

Database Sentiment Analysing Prototype About Responsibility and Legal Protection for Violence And abuse of Protected Animals Using NLP

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ABSTRACT

The rampant violence against animals often in Indonesia Country. This is a clear example of the lack of public awareness of how to treat animals properly, sanctions that are so light for the perpetrators of torture against the animals themselves, and the lack of decisive action from the authorities. The formulation of the problem in this study is how are the legal responsibility and legal protection of animals. This research method uses a normative juridical approach. Based on the author's research, the following results were found, namely legal liability for animal persecution in the form of criminal sanctions and administrative sanctions. Criminal sanctions can be imposed if the act has violated the provisions contained in Article 302 of the Criminal Code and Article 91B of Law Number 18 of 2009 as amended by Law Number 41 of 2014 concerning animal husbandry and animal health. Legal protection against animal persecution in the form of preventive legal protection and repressive legal protection. The basis is used for the development of sentiment analysis using NLP.

Keywords: Legal Protection, Persecution, Animal.

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1. Introduction

In terms of language (Estimology), violence comes from the root word “keras” and gets the prefix “ke” and then gets the suffix “an”. In the General Indonesian Dictionary, violence indicates the adjective (things and so on) hard on an activity, violence can be defined as “The hard matter or actions of a person or group of people that cause injury or death to others and cause physical damage to others [1].

The Criminal Code does not provide an authentic definition of what is meant by violence. Only in Article 89 of the Criminal Code is it stated that what is equated with committing violence is making a person unconscious or helpless (weak). In the elucidation of Article 89 of the Criminal Code, it is explained that “Committing violence means unlawfully using force or physical strength, such as hitting with the hand or with any kind of weapon, kicking, kicking and so on. What is equated with violence according to this article is making people unconscious or helpless [2]. However, it should be noted that committing violence does not only mean committing violence against people, the explanation of violence is as follows: Violence can be committed in the following ways:

- Destruction of goods;
- Maltreatment of animals or persons
- Throwing stones at people or houses;
- Throwing things to scatter and so on.

Based on this description, it can be concluded that the object of violence is not only on people, but also on animals or objects.

Animals or animals are living creatures that can find food on their own, but if the animal has been kept by a human being, whether it is his own property, or under his supervision or it is his obligation to keep it, then the person must be fully responsible for feeding and maintaining the animal. The act of failing to feed and water in an excessive manner, where an owner or person in charge of an animal does not feed or water an animal in his or her custody for one week or several months, is a crime against animals. This is because there is an element of willfulness in not feeding and watering the animal, so that the animal starves and thirsts to the point that it becomes sick or dies.

Article 302 of the Criminal Code regulates the crime of mistreatment of animals. If a person is proven to have committed light maltreatment with an animal, the person concerned will be subject to a criminal sanction of three months imprisonment or a fine of Rp. 4,500,- (four hundred and fifty thousand rupiah). Whereas if a person is proven to have committed serious maltreatment causing the animal to become seriously ill or die, he/she will be sentenced to nine months imprisonment or a fine of Rp.300,- (three hundred rupiah). The amount of fines listed in Article 302 of the Criminal Code still uses the Dutch East Indies exchange rate so it is no longer in accordance with the situation in Indonesia, therefore it is necessary to convert the current exchange rate.

Other regulatory provisions outside the Criminal Code that also regulate animals can be seen in Article 66A of Law Number 41 of 2014 Concerning

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the Amendment to Law Number 18 of 2009 Concerning Animal Husbandry and Animal Health which states:

- (1) Every person is prohibited from mistreating and/or misusing Animals resulting in disability and/or unproductivity.
- (2) Any person who is aware of an act as referred to in paragraph (1) shall report it to the competent authority.

Some of the regulations I mentioned above generally regulate animals that are not protected by the state, but there are also regulations that specifically regulate protected animals. The increasing welfare status of the world community, especially in developed countries, has also increased awareness and demands for the implementation of animal welfare. Based on the above description, the author proposes the title "Legal Responsibility and Legal Protection Against Violence and Exploitation of Protected Animals".

There is a Journal Thesis containing similar discussion issues in the Journal Thesis *Lex Administratum*, Vol. V / No.2 Mar-Apr/2017 in 2017 written by researchers entitled "A Study of Crimes Against Animals Based on Legislation" (Bachelor of Law Studies Program) by the author Jonathan Toar Mampow, Sam Ratulangi University, Manado City, North Sulawesi province. However, the discussion raised is law enforcement against animal abusers and the psychological impact for someone who likes to torture animals is a personality disorder. While the author's research discusses the protection of animals after the animal has been mistreated.

2. RESEARCH METHOD

This research uses normative juridical research because the targets in this research focus on laws and rules which include laws and legal principles that refer to and construct legal norms from various laws and regulations related to legal liability and protection. The data used is primary legal data, namely all legal materials or materials that have a juridically binding position. Primary legal material consists of laws and regulations related to the research, and secondary legal data obtained from library research by collecting data contained in laws and regulations, books, and articles that have to do with the problem to be studied.

3. RESULT AND DISCUSSION

3.1. Legal Liability of Animal Offenders in Indonesia.

3.2. Criminal Responsibility for Perpetrators of Animal Maltreatment.

In relation to animal abuse, the unlawful element of the criminal act element. Moeljatno said that although criminal acts are generally external circumstances and consist of external elements, there are times when the formulation also requires an internal element, namely the subjective unlawful nature. Subjective unlawfulness is an element contained within the perpetrator of the crime, which includes: Willfulness (*dolus*), Negligence (*Culpa*), Intention (*Voortnemen*), Intent (*Oogmerk*), with Prior Planning, and Fear (*Vrees*).

The liability of perpetrators of animal abuse is contained in Article 302 of the Criminal Code which reads:

- 1) A maximum imprisonment of three months or a maximum fine of three hundred Rupiahs shall be imposed for light maltreatment of animals.
 - a. Any person who without reasonable objective or in excess of the limits, with deliberate intent inflicts harm or injury to an animal or is detrimental to its health;
 - b. any person who without reasonable objective or by exceeding the limit necessary for the achievement of said objective, with deliberate intent deprives an animal which wholly or partially belongs to him and is under his custody, or an animal which he is obliged to keep, of food necessary for life.
- 2) If the fact results in an illness of more than one week, or disability or other serious injury, or death, the offender shall be punished by a maximum imprisonment of nine months or a maximum fine of three hundred rupiahs for maltreatment of animals.
 - a. If the animal belongs to the offender, it may be forfeited.
 - b. Attempt to commit the crime is a criminal offense.

Referring to the provisions of the Regulation of the Supreme Court of the Republic of Indonesia, Number 02 of 2012 "Regarding the Adjustment of the Limits of Minor Crimes and the Amount of Fines in the Criminal Code". In this provision, the Supreme Court of the Republic of Indonesia has decided to multiply the amount of fines in several articles in the Criminal Code to 10,000 times of what is written in the Criminal Code, one of which is Article 302 of the Criminal Code. Article 302 of the Criminal Code explains that what is mentioned in paragraph (1) is the crime of light maltreatment of animals. For this reason, it must be proven that Sub 1:

- 1) The person intentionally harms, injures or damages the health of an animal;
- 2) The act is not done with proper intent or exceeds the permitted limit.
- 3) The act is not done with a proper intention or exceeds a permitted limit.

Acts such as cutting off the tails and ears of dogs in order to make them look good, castrating animals with a specific good intention, teaching animals by using efforts to cause little harm to animals for circuses, using various animals for experiments in medical science (*vivisectie*) and so on, are generally permitted (not subject to this article), provided that they are done with a proper intention or do not exceed the permitted limits. Each case shall be examined individually and the decision shall rest with the judge. If the act mentioned in paragraph (1) results in the circumstances mentioned in paragraph (2), the crime is called "maltreatment of animals" and is punishable by a heavier penalty.

Maltreatment of animals is an unlawful act, criminal liability using Article 302 of the Criminal Code because it fulfills the elements in Article 302 of the Criminal Code:

- 1) Objective elements:
 - a. Without a proper purpose; or to achieve a proper purpose in an excessive manner;
 - b. The act: harm, injury, detriment to health;
 - c. The object: an animal;
- 2) Subjective elements:
 - a. Willfully.

The definition of without a proper purpose is that in committing the three types of intentional acts, there is no specific purpose that is useful or beneficial to humans.

Injuring is to act in any way that causes an animal to suffer pain. In the act of wounding, the animal may also suffer pain, but it is not the pain that is intended by the perpetrator, but the injury to the animal's body. Whereas harming the health of an animal is any act in any way that makes an animal sick or suffer pain. Harming health does not only mean committing acts that cause the animal to become sick, but also includes committing acts that cause the animal's illness to worsen.

As explained above, there are two divisions of the crime of mistreatment of animals, namely:

1. One is qualified as light maltreatment of animals, defined in point 1 and point 2 of paragraph (1).
2. The second is qualified as animal maltreatment, defined in subsection (2).

Evidence of the intent of the perpetrator in committing the offense as set out in Article 302 of the Criminal Code. At the court hearing that examines and tries the perpetrator, both the public prosecutor and the judge must be able to prove about:

- A. The existence of the perpetrator's will to inflict pain
- B. The existence of the perpetrator's intention to cause injury
- C. The intention of the perpetrator to harm the health of the animal
- D. The knowledge of the perpetrator that the act has been directed at an animal.

If one of the intentions and knowledge of the perpetrator cannot be proven, then there is automatically no reason for the public prosecutor and the judge to declare that the perpetrator has fulfilled the element of intent contained in Article 302 of the Criminal Code, and the judge must acquit the perpetrator. In order for the perpetrator to be classified as an animal crime, according to the opinion of Simons, the only thing that must be proven is the perpetrator's intent to cause pain or injury to an animal or to harm the health of an animal.

In addition to the sanctions for perpetrators of animal abuse mentioned in Article 302 of the Criminal Code (KUHP). There are also sanctions for perpetrators who mistreat pets, which are contained in Article 91B of Law No. 18/2009 as amended by Law No. 41/2014 on Animal Husbandry and Animal Health which reads:

- 1) Any person who mistreats and/or misuses Animals resulting in disability and/or unproductivity as referred to in Article 66A paragraph (1) shall be punished with imprisonment for a minimum of 1 (one) month and a maximum of 6 (six) months and a fine of at least Rp 1,000,000.00 (one million rupiah) and a maximum of Rp 5,000,000.00 (five million rupiah);
- 2) Any person who is aware of the act as referred to in Article 66A paragraph (1) and does not report to the competent authority as referred to in Article 66A paragraph (2) shall be punished with imprisonment for a minimum of 1 (one) month and a maximum of 3 (three) months and a fine of at least Rp 1,000,000.00 (one million rupiah) and a maximum of Rp 3,000,000.00 (three million rupiah).

3.3. Legal protection against animal abuse in Indonesia.

3.3.1 Preventive Legal Protection

Preventive protection for animals in Indonesia is provided by the establishment of the Pro Natura Foundation, which also supports the

development of exhibitions and conservation education programmes at the animal education centre:

- A. Education Exhibits as a pilot tool to provide knowledge on conservation behaviour by focusing on raising awareness and changing behaviours that negatively impact wildlife and forests in Indonesia through the development of conservation education exhibits. One of them is carrying out educational exhibits on the rehabilitation of abused animals.
- B. Environmental Education is to develop a deeper understanding to the public as well as visitors about environmental issues and have the skills to make informed and responsible decision.
- C. The Domestic Animals Exhibit provides knowledge on "Why wild animals belong in nature, and domestic animals belong in people; Why it's not cool to have wild animals as pets" This educational exhibit and domestic animal adoption house serves to educate people on the difference between domestic and wild animals. Many people in Indonesia still see 'keeping' wildlife as fun. Most of this is illegal (sun bears, orangutans and various other species) but in all cases wildlife is not suitable to be kept as pets. In this educational exhibition we teach people about domestic animal care, what animals are suitable as pets, and in addition, information is given about adopting our cats and dogs that have been abandoned at the centre and we are trying to renovate the house.

3.3.2 Repressive Legal Protection.

Repressive protection for animals in Indonesia, which has several programmes established by Pro Natura Foundation after animals have been abused, is Helping Abandoned Pets, which helps abused and abandoned pets by helping to save lives through adoption at KWPLH, helping to prepare shelters and recover from bad conditions. The programme is also committed to providing quality care for all stray pets. Providing all food, medical care, staff training, and developing facilities for housing and medical care of all wild animals found on site at the sun bear centre. We also provide free bathing and neutering for stray cats and dogs within a radius around the centre and pets living near the centre. All in an effort to reduce the stray pet population, which is a huge problem throughout Indonesia.

Based on the explanation above, a person who commits a crime against animals must be dealt with firmly by law enforcement by imposing criminal sanctions in accordance with applicable laws and regulations. Punishment regulated in the Criminal Code (KUHP) in the form of criminal sanctions, aims to provide special suffering to the perpetrator, and is deliberately given by the state to perpetrators who violate the law. However, punishment is also a moral education for perpetrators who have committed crimes with the intention that they have nothing to lose by repeating their actions.

4. CONCLUSION

Legal liability for animal abuse is in the form of criminal sanctions and administrative sanctions. Criminal sanctions can be imposed if the act has violated the provisions listed in Article 302 of the Criminal Code. In addition to the sanctions for perpetrators of mistreatment of pets mentioned in Article 302 of the Criminal Code (KUHP). There are also sanctions for perpetrators who mistreat pets, which are contained in Article 91B of Law Number 18 of 2009 as amended by Law Number 41 of 2014 concerning

animal husbandry and animal health. Meanwhile, administrative sanctions are specified in Article 85 paragraph (2) of Law No. 18 of 2009 as amended by Law No. 41 of 2014 on Animal Husbandry and Animal Health in the form of written warnings, imposition of fines, temporary suspension from activities, production, and/or circulation, revocation of registration numbers and withdrawal of Veterinary Drugs, Feed, tools and machinery, or Animal Products from circulation, or revocation of licences.

Legal protection against animal abuse is in the form of preventive legal protection and repressive legal protection. The preventive protection given to animals in Indonesia is the establishment of the Pro Natura Foundation which also supports the development of exhibits and conservation education programs at animal education centres, the programs carried out are Education Exhibits, Environmental Education, and Domestic Animals Exhibit. While the repressive protection of animals in Indonesians, there are several program that have been established by Pro Natura Foundation after animals have been abused, namely Helping Abandoned Pets, which is helping abused and abandoned pets by helping to save lives through good adoption at KWPLH, helping to prepare shelters and recover from bad conditions. Once the animal is in good condition it has been sterilised, vaccinated, wormed and has received flea treatment. Then the animal is ready for adoption with terms and conditions that must be fulfilled by the prospective adopter.

Suggestions from this research are that the government, society, and animal lovers' organizations must work together to preserve and maintain the freedom of the right to life of domestic animals by socialising the laws and regulations to the Indonesian people who do not know about them. The lack of law enforcement and the leniency of criminal sanctions and fines against perpetrators of animal abuse and should be made more severe, in order to have a deterrent effect on perpetrators of crimes against animals in Indonesia. Law enforcement officials are advised to take firm action and impose severe penalties on perpetrators of animal abuse, this is important in order to provide a deterrent effect and as an effort to minimise similar criminal acts in the future.

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REFERENCES

- [1] W. J. S. Poerwadarminta, Kamus Umum Bahasa Indonesia, Cet 12. (Jakarta) : Balai Pustaka, 1991) pp 425.
- [2] Raden Soesilo, Kitab Undang-Undang Hukum Pidana (KUHP): Serta Komentar-Komentar Lengkap Pasal Demi Pasal, (Bogor: Politeia, 1995), pp 98 and 126
- [3] Adami Chazawi, Tindak Pidana Mengenai kesopanan (Jakrata : RajaGrafindo Persada, 2005), pp 180
- [4] Andi Hamzah dan Siti Rahayu, Suatu Tinjauan Ringkas Sistem Pemidanaan di Indonesia (Jakarta: Akademika Pressindo, 1983), pp 28.
- [5] Adami Chazawi, Tindak Pidana Mengenai kesopanan (Jakrata : RajaGrafindo Persada, 2005), hlm 180.
- [6] Chazawi Adami, Op.Cit. hlm 177.
- [7] W. J. S. Poerwadarminta, Kamus Umum Bahasa Indonesia, Cet 12. (Jakarta) : Balai Pustaka, 1991) hlm 425.
- [8] Raden Soesilo, Kitab Undang-Undang Hukum Pidana (KUHP): Serta Komentar-Komentar Lengkap Pasal Demi pp.126.
- [9] Soesilo, KUHP (Kitab Undang-Undang Hukum Pidana) dan KUHP (Kitab Undang-Undang Hukum Acara Pidana) (Jakarta: Buana Press, 2008), hlm 100.
- [10]I Nyoman Adi Wiradana dan Anak Agung Sagung Wiratni Darmadi, "TINDAK PIDANA ASUSILA TERHADAP HEWAN DITINJAU DARI PERSPEKTIF HUKUM PIDANA," Kertha Wicara 5, no. 2 (2015): hlm 4.