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STUDY OF THE IDEAL CONCEPT OF PET WELFARE ON THE PRINCIPLE OF USE AND UTILIZATION IN LEGAL GUARANTEE

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Abstract

The animal protection law is regulated in Law Number 41 of 2014 Article 66A which explains that everyone is prohibited from abusing or abusing animals that result in disability or unproductiveness. Animal protection against the principle of animal welfare is an important instrument in the agenda and mandate of the law in this case the veterinary authority as a representative of the government. Indonesia still has many difficulties and obstacles faced with a number of legal issues against animals, both in terms of its laws and regulations, society, and its law enforcement system. consideration in making changes. Legal thinking in animal protection, one of which uses argumentative theory that describes a legal model or pattern that is said to be ideal in drafting rules and implementing the law enforcement system. Changes in the revision of the provisions of the legislation related to animal protection against the current positive law, so that a law will be created that can absorb all the interests and needs of the Indonesian people. Analyzing the extent to which existing legal rules and sanctions can accommodate the scope of the welfare principle on the freedom of use, especially non-livestock animals and can formulate related legal protections. The form of the sociological-empirical research paradigm is an understanding of law in terms of norms (rules) and the implementation of legal rules in real behavior as a result of the enactment of legal norms. The research was conducted by examining the implementation or implementation of positive legal provisions and factual written documents on any particular legal event that occurred in society. The obstacles in this study include the lack of legal instruments in law enforcement for the protection of pets in Indonesia, among others: The absence of a legal umbrella/law related to the rules of sanctions in enforcing the law on consuming non-livestock pet meat as animal protection on the principle of use and utilization. The unclear legal rules regarding the prohibition and sanctions on consuming non-livestock pets such as cats and dogs make it difficult to enforce the law. The law that still overlaps between the provisions of the sanction for killing animals, especially non-livestock pets and on the other hand, seems to be legalized for consumption. Previous research has discussed more about the protection of animal welfare laws in general. In this study, we specifically discuss the legal protection of pet welfare. In addition, this study also discusses the model of ideal law formation by including the model scheme, which has not been discussed in previous studies.

Keywords: animal protection, pets, legal model, ideal law, argumentation theory

I. INTRODUCTION

Animal welfare in the current era of globalization has become a rumor that all nations have begun to pay attention to, both developed and growing nations, not only because of the basic value of being a human made by God whose existence must be protected, but also because of its position that brings meaning to people's lives as food products, basic materials for industry, service, or agriculture. Not only that, animals are one of the bases of one's joy in all views of life, whether intellectually, socially, spiritually, or economically (Tribudiman et al., 2021).

The point of welfare in creating animal protection lies in the system of strengthening the law and the government itself through the veterinary authority system in implementing livestock management and animal health to provide protection. The animal protection law itself is regulated in Law No. 41 of 2014 Article 66A; explained that everyone is prohibited from torturing and or or abusing animals that cause disability and or are not productive. Referring to the Law on Livestock and Animal Health, the Government also issued Government Regulation No. 95 of 2012 concerning Veterinary Health and Animal Safety, Law No. 41 of 1999 concerning Forestry. Article 50 Paragraph (3); Everyone is prohibited from removing, carrying, and transporting wild plants and animals that are not protected by law from forest areas without the approval of the administrator who is entitled or has the authority.

Global references in animal safety rumors are provisions issued by the world animal health organization, namely the World Animal Health Organization (WAHO), also known as the Office International des Epizoofibs (OlE). This global body, which has been in existence since 1924 and has 178 members, seeks to improve animal welfare through an approach based on objective principles by separating animal welfare issues from customary practices or the economic environment in a country. All countries are now starting to enforce protection for animals by issuing several laws and regulations that prevent animals and threaten animal abuse and actions that criticize their habitat.

The State of Indonesia is a legal state where basically all people's behavior must be regulated based on the appropriate law, as stated in the preamble of the 1945 Constitution Article 1 Paragraph 3 which explains that the State of Indonesia is a State of Law. Therefore, the law is tasked with the method of providing instructions regarding the behavior of each person, because the law is a norm that lives and grows in society (Soekanto, 2006), so it is hoped that regulations related to the principles of welfare in the use and exploitation of animals as a form of animal protection for sustainability are expected. life and their habitats become valuable instruments in the reference of the central government and local governments in appointing their veterinary authorities to implement the regulations contained therein.

There are obstacles and the lack of legal instruments in strengthening the law for the protection of pets in Indonesia, including:

1. There is no legal protection or legislation related to the provisions of punishment in enforcing the law on the consumption of non-pet meat as animal protection on the principle of use and exploitation.
2. The unclear legal provisions related to the prohibition and punishment for the consumption of non-livestock pets such as cats and dogs make it difficult for law enforcement to decide on the imposition of articles in imposing the defendant so that the articles used only focus on the slaughter article or the Criminal Code 302 or use the theft article 363 Verse 1.
3. The ongoing customs of some residents in several areas in Indonesia seem to legitimize the death of pets such as dogs and cats and become a polemic in the midst of animal welfare rumors in the public as well as in the details of Law No. 41 of 2014.

II. LITERATURE REVIEW

The theoretical basis used are:

1. Legal Certainty Theory (Grand Theory)

For Kelsen, law is a system of norms. The norm is a statement that emphasizes the "should" or das sollen view, involving some rules about what must be tried. For Fence M. Wantu, "law without the value of legal clarity will lose its meaning because it can no longer be used as a principle of attitude

for all people". Legal clarity is meant as a clear norm so that it can be used as a principle for the public to be subject to this regulation. The interpretation of clarity can be interpreted if there is clarity and certainty in the enactment of the law in the public. This matter gives rise to many misunderstandings. For Van Apeldoorn (1886–1978) “legal clarity can also mean things that can be determined by law in actual circumstances” (Apeldoorn, 1978). Legal clarity is a guarantee if the law is carried out, that those in power according to the law can get their rights and if the decision can be implemented. Legal clarity is justifiable protection against actions at will, which means if someone wants to be able to get something that is expected under special conditions. Karl Larenz (1903-1993) in his book Methodenlehre der Rechtswissenschaft said that the legal basis is ethical legal standards that provide direction for law-making, because the legal basis contains true demands so that the legal basis can be called a bridge between legal regulations and social expectations. and citizens' ethical thinking (Atmadja, 2018). In making legal provisions, an important foundation is built so that there is clarity in legal regulations, that basis is legal clarity. This idea on the basis of legal clarity was originally published by Gustav Radbruch in his book entitled "einführung in die rechtswissenschaften". Radbruch incised that in law there are 3 basic values, namely: (1) Equality (Gerechtigkeit); (2) Benefit (Zweckmassigkeit); and (3) Legal Clarity (Rechtssicherheit) on the basis of legal clarity. In fact, the existence of this principle is interpreted as a condition where the law is in fact because there is an actual power for the related law. The presence of the principle of legal certainty is a form of justifiable protection (equality seekers) against arbitrary actions, which means that if someone wants and can get what is expected in special conditions (Julyano & Sulistyawan, 2019). For Utrecht (1922-1987), legal clarity has two interpretations; first, the existence of a general rule that makes people recognize what actions can or cannot be attempted; and second, in the form of legal security for people from the arbitrariness of the government because with the existence of provisions of an ordinary nature, people can recognize anything that the state can burden or try to people (Kansil, 1992), because according to him law is a set of regulations (commandments). orders and prohibitions) which manage the order of a society and therefore must be obeyed by the community (Syahrani, 1999).

2. Theory of Human Rights Against Animals (Middle Theory)

This theory argues that animals have the right to live their lives as living humans, free from use and distress. Therefore, the originator of this theory believes that animals cannot be used for research, food, clothing or entertainment. One of the defenders of animal rights, Gary Francione (1954) said that if animals cannot be used as a resource subject to human control, or rather animals have the right to use they are not treated as 'property' that is used only for human profit (AHIMSA, 2021). Bernard Mandeville, Frances Hutcheson, David Hume, Jean Jacques Rousseau, and other enlightenment figures offered ideas of compassion and compassion that brought them closer to animal rights. In the nineteenth century, some transcendentalists such as Henry David Thoreau converted to a vegetarianism view and a greater respect for animals and nature. The modern philosophy of animal rights, and actions to protect them, really began with Peter Singer's announcement of animal liberation in 1975.

3. Development theory (Applied Theory)

Theory of Development Law from Professor. Dr. Mochtar Kusumaatmaja, S.H., LL. M., (Digdowiseiso, 2012) there are several important arguments why the Theory of Development Law has attracted a lot of attention, which, when presented, are these views in outline as follows: First, the Philosophy of Development Law to date is a popular legal philosophy in Indonesia because it was born by Indonesians by looking at the format and culture of Indonesian citizens. Therefore, by benchmarking the format of the legal philosophy of development, it was born, developed and grew

in accordance with the Indonesian situation so that if it was put into practice in its application, it would be appropriate to the situation and atmosphere of a pluralistic Indonesian citizen. Second, in a dimensional way to the Philosophy of Development Law using a way of life (Salman & Damian, 2002), the Indonesian people and nation are based on the Pancasila basis which has a familial character to the existing norms, foundations, bodies and rules. in the Philosophy of Development Law, it is relatively a format that includes form, culture, and substance. Basically the Philosophy of Development Law explains that the function of law as a tool for public innovation and law as a system that is very much needed for the Indonesian nation as a growing country. The philosophy of Development Law and its elaboration was not intended by the initiators as a "theory" but a "design" of legal development which was modified and adapted from Roscoe Pound's theory of "Law as a tool of social engineering" which grew up in the United States (Kusumaatmadja, 1970). Mochtar Kusumaatmadja added that there are efficient goals for development.

4. Theory of Absolute Types of Criminal Law / Vergeldingstheorie (Applied Theory)

For this theory, the sanction is imposed as a reward to the perpetrators for making mistakes that cause suffering to others, in this case animals as living beings whose existence is recognized (Hikmawati, 2016). According to this theory, sanctions must be sought from the fault itself because the error has created a burden for others, in return (vergelding) the perpetrator must also be given misery. This theory proves that perpetrators who carry out crimes are subject to appropriate sanctions in accordance with the provisions of the Criminal Code which are legal without mercy in order to provide a deterrent effect for other perpetrators.

III. METHODOLOGY

This research is contained in the form of a sociological-empirical research paradigm, namely a description of the law in terms of norms (stipulations) and the application of legal provisions in a real attitude as the impact of the enactment of legal norms. The research is attempted by examining the application or application of positive legal determination (laws) and recorded archives by means of in action (actual) on every selected legal event that takes place in the public. The analysis intends to confirm whether the results of the application of law in legal events in concreto match or do not match the determination of the legislation, or in other words whether the determination of the laws and regulations has been carried out properly, so that the interested parties achieve their goals or no (Muhammad, 2004). Researchers and legal experts do not only explain from a normative point of view, but should master the social situation and atmosphere in which the law is applied. Therefore, researchers and legal experts must also carry out legal research in an empirical (sociological) way regarding the application of law in citizens, so that the results will not only provide a complete description of the law under certain norm conditions or the law if it is applied in social conditions.

IV. RESULT AND DISCUSSION

Provisions on animal protection between the State of Indonesia compared to other countries are still not maximum. One of the countries that is concerned with animal protection is Turkey. This country has The Animal Protection Bill Law No. 5199 which has been amended by The Animal Protection Bill Law No. 7332 as a regulation that controls no longer the design of animal welfare but has the concept of animal rights. This is certainly what is currently being fought for in the animal protection law in Indonesia, because let alone bringing the law to focus on animal rights, in the design of animal welfare alone, Indonesia is still experiencing many difficulties and obstacles experienced with several legal cases against animals, both from the field of regulatory regulations. legislation, citizens, and the system for strengthening its provisions. This is caused not only by the inability of the government to carry out

efforts to improve regulations but also many issues and estimates in regulating changes, because as far as the obstacles encountered in this research are concerned, the director general of animal husbandry and animal health concerns whether there is an attempt to implement regulatory changes, and whether there is special information regarding the number of animals rescued by the ministry in the context of what legal protection is for non-livestock pets. The Veterinary Public Health section explained that so far the ministry has not provided any information regarding the safety of non-livestock pets in a specific way because the government's current concern is to manage more budgets and activities on the safety of protected types of animals and the welfare of pets, such as developing the manufacture of the highest quality pets. This can be proven in several related ministerial programs issued in several information and short- and long-term activities and plans related to pet safety, so for this an analysis is needed because the government must try to implement changes to the law and the Criminal Code in the July 2022 draft RUKUHP in July 2022. animal protection design on the principle of true animal welfare.

It takes a trial and error review of how the condition of clarity of dogs and cats as non-pet types of pets or other protected or unprotected animals as pets which are actually not processed products to be eaten. It is also necessary to clarify the criminal law sanctions not only from factors of persecution or slaughter by revising or implementing changes to laws and regulations for the protection of non-livestock pets, because as long as monitoring and obligations to the veterinary authorities are responsible for all supervision on animal protection, the problem The complicated thing that the government is experiencing at this time is related to the rooted custom of the people consuming the meat of dogs, cats, monkeys, and others. As a result, this becomes a case when the law and the Criminal Code prevent it firmly and accompanied by criminal penalties so that how the animal can be consumed is free from legal views because the principles of the Criminal Code need to be observed also because of the impact on the cause and effect of how the point of animal protection is targeting the field of exploitation and abuse. animal use. Because to suppress the slaughter of these animals, it is necessary to issue real punishments or provisions for the prohibition of consuming the meat of these animals. The rules for determining and replacing the fulfillment of animal protein can be obtained from animals that are more appropriate to eat based on a health perspective and a human morality point of view as a moral and educated person, a mind that can select animal foods from types that are justified by positive law and do not violate social norms, especially religious norms. This is where the position of the central and regional governments coordinate through the veterinary authorities and residents to care for the safety of animals on the principle of exploitation and use. For that we need legal protection and a real legal strengthening system for the protection of non-pet pets, non-pet pets are animals that are not used for food, factories or agriculture, these non-pets can come from protected and unprotected animals and are listed as pet.

Presidential Decree No. 48 of 2013 article 1 paragraph 2 and paragraph 7 for their maintenance and welfare for non-pet types of protected animals is regulated by Law No. 5 of 1990, namely how the public can function to maintain and contribute to the welfare of animals by maintaining them based on BKSDA requirements, while non-livestock pets of unprotected species refer to Law Number 41 of 2014 article 1 paragraphs 3, 4 and 6 based on an explanation of how animals can be made into animal products. It is in article 13 and article 58 as well as the prohibition of article 66a and criminal penalties 91b and government regulation Number 95 of 2012 article 1 paragraph 2 and paragraph 4 for welfare refer to articles 83-89 for exploitation, and its use is in articles 90-97. Based on that species, the principle of this research is how the existing laws can accommodate the protection of animals, both protected and unprotected, because both are non-livestock types, which in principle are protected from the aspect of exploitation and use. The problem that occurs is when discussing animal protection, but there is no clear legal umbrella and sanctions, namely if there are cases in which people kill animals,

the meat is traded for eating. Based on this case, the protection plan and its sanctions only use KUHP 302 to ensnare the perpetrators. On the other hand, in order to consume these animals, the ministry can only try to make circulars related to the prohibition of consumption, for example the ministry's circular regarding the prohibition of consuming dog meat: Circular of the Directorate General of Livestock and Animal Health (PKH) of the Ministry of Agriculture No 9874/SE/pk. 420/ F/ 09/2018 coincided on September 25 2018. The circular letter is about increasing supervision over the spread or trade in dog meat, on the other hand, the circular does not contain any real punishments and provisions related to the exploitation and use of animals as a whole because the ministry itself as the ministerial authority administering and who has the right to assume the safety of animals does not have a legal basis and legal basis, especially penalties related to animal protection. The public habit of consuming the meat of protected or unprotected animals, because the habit is rooted in the community especially for years, as a result work problems, traditional customs become a barrier related to the system of strengthening its provisions and the case that is taking place is a form of exploitation and use of animals. So the animal protection design requires a formulation that not only links policy managers but the public in it as well as the clarity of the exact legislation.

Based on the scope of this research concern, the central government through its legislators needs to re-analyze and implement important changes to the design of appropriate animal protection through legal products. Law enforcers and the public must be able to create perfect legal arrangements. To fulfill this coverage, it is based on philosophical, sociological and juridical considerations based on the teachings of Indonesian law, because a good and functional legislation in the public is not only required to have a solid philosophical and juridical basis of considerations, but also sociological considerations.

1. Philosophical aspects

   This view explains the provisions in making legislation or law literally outside the context of how it will be perfect, but in its aim is to make the legal product seen as a product of good legislation so that a harmonious philosophical view is needed regarding the considerations or causes involved. describes if the regulations that are built think about the thoughts of life, understanding, and legal desires that include the psychological atmosphere and teachings of the Indonesian nation originating from Pancasila and the Preamble of the 1945 Constitution Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution).) ensure that the State of Indonesia is a state of law.

2. Sociological aspects

   In making laws and regulations, it cannot be separated from calculating sociological views where this view is a consideration or reason that describes if the regulations are built to meet the wishes of the public in various views, and involve empirical reality about changing problems and the wishes of the public and the state. Taking the Roman philosopher, Marcus Tullius Cicero (106-43 BC), ubi ius ibi societas, "where there is law there is public" or what we often call law in society. This means that the law cannot be separated from the social conditions of its people.

3. Juridical aspects

   This view includes how the method of making legal instruments to be built in accordance with Article 10 Paragraph (1) of Law No. 12 of 2011 concerning the Making of Legislation states that the content that must be regulated by law contains: a. Further regulation regarding the determination of the 1945 Constitution of the Republic of Indonesia; b. Order of a law to be regulated by law; c. Ratification of specific international provisions; d. Follow up on the decision of the Constitutional Court; e. Fulfillment of legal interests in the public. From the basic content of law-making until a perfect legal product will be obtained according to the initial objectives and the achievements of

legal trust that will be built based on the wishes of the public. The juridical basis is the reason that describes if the regulations are built to deal with legal cases or contain a legal vacuum by considering existing provisions, which are about to be replaced, or which are about to be repealed to ensure legal clarity and a sense of equality of the citizens. The juridical basis concerns legal cases related to the meaning or material regulated, as a result, it is necessary to develop the latest legislation. Some of the legal cases are regulations that have been left behind, regulations that are incompatible or overlapping, categories of regulations that are lower than the law, as a result of which the force is weak, the regulations already exist but are insufficient, or the regulations do not exist at all. The juridical factor is related to legal cases related to the content or material that is regulated, so the latest legislation needs to be developed.

The ideal law is a rule of law that is not discriminatory and originates from the national character, namely religious and customary values (Harahap, 2020). The existence of an ideal law means that the entire population of the country is subject to the same legal system. The ideal law must start from the public which is in line with the progress of the times, and the nation's moral civilization, therefore the law must be dynamic in nature so that it can be harmonized with a firm character and can also be flexible, able to provide protection, shelter, service, learning, clarity and even evenness. Not only that, the contents of the National Law must be able to provide guarantees of legal protection to the state and nation, can protect and provide a comfortable, happy, and safe atmosphere. The draft Indonesian rule of law can be categorized as a formal and material legal state, because it not only applies laws, but also emphasizes the fulfillment of legal values (Wahyono, 1988). Therefore, the state is obliged to make laws through their power officers, namely laws that can be obtained in the community.

Some of the ideas on the ideal concept of law in making a piece of legislation, which want to be informed in research in the protection of non-livestock pets, are:

1. The law must be seen as a social method in this case the position of the government through its law enforcement. Optimization of legal instruments in accommodating how the management of animal safety in the principle of use and utilization is conveyed to the residents so as to produce a form of animal safety management. This is not only a form of animal safety management with all legal provisions and provisions, but a form of public habit in viewing animals as living humans who are born with all the benefits and functions according to the provisions set by the government.
2. The law must be seen as an urgent and binding order but responsive to changes according to the wishes and progress of the public, as a result it is seen that good law is a law that must be competent and balanced. Such a law should be able to identify the wishes of the public and have a commitment to achieving substantive equality, although the law is urgent and binding, this is intended to create discipline in the attitude of the citizens.

IDEAL LAW FORMATION MODEL

The use of legal argumentation theory to carry out legal ideas related to the main sub of this research on the protection of non-livestock pets which should be and aspired to in the 1945 Constitution in a social regulation, where with this argumentation theory can describe a form or pattern of law that is said to be ideal sourced from the explanation and description beforehand. This argumentation theory examines how to analyze, formulate arguments in a fast way. Argumentation theory develops standards that are used as the basis for a real and logical argument. This form of argumentation has two

characteristics in legal argumentation: a. Legal arguments do not start from a vacuum. Legal arguments always start with positive law. Positive law is not a closed or static condition, but a continuous progress, b. Legal arguments or legal reasoning are related to the procedural framework, in which logical arguments and logical dialogues run (Hantoro, 2012).

The principle of safety (animal walfare) from the point of view of the health sector is regulated in Law Number 41 of 2014 Article 41 letter c Article 41a paragraph 1-5 Article 68 paragraph 1-2 2. Safety of non-pet pets on the principle of use and utilization of the animal itself in the law comes from Law Number 41 of 2014 article 4 how pets are defined as animals whose lives depend half or all on people. There are also details of pets which are defined in this research as non-pet animal groups which describe animals that are not recommended to be eaten or can be classified as pets according to Presidential Decree Number 48 of 2013 Article 1 paragraph 7. and its use is not intended as a consumption animal because it is not in accordance with the provisions of Article 58 of Law No. 41 of 2014 article 58. Not only that, violating the order of abuse of use and exploitation of animals can be viewed from article 66 and the criminal provisions are regulated in article 91b. Based on that, the author can analyze if the exploitation and use of animals comes from three parts: first, to protect ecosystems and natural energy sources; second, as a food or consumption product; third, animals are used as mental therapy for people. This is evidenced in a Juliadilla research in the journal the role of pets (pets) on the level of mental stress of retired workers (Juliadilla, 2018). In the study, it was reported that pets are used as therapy that has a position of health in people's mental health, positioned not only as pets but also as friends, especially family who bring joy. Similar research was taken in the journal Y Erliz of the effect of pet attachment on happiness in pet owners, McConnell reported that pets can be social support that can improve a person's psychological health when support from fellow individuals decreases. If this social support is perceived as the availability of people's beliefs, then there will be a potential protector of emotional and physical health in the face of various levels of mental stress of life (Garrity et al., 1989). The principle of the use and exploitation of non-livestock pets is that there are exceptions where all activities in the exploitation and use are justified in Law Number 41 of 2014, the exceptions are aimed at the following activities:
1. Exploitation and use of the animal in medicine, science, research
2. Use and exploitation of animals for religious activities, customs and beliefs

The exception is an act of error when the principle of exploitation and use of animals is misused by the public which is not in accordance with the provisions of the legislation. The focus of this research is based on the principle of exploitation and use of pets which includes views of abuse and exploitation of exploitation and use of animals for consumption according to Government Regulation No. 95 of 2012 articles 91, 92 and articles 99 and Law No. 18 of 2012 regarding food.

As for the explanation of how the protection of pets in legal argumentation, is based on the theory of argumentation if the argument is an arrangement of activities in seeking under the law from a legal event, whether criminal or civil and legal theorists assume that there are three interpretations in it: first, judged from the essence view. , the law is applied to the ongoing problem; second, on the case verdict; Third, the verdict that must be obtained by the judge. There are two forms in creating the basis of legal argumentation: first, systemic legal reasoning which is centered on a systemic view of normative law which is formed in an a priori, harmonious, logical way; second, critical legal reasioning is more on emperism, historical, jurisprudence, sociological reasoning in a critical way. From that basis, the author argues the idea in a concept of animal protection that is observed from its welfare. In strengthening the law, regarding the process of the legal strengthening system which is not clear, this is judged by how the law places animals as subjects that have the essence of being living human beings which are judged

to be in the field of utilization for individual use, even though this is truly impossible because the law in Indonesia itself is still animals. placed as an object of necessity. Needs that are defined more on economic and consumption figures, as a result there are many problems of abuse and cruelty to animals or unnatural treatment that leads to unlawful acts by committing wrongdoing to the animal.

The view of animal use can be observed from three sub-points: first, animals used as animal sources for individual needs; second, as animals that help protect the balance of nature and ecosystems; third, the animal is a subject because this is where the animal is seen no longer as only a pet object but as a friend, family because this animal brings joy to the position and position of the animal in its life, more on the bond of pet attachment which affects the happiness of the pet owner. The law and the Criminal Code in Indonesia have not clearly included dogs and cats as animals that are legally prohibited from exploitation and their use for consumption, as a result some residents neglect punishments for animal abuse or animal slaughter. Cats and dogs are animals that are not protected and it is also not explained how the provisions and punishments are from the aspect of exploitation and use. The barometer in the Criminal Code is only based on the basis of abuse, not how it is viewed from the basis of abuse, exploitation and use of animals so that it makes it difficult for law enforcement and veterinary authorities to carry out the principle of animal protection on the basis of exploitation and use, because the provisions on animal consumption are only regulated in an appeal letter for prohibition. how the provisions and penalties are clear in the public. The public views that the consumption of dogs and cats is not an unlawful act or an action that has legal implications because the criminal provisions are only limited to torture, so this results in an increase in the demand for consumption of some residents which automatically abuse and slaughter of animals will continue to increase, because someone tortures an animal or kills it. Animals are not only for consumption as the only cause of the various social aspects that exist in the public. Animal abuse against dogs is carried out by not slaughtering a goat or other animal, but putting it in a basket, then snaring its neck with a tie and hitting its head or putting it in water until it dies, or by burning the dog alive. Not only that, in criminal law it is known the basic causes of a matter where the cause and effect of a legal event are related to each other, as a result this needs to be analyzed in the case of an animal abuse or animal slaughter that takes place, because the animal meat trade market is allowed to seem to fix the slaughter. it lasts. In addition, under the conditions of Indonesian criminal law, it is known that the components of unlawful acts are known, where in the process a crime problem involving an animal wrong can be determined as a complaint offense and a general offense. This means that without a complaint, as long as the act violates the law and disturbs public order, the effects of the crime caused must always be subject to criminal proceedings. In the case of animals, it is regulated in the Criminal Code 302, which is part of the book (crime) lex administrum vol. IX or number. 4/ Apr/ EK/ 2021 216 chapter XIV (crimes of decency). On the other hand, some other articles 540, 541, 545 are found in the third book of violations.

In the abuse of animal safety related to the principle of exploitation and use of non-livestock pets, based on the analysis of the Criminal Code in complaint offenses or general offenses, the legal basis can be used in Law Number 41 of 2014 article 66a, criminal provisions 91b. The basis of the protection of pets that the author means in the interpretation of criminal law is how the existing law and the Criminal Code can take into account and provide clarity on the principle of cause and effect to a problem of abuse in the perspective of mutual involvement with abuse, exploitation and use. Because all of them constitute a form of unlawful action that is inseparable from the basis of the exploitation and use of animals. The increasing number of consumption of these animals in public, this creates a perception of feeling as if their actions are justified in the animal meat trade, so that continues to be the cause of soaring persecution of animal slaughter. The embedding of words like this in criminal law is closely related to the principle of justification, namely the condition where the meat trade of non-livestock pets

such as dogs, cats becomes the background for forced defense or noodweer. Carrying out animal slaughter for sale because there are no other business fields or as a livelihood or profession as a cause that is considered justification from the perspective of the perpetrator in protecting himself from the snares of criminal law. Not only that, article 27 paragraph 2 states in paragraph (2), every citizen of the country has power over a profession and a proper living for humanity.

The law regarding the clarity of the role of dogs and cats as pets that cannot be eaten and the provisions for sanctions are not clear even though it is stated in Law Number 41 of 2014 how the provisions on animals to be eaten must be in accordance with article 58. This matter is certainly troublesome in the way of tracking and investigation until in the way of strengthening the decision and if it is processed so that only the persecutors or animal killers get the punishment, on the other hand if it is taken into account from the point of view of cause and effect of the criminal law, consuming is also a participation in wrongdoing for the abuse of exploitation and use of animals. The existing law does not involve a prohibition against consuming pets, the prohibition is only an appeal letter in the form of a ministry circular; Circular Letter of the Directorate General of Livestock and Animal Health (PKH) of the Ministry of Agriculture No. 9874/ SE/ pk. 420/ F/ 09/2018 coincided on September 25, 2018. The circular is about increasing supervision over the circulation or trade of dog meat. So the circular is only the state's attention to the citizens of the consequences, not how the nature of preventing the animal is by means of the animal welfare principle, as a result the public thinks they are free to consume any animal as long as it is not venomous and does not look at the basic judgment of the punishment in it or the basis of its validity. There is also the authority to provide evaluations regarding the occurrence of a forced defense (Noodweer), the position of the government and citizens to obey and uphold the law.

Based on Sutjipto Rahadrdjo's theory, law is for people not people for law, but the law is considered perfect if it fulfills the success of three markers, namely: form (legitimate structure), root (legitimate substance), and Adat (legitimate culture). These three markers are needed in carrying out corrections and reforms according to the wishes of the public in making public legal behavior. This is where the illustrative concept of carrying out the slaughter of animals is due to economic interests and the like, whether the authority of each sub-system of criminal justice includes investigators, or lies with the prosecutor as the holder of the basic mandate of Dominus Litis, or is it just a judge who is given the authority to settle matters related to tolerance and justification in actions. crime, and taking into account the guilt or innocence of a person who has committed a crime in a state of urgency for advocacy. As a result, the judge considers his decision in increasing or loosening the sentence in KUHP 302 in ensnaring the perpetrators of animal slaughter, on the other hand, the prohibition provisions and consumption penalties are not clearly regulated. This matter should be an estimate of the legislators of laws and regulations, in this case the position of the legislator in making the latest law, in accordance with the wishes of the public so that the judiciary in this case the judge can make decisions in the case of verdicts and decisions according to the perfect rules for the basis of equality of benefit and clarity. law, so that law enforcement and veterinary authorities as a branch of the executive in it can optimize their obligations and authorities in preventing these animals. The author formulates that ideal law making in an effort to make Indonesian public legal behavior does not release the principle of the state ideology, namely Pancasila, the author carries out an ideal legal view for the interests of the Indonesian population in terms of provisions for animal protection provisions for the public, the ideal legal draft is built in a view to the public. a form of trilogy of sociological jurisprudence in which law-making and law as a tool of social engineering become an amalgamated procedure in which the law is a normative provision that will change the legal strengthening system and the behavior of its people in innovations that can function to change social values in the public.

Some data that prove cases of animal abuse:

1. Based on the case of the supreme court decision related to animal abuse, there are 21 decisions until 2022 with one criminal law law in 1951 in its ruling there are 16 other parts, off 1, affirming 4, at the process level, first 16 to 5.
2. According to the Asia For Animals Coalition, Indonesia is the country with the highest level of cruelty to animals. It is proven in the Asia For Animals Coalition, reporting that Indonesia is the number one country in the world that uploads the most animal cruelty content on social media. 1,626 torture content comes from the territory of Indonesia from 5,480 content circulating from all over the world. This data was collected from July 2020-August 2021 from YouTube, Facebook and TikTok.
3. The level of consumption of non-livestock pets such as dogs, cats, etc. in several regions in Indonesia shows the following data on the level of animal abuse.

Table. Periodization of the Total Level of Dog Meat Consumption in Java and Bali in 2018 (Chandra & Astuti, 2018)

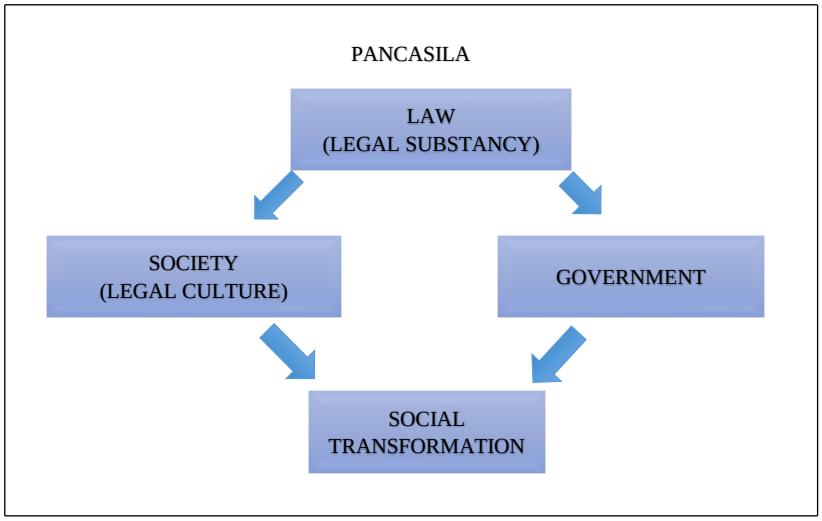
City Name	1 Week	1 Month	1 Year
Surakarta	6.964 dog	36.000 dog	562.890 dog
Jakarta	5.212 dog	16.685 dog	298.780 dog
Yogyakarta	2.205 dog	9.732 dog	120.945 dog
Bali	1.245 dog	6.570 dog	77.425 dog
Bandung	389 dog	2.120 dog	25.435 dog
Semarang	190 dog	586 dog	9.134 dog
	Total		**1.094.609 dog**

Source: Indonesian Dog Meat Free Coalition

From the three data, it can be concluded that only a small part is processed to court in terms of animal protection efforts and most of it is due to public complaints about the losses caused. So far, there have been no public complaints against the killing of animals by the public against the sellers of these animal meats, even if there are complaints from the animal owners if there are cases of stolen animals, but the question is what are the legal sanctions for sellers who sell these animals, especially abandoned pets who are not there is an owner. This is where the role of legislators is in forming and reviewing the rules of an ideal law according to public needs in an effort to emphasize and clarify punitive sanctions so as to bring legal certainty to the community. Data from the Supreme Court's decision shows that from 1,626 videos that are known, where the crime was committed, none of them penetrated until the Supreme Court's decision, only ending at the stage of detention in the police after that the peaceful way became the decision of the case so that many perpetrators were released. Law enforcement should try to enforce the law for animal protection by continuing to carry out legal proceedings and hunting down perpetrators of violent content to animals by continuing to identify the investigation and investigation of the content so as to find the original perpetrator in the content.

The following is an ideal legal model scheme based on previous legal thought that is in accordance with the development direction of the goals of national law so that it becomes a unit that completes and produces good legal thinking, which is a unified legal argumentation against legal issues in Indonesia, especially the law of protection. animal.

Diagram Schematic of Merger Theory Between Law, Government, Society



This design is based on several theories:

1. Friedman's theory; in his book The Legal System A Social Science Perspectives focuses on the meaning of customary law in society. This matter is also seen in Friedman's explanation, who usually views that of the three parts of the legal system, customary law is a very meaningful part. However, it also does not neglect the emphasis that structure and substance are a core part of a legal system.
2. Mochtar Kusumaatmadja's theory; with the concept of "Law as a tool of social engineering"; where his thinking of the law is seen as a tool of public innovation. Professor. Dr. Mochtar Kusumaatmadja does not recommend that Indonesia use the case law system or replace the system as common law. But in theory, he will look at how recorded law can continue to accelerate development. His view on the law is that Indonesia is a legal state that is guided by consistent written laws, but Indonesia does not adhere to the principle of legism.
3. 3. The theory of Satjipto Rahardjo; with the design of progressive legal theory. The emergence of this progressive legal idea was motivated by the condition of Indonesian law after the reform which did not come close to the perfect goal, namely the law for the welfare of the public. In terms of meaning, progressive law can be constructed as a law that continues to grow and describes liberating activities because it is tempered, fluid, and carries out a search from one evidence to the next. One of the characteristics of progressive law that is often reviewed is the draft law for people, not people for law.

For Sujipto Rahadjo; Law for people, law is given the meaning as an institution that intends to bring people to a balanced, safe life and make people happy (Rahardjo, 2009). This condition is manifested in a legal strengthening system on the basis of strengthening ideas or concepts regarding equality, evidence, social benefits, and the like according to the wishes and desires of the public so as to restore confidence and happiness in the public to the performance of state institutions. For him, law is not something that is static, absolute, final, silent and does not change, but can always change or flow, because law lies in the system that occurs (law as a process, law in the making). This is rather interesting when the level of good ideas is reasonable to admit, if the laws created by people can indeed change or be changed by those who make them according to their wishes or times. The change that is interpreted seems to be a dynamic change.

V. CONCLUSION

Along with the many problems of animal abuse and slaughter in Indonesia that have not been resolved, it has become a concern for the safety, comfort, and comfort of the observers and cares for the safety of animals and the public in general. This is evidenced by the fact that Indonesia is still the top row of countries with the highest persecution problems. Of course, this is a legal as well as social case for the Indonesian government and all institutions within its authority to consistently produce policies that defend people for the management of regulations and enforce laws to observe animal safety so that existing laws can annul all public wishes in ensuring the safety of animals, especially non-pets cattle.

It takes courage to carry out the transformation to improve the determination of statutory provisions related to animal protection, especially pets or the addition of substantive regulations to the determination of pet provisions to the current legal positive law, so that a law will be created that can absorb all the needs and desires of Indonesian citizens in accordance with with the legal basis of Pancasila and the cases that have been mentioned can be handled in the maximum way. An ideal legal product is needed that accommodates animal safety, especially non-pet pets in accordance with the wishes of Indonesian citizens in general, and in order to make a perfect legal product, a good legal form is needed which is initiated as a legal method in creating the perfect law for the protection of non-pet animals because for animal cases. This non-pet is not only a legal matter but a social matter in it.

1. The government must be able to be responsive and sensitive to the public's will and accommodate the public's wishes in the clarity of statutory provisions for the safety of non-pet pets by updating or revising the existing law or the Draft Criminal Code that is about to be ratified.
2. Strengthening and expanding the function of the authority of the veterinary authority as a representative of the state in carrying out their duties to create non-pet safety management in accordance with the determination of letter f Article 68c of Law No. 41 of 2014 regarding the supervision of activities of abuse and abuse for the exploitation and use of animals.
3. The central and regional governments have the same task in making, providing supporting tools and infrastructure for the creation of non-pet pet safety so as to minimize abuse of animal safety principles in the exploitation and use of these animals.
4. Public participation, religious figures, traditional figures, official and non-official educators are needed in an active and regular way in assisting government programs or policies in safety management to protect non-livestock pets.

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