamahit, "Tinjauan Hukum Terhadap Tindak Pidana Penganiayaan Dan Pembunuhan Pada Hewan Peliharaan," *Lex Privatum* 15, no. 2 (February 16, 2025), <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/60841>.

²⁵ Gary S. Becker, "Crime and Punishment: An Economic Approach," *Journal of Political Economy* 76, no. 2 (1968): 169–217, <https://www.jstor.org/stable/1830482>.

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Ahmad, Ahmad. “Measuring The Application of Corporate Social Responsibility of PT. Gorontalo Minerals.” *Estudiante Law Journal* 4, no. 2 (February 15, 2022): 132–45. <https://doi.org/10.33756/eslaj.v4i2.16489>.

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