

Criminal sanctions against perpetrators of animal abuse from the perspective of islamic criminal law (Case study in the City of Medan)

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Abstract: Animal abuse is a crime. This study aims to examine how criminal sanctions for perpetrators of animal abuse crimes from the perspective of positive criminal law and Islamic criminal law. This study is an empirical legal study by exploring two data sources, namely primary and secondary data sources. Data were obtained through interviews and documentation. The results of this study aim to examine the phenomenon of animal abuse that occurs in the city of Medan and the criminal sanctions for perpetrators of animal abuse from the perspective of positive law and Islamic criminal law. In the perspective of positive criminal law, sanctions for perpetrators of animal abuse are regulated in Article 302 of the Criminal Code. In this article, the criminal law sanction is imprisonment for up to nine months or a fine, depending on the severity of the action. This sanction aims to punish the perpetrator while providing a deterrent effect. Meanwhile, in Islamic criminal law, animal abuse is included in the ta'zir crime, which reflects a violation of Allah's rights. Ta'zir sanctions are determined by local authorities to provide a deterrent effect and educate perpetrators to love animals more. In conclusion, both legal systems positive and Islamic acknowledge animal abuse as a serious moral and legal offense. Sanctions not only aim to punish but also to prevent recurrence through deterrence and education. Effective enforcement of these sanctions is essential to fostering empathy and accountability within society toward animal welfare. Both legal systems recognize animal abuse as a serious offense and underline the need for sanctions to deter and reform offenders.

Keywords: Criminal Sanctions, Perpetrator, Animal Abuse, Islamic Criminal Law

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Introduction

Animal cruelty in Indonesia remains a legal concern, particularly in terms of enforcement. Although Article 302 of the Indonesian Penal Code provides a legal basis, its implementation remains weak and inconsistent. This article examines how such abuse is addressed in both positive law and Islamic criminal law, focusing on real cases to evaluate the effectiveness and limitations of current legal responses.

Animals are one of the many living things on this earth. It is a group of organisms classified in the animalia or metazoan kingdom, and other designations are fauna and wildlife. (Yunanda & Rifki, 2019). Animals are divided into specific groups based on their physical characteristics, way of life and genetics. This division is called taxonomy, which divides animals from large groups such as kingdoms to smaller groups such as species. The purpose of this classification is to help us understand the diversity of animals on Earth and the relationships between them. According to (Mora et al. 2011), There are about 7.7 million species of animals

on earth, but only a fraction have been officially recorded. This classification system is very important, especially in animal protection. If we don't know the type and status of an animal, then we don't know whether it is rare, protected, or vulnerable to persecution (Ruggiero et al. 2015) emphasized the importance of a uniform classification system so that data on animals can be accessed globally. This is important because some animals suffer violence due to a lack of understanding about their role and status in nature. In cases of abuse, one of the main problems is human ignorance about the species and its needs.

Several cases in the community have shown clear instances of animal abuse, such as the viral case of a cat named Tayo that was tortured and killed in Medan in 2021, which sparked public outrage on social media and was widely reported by national news outlets. Other examples include chickens being beaten to death and ducks slaughtered without adherence to welfare standards, as found in local reports and interviews conducted during field research. These incidents highlight the persistent lack of legal awareness and weak enforcement of animal protection laws in Indonesia. This issue is important because these animals are not wildlife explicitly protected by conservation laws. However, as living creatures, they still receive legal protection from acts of violence under general criminal law and specific regulations on animal welfare.

Animal rights are rarely heard of and socialized to the public in Indonesia. This lack of awareness can be attributed to the minimal involvement of government institutions, the limited scope of NGO campaigns, and the absence of structured animal welfare education in formal curricula. Although some civil society groups, such as Animal Defenders Indonesia, have initiated awareness efforts, they remain localized and lack national reach. In contrast, at the international level, animal rights have received recognition through the Universal Declaration of Animal Rights (UDHR), issued by the United Nations Educational, Scientific and Cultural Organization (UNESCO) on October 15, 1978, in Paris. According to Article 1 of the UDHR, "all animals are born equal and they have the same rights to existence," affirming the principle that all animals possess equal rights to life (Annas et al., 2020). In reality, crimes do not only occur when human rights are violated, but also when crimes are committed against other living creatures, such as animals. Crimes against animals can take the form of acts of abuse committed for personal gratification or other reasons that essentially harm animals. Maltreatment refers to the act of harming or causing injury or pain which is the purpose of the act.

Animals are one of the living creatures created by God who has the right to live and be free from persecution committed by humans so that the persecution of animals by people is a form of deviation that is strictly prohibited. Even the torturers are also from among the owners of pets who deliberately torture pets. People in general do not realize they are hurting animals, because animals are only considered as goods not as living beings that once damaged or sick can be disposed of or bought again. They only buy the animal because it is physically cute and adorable without considering its care and needs. This results in animal abuse due to a lack of public awareness. The form can be physical or psychological animals (Wiratama, 2016).

As with recent cases of animal abuse in Medan City, there are some people who mistreat their own pets or other people's animals. As experienced by cats, chickens, and ducks, three animals that are familiar in human life. The mistreatment of animals is a violation and there are regulations that clearly regulate and prohibit the mistreatment of animals. Animal abuse is regulated in Article 302 of the Criminal Code with sanctions also regulated in that article. In

addition, it is also regulated in article 406 paragraph (2) and also in article 540 paragraph (1) and (2) of the Criminal Code. In addition to the Criminal Code, animal abuse is also regulated in Law No.18/2009 which is amended by Law No. 41/2014. In addition to the Law, there is also a Government Regulation No.95/2012 which regulates the guarantees related to the maintenance and treatment of animals precisely regulated in Article 66 paragraphs (1) and (2) and also in Article 67 of this Government Regulation.

Islamic law teaches to be kind to every creature including animals. In essence, Islam has taught its people to love animals and preserve their lives. Islam teaches humans to also love animals as creatures of Allah. There are several stories in the Quran and Hadith that reflect that Islam is a religion that teaches us to love animals (Nurhayati, 2020). Islam prohibits animal abuse in any form, in Islam has been taught to be kind to animals because animals are one of the creations of Allah SWT besides humans. This concern aligns with broader discussions on environmental ethics and the moral responsibility of humans to protect all of God's creations, including animals, which is also strongly emphasized in Islamic teachings. Therefore, the existence of animals as part of the creatures created by Allah SWT has an important value (Mangunjaya, 2017).

There are several previous studies related to this topic. Research by Fajar Rochmad Sholeh, Hanuring Ayu, and Femmy Silaswaty Faried (2024) discussed violence against animals in Indonesia and found that the level of abuse remains high, both physically and emotionally. While their study focused on the general ineffectiveness of Article 302 of the Criminal Code and the moral implications of neglecting animal abuse, it did not analyze specific legal cases nor compare the legal treatment from the perspective of Islamic criminal law. In contrast, this study contributes scientifically by combining empirical case analysis in Medan with a comparative legal approach between positive criminal law and Islamic criminal law thereby addressing the normative and practical gap in existing literature. This dual-perspective framework highlights not only the enforcement failures but also offers alternative legal interpretations grounded in Islamic jurisprudence, which have not been adequately explored in previous research.

Furthermore, research by Nur Rezawati, Moch. Ardi, and Sri Endang Rayung Wulan (2024) highlights the legal protection against pet abuse in Balikpapan City. Protection is done preventively through the establishment of Pro Natura Foundation which runs education and animal conservation programs. Meanwhile, repressive protection is provided through a program to rescue animals that have been abused, including the provision of shelter, medical care, and adoption with certain conditions. Meanwhile, Muhammad Fernanda Dhiyaul Hak and his team (2024) studied animal exploitation in social media content from the perspective of Critical Animal Studies (CAS). This research highlights that animal exploitation is not new and has been going on since the past. In the context of CAS, the treatment of animals as objects of entertainment is considered a form of interspecies injustice (speciesism). Despite public awareness of animal exploitative content, the understanding that animals are often used by content creators is still low, only around 48%.

Different from previous studies, this latest research entitled Criminal Sanctions against Animal Abusers from the Perspective of Islamic Criminal Law Case Study in Medan City will take a more normative approach by examining animal abuse from the perspective of Islamic criminal law. Whereas previous studies emphasized positive legal aspects and practical

protection, this study adds the perspective of ethics and religious values, which are very relevant in the context of a religious society. Thus, this study enriches the understanding of animal protection

Therefore, this issue draws the author's attention to examine more deeply how criminal sanctions against perpetrators of animal abuse are applied, both from the perspective of Islamic criminal law and positive criminal law in Indonesia. Specifically, this research aims to identify the classification of animal abuse under Islamic criminal law (as a form of *jarīmah ta'zīr*), analyze the basis for its sanctions, and compare it with the application of Article 302 of the Indonesian Penal Code. Prior studies have focused largely on positive legal frameworks and practical protection mechanisms, but none have comprehensively compared these with Islamic criminal law while incorporating real case analysis at the local level

Method

This research is qualitative in nature, conducted in a natural setting relevant to the research subject (Sukiati, 2016), using an empirical juridical approach. This method examines legal phenomena in practice to assess their conformity with existing laws (Turnip et al., 2021). As legal research aligned with the nature of jurisprudence, it applies a field approach, with primary data collected through semi-structured interviews involving law enforcement officials, religious leaders, and community members. Secondary data are drawn from books, journals, and relevant literature. The method was chosen to explore both normative frameworks and real-life implementation of animal protection laws. Data were analyzed descriptively to understand how legal sanctions are applied and perceived in society.

Results and Discussion

The phenomenon of animal abuse in Medan City

To prove that there are acts of mistreatment committed by humans against animals in Medan city, the author found several cases showing mistreatment and violence experienced by animals. These cases include physical abuse, neglect, and actions causing severe suffering or death. Under Article 302 of the Penal Code, such acts range from minor cruelty to serious abuse with criminal penalties. In Islamic law, they fall under *jarīmah ta'zīr*, where each form reflects moral and legal violations warranting discretionary punishment. The phenomena that the author found are as follows:

First, Mr. Andi, a resident in Medan City, stated that he had seen his neighbor with the initials BD mistreat a cat. This was done because BD did not like animals including cats because he felt that cats often defecated and stole food at home. So in a state of anger and upset, BD took a piece of wood and hit the cat which then caused bleeding wounds to its head and eyes. Based on the explanation from Mr. Andi, he also said that, "I saw BD hit the cat with the wood. He looked very angry because he didn't like the cat. BD also shouted, 'You're naughty!' before finally hitting the cat. The cat looked in pain and tried to run away, but BD kept chasing it." In the afternoon, Mr. Andi saw that the cat's eyes were still bleeding and had become blind, which he treated and cared for the cat.

Second, Ms. April, a resident who lives in the same neighborhood as the chicken owner Y, often sees Y being abusive to her pet chicken. According to Ms. April, Y often takes out her anger and emotions on the chicken, especially when she feels upset with other people or faces

situations that stress her out. In a state of anger, Y did not hesitate to slap the chicken repeatedly until once the chicken limped for up to 1 week and then died. Even worse, Ms. April once witnessed that Y also neglected the chicken's basic needs by not giving it enough food and water. The chicken was left to starve and thirst and find its own food. Y had even soaked her chickens in water on purpose, leaving them limp and helpless. And the most common act of abuse committed by Y was to agitate the chicken, which made the chicken sick and bloody and limp.

Third, Ms. Desi, a resident in Medan City, revealed that she had witnessed her neighbor S mistreating her pet duck. S was upset because the duck often roamed the yard and disturbed his plants. In a fit of rage, S threw a rock at the duck, leaving it limping. Desi's mother explained, "I saw S throwing the duck with a rock. He looked very angry and shouted, 'You ruined my plants!' After that, S also hit the duck with his hand, so it looked limp and couldn't move." Desi's mother added, "Whenever I see S, I often hear him yelling and threatening the duck if it doesn't stop bothering him." A few days after the incident, Desi's mother found the duck that had been slapped with the stone dead in front of her house. In addition, S who kept the duck did not provide a place to live or a cage for his pet, so his pet slept carelessly and sometimes even on the neighbor's terrace, it also caused other neighbors to feel disturbed and emotional and invited persecution of the duck as well.

Finally, the author also found a viral case of animal abuse, namely the 2.5-year prison sentence handed down to Rafeles Simanjuntak by the Panel of Judges at the Medan District Court. The defendant admitted to stealing and killing a Persian cat named Tayo owned by Sonia Rizkika, which was revealed in January this year. During the trial, Rafeles admitted to killing the cat for meat at Rp20,000 per kg. This verdict is lower than the prosecution's demand, which asked for a three-year prison sentence. Chief Judge Hendra Utama Sutardodo stated, "Sentencing the defendant Rafeles Simanjuntak to two years and six months imprisonment, minus the detention period." This case certainly caught the public's attention as it exposed the gruesome practice of cat slaughter, where Rafeles and his friends brutally captured wild and domesticated animals. The hearing was attended by Doni Herdaru Tona from Animal Defenders Indonesia, who has been representing Sonia since the initial report. Doni called the verdict a step forward in animal welfare protection and applauded stricter law enforcement. This case also highlights the significant role of civil society organizations in advocating for animal rights, raising public awareness, and maintaining pressure on law enforcement institutions to act decisively. Although the verdict reflects progress, the overall effectiveness of law enforcement in similar cases remains inconsistent, indicating the need for sustained collaboration between legal authorities and civil society to ensure long-term protection and justice for animals.

There is clear evidence of human mistreatment of animals in Medan City, as demonstrated by several cases that have been identified. These cases include various forms of violence and mistreatment, such as those experienced by cats, chickens and ducks. In each instance, the acts of mistreatment not only caused physical suffering to the animals, but also demonstrated the irresponsibility and lack of empathy of the perpetrators. For example, Mr. BD's beating of his cat, Y's abusive treatment of his chicken, and S's mistreatment of the duck all reflect the broader phenomenon of animal mistreatment. In addition, the viral case of the theft and mistreatment of Tayo's cat shows that this issue does not only occur in specific neighborhoods, but can also include a range of complex social and legal repercussions.

Therefore, it is important to raise public awareness about animal protection and strengthen law enforcement against mistreatment to create a safer and more humane environment for animals. In the framework of *maqāṣid al-sharī'ah*, such efforts align with the objective of preserving life (*ḥifẓ al-naḥs*) and ensuring justice (*'adālah*) not only for humans but also for all of God's creations. Protecting animals from harm reflects the moral imperative within Islamic law to uphold compassion, responsibility, and balance in human-animal relations.

Criminal sanctions for perpetrators of animal abuse: A perspective of positive criminal law

A crime is an act that violates laws that are prohibited and punishable by law, where the meaning of act here includes both active acts (doing something that is prohibited by law) and passive acts (not doing something that is required by law) (Setiyawan & Setiasih, 2022). Therefore, the consequence of a criminal act must be the imposition of a criminal sanction. Criminal sanctions represent a legal consequence that arises from a proven unlawful act, where the offense (cause) triggers a normative response (effect) in the form of punishment. According to Hans Kelsen's theory of norms, sanctions function as a reaction to legal violations, enforced through state authority. In the context of criminal law, this means that individuals proven guilty are subject to state-imposed penalties such as imprisonment or fines as instruments of both retribution and deterrence.

Criminal sanctions are a type of sanction that is detrimental and is threatened or imposed against acts or perpetrators of criminal acts or offenses that can disrupt or endanger legal interests. Essentially, criminal sanctions serve as a guarantee to rehabilitate the behavior of the offender; however, it is not uncommon for criminal sanctions to be created as a threat to human freedom itself (Lima, 2017). Based on this explanation, perpetrators of animal abuse must be given appropriate sanctions to be held accountable for their actions. Animal abuse is a serious offense that not only harms the animals themselves but also reflects the irresponsible attitude of the owner or the person committing the act. The regulation regarding animal abusers is found in Article 302 of the Criminal Code, which states (Yustisia, 2016):

- a. Threatened with a maximum prison sentence of three months or a fine of no more than four thousand five hundred rupiah for committing minor cruelty against animals.
 - 1) Whoever intentionally harms or injures an animal or endangers its health without a proper purpose or by exceeding what is reasonable;
 - 2) Whoever intentionally fails to provide the necessary food for the life of an animal, which is wholly or partly their property and under their supervision, or to an animal they are required to care for, without a proper purpose or by exceeding what is necessary to achieve that purpose.
- b. If the act results in pain lasting more than a week, or disability, or suffering from other serious injuries, or death, the perpetrator is threatened with imprisonment for a maximum of nine months, or a fine of up to three hundred rupiah, due to animal cruelty.
- c. If the animal belongs to the perpetrator, the animal may be confiscated.
- d. Attempting to commit the crime is not punishable.

Referring to the Supreme Court Regulation of the Republic of Indonesia Number 02 of 2012 on "Adjustments to the Definition of Minor Crimes and the Amount of Fines in the

Criminal Code,” the government has formally reinforced sanctions related to minor offenses, including those that may involve animal abuse. However, despite this regulatory strengthening, the implementation in practice remains suboptimal. This is evident in the case studies, where acts of cruelty against animals were either overlooked or prosecuted under unrelated articles, indicating a gap between legal provisions and their actual enforcement. This provision by the Supreme Court of the Republic of Indonesia decides to multiply the amounts of fines in several Articles of the Criminal Code by 10,000 times from what is stated in the Criminal Code, one of which is Article 302 of the Criminal Code.

The elements that must be fulfilled for a person to be deemed to have violated the provisions of Article 302 of the Criminal Code are as follows (Yustisia, 2016):

1. Objective elements: Without a proper purpose or to achieve a proper purpose excessively. The act hurts, injures, harms health. The object an animal. Intentionally.
2. Subjective elements: The understanding of purposelessness is in carrying out those three intentional acts without having specific aims that are useful or beneficial for Humanity (Chazawi, 2011). Harming means performing actions in any way that causes animals to suffer pain. In the act of injuring, the animal may also suffer pain, but the pain itself is not the target of the perpetrator; rather, it is the injury to the animal’s body. Meanwhile, compromising animal health refers to any actions that make an animal sick or cause suffering. Compromising health not only includes actions that cause animals to become ill but also includes actions that exacerbate existing diseases in animals.

Based on the aforementioned provisions, it is evident that perpetrators of animal abuse must be subject to strict sanctions in accordance with applicable legal regulations, particularly as stipulated in Article 302 of the Indonesian Penal Code (KUHP). This article clearly establishes that acts of abuse hether classified as minor or severe may be punished by imprisonment or fines, depending on the severity of the offense. Actions such as harming, injuring, or failing to provide necessary food and water to a pet demonstrate an owner’s irresponsible behavior. If the abuse results in serious injury or death to the animal, the offender may face longer imprisonment and higher fines, indicating that the law does not tolerate violence against living beings.

Moreover, the provisions of the Supreme Court Regulation of the Republic of Indonesia Number 02 of 2012 reinforce these sanctions by increasing the amount of fines for certain violations, including those listed in Article 302 of the Penal Code. This reflects the legal system’s commitment to providing better protection for animals. The elements required to determine a violation of this article include actions carried out without a justifiable reason and the presence of intent to harm or endanger the animal’s health. By identifying and enforcing these elements, the legal system can ensure that animal abuse is not merely seen as a minor infraction but as a serious criminal offense requiring accountability. Consistent enforcement of animal protection laws is essential to raising public awareness of the responsibilities of pet ownership. Furthermore, strict sanctions can serve as a deterrent, preventing others from committing similar acts.

Based on the animal abuse cases identified in the city of Medan, the author found various forms of human-inflicted cruelty toward animals, each reflecting patterns of violence that may fulfill the criminal elements outlined in Article 302 of the Indonesian Penal Code.

First, the case involving BD, who struck his cat with a wooden stick out of anger and dislike for the cat's presence, is a clear violation of the law. The severe injuries suffered by the cat indicate that this was a serious act requiring legal accountability under Article 302. Similarly, Y's treatment of his pet chicken also constitutes animal abuse. Y frequently vented his anger on the chicken, resulting in the animal becoming sick and eventually dying. His neglect of the chicken's basic needs, such as food and water, clearly harmed the animal. Additionally, S's case, in which he threw and beat his duck, also demonstrates acts of animal cruelty. S directed his negative emotions at a defenseless duck and failed to provide it with proper shelter, thereby creating unsafe and unhealthy living conditions.

Another case, involving the abuse of a cat named Tayo by Rafeles Simanjuntak, highlights the seriousness of animal cruelty and the need for greater attention to this issue. The 2.5-year prison sentence handed down to Rafeles demonstrates that Article 302 of the Penal Code can serve as a strong legal basis for prosecuting similar cases. Although some may consider the sentence lenient, the judge's decision reflects a commitment to upholding the law and deterring future offenders. This case also serves as a crucial example that violence against animals must not be taken lightly and should be addressed through legal processes. It is hoped that this verdict will raise public awareness about the Importance of animal protection and lead to stricter law enforcement in the future.

A deeper legal analysis of the phenomenon of animal abuse in Medan reveals several critical issues. First, there is a lack of legal clarity in distinguishing between physical violence such as beating, injuring, or killing animals and psychological violence, such as prolonged confinement or neglect. These categories are rarely addressed distinctly in current legal frameworks, with existing sanctions like Article 302 of the Penal Code primarily oriented toward physical harm. Second, case studies such as the Medan District Court Decision No. 1760/Pid.B/2021/PN Mdn demonstrate a failure to apply relevant articles on animal cruelty, as the court instead relied on provisions concerning theft and property damage. This reflects a gap in legal interpretation and enforcement, where acts that clearly fall under animal abuse are diverted into unrelated criminal categories. Third, this failure may be rooted in multiple structural and cultural factors: a lack of awareness among law enforcement officials, weak regulatory mechanisms, and societal norms that trivialize violence against animals. These findings indicate that although Indonesia has strengthened its regulatory framework such as through Supreme Court Regulation No. 02 of 2012 the implementation remains ineffective, particularly in aligning legal norms with the realities of abuse. Thus, to ensure humane and comprehensive protection, a more nuanced legal approach is needed one that clearly defines categories of violence, connects them to appropriate legal provisions, and addresses the cultural and institutional barriers that hinder enforcement.

In analyzing the animal abuse cases found in Medan, it is evident that the actions of BD, Y, and S fulfill the elements outlined in Article 302 of the Penal Code, both paragraphs (1) and (2). First, BD's act of beating his cat with a stick falls under paragraph (1), as it was a deliberate act of harm without a valid reason. The objective elements in this case include the act of hurting the cat, the animal as the target, and BD's intentional conduct. The subjective element is reflected in BD's personal anger, which lacks a justifiable motive and thus signifies irresponsible behavior.

Next, Y's treatment of his chicken also meets the criteria in paragraph (1), where he deliberately withheld necessary food and water and committed acts of violence. The objective elements include neglecting the chicken's basic needs and venting anger on the animal. Y knowingly ignored the needs of the chicken despite being aware of its dependence on him. Similarly, S's act of throwing and beating his duck also constitutes abuse under the same article, as he intentionally inflicted harm without valid cause, fulfilling the objective criteria of minor abuse.

From the perspective of paragraph (2) of Article 302, BD's actions that caused severe injuries to his cat, as well as Y's actions that led to the death of his chicken, can be classified as more serious offenses. In this regard, abuse that causes illness lasting more than a week or the death of an animal is punishable by longer imprisonment. S's case, where the duck sustained injuries, may also warrant harsher penalties if the abuse resulted in disability or death. Therefore, all of these cases demonstrate not only violations of Article 302 but also the urgent need for stricter law enforcement to protect animals from abuse. There must also be an increase in public awareness that animals have the right to be cared for and protected.

This aligns with the field research conducted by the author at the Medan Metropolitan Police (Polrestabes Medan), aimed at reinforcing this study. Based on interviews and data collection, it was revealed that the issue of animal abuse remains largely unknown to the public, despite the continued occurrence of such acts. The research found that there were two cases of animal abuse handled by the police, one in Medan Area District and the other in Medan Helvetia District. However, of these two cases, only one proceeded to trial, while the other stalled during the investigation stage.

The primary factors behind the discontinuation of legal proceedings in the second case included a lack of witnesses, insufficient evidence, and a general lack of understanding among both the public and law enforcement about the urgency of animal protection. Furthermore, based on an interview with an investigator at the Medan Metropolitan Police, it was discovered that he had never directly investigated a perpetrator of animal abuse. The investigator emphasized the importance of conducting research on animal abuse to build broader and more systematic understanding regarding the necessity of protecting animals from violence, whether it is committed consciously or unconsciously by members of the community.

In addition to field data, the author also discovered a concrete example in the form of a court decision Decision of the Medan District Court Number 1760/Pid.B/2021/PN Mdn which tried a case of cat slaughter in 2021. Interestingly, in this case, neither the public prosecutor nor the panel of judges used the animal abuse article as the legal basis. Instead, they applied Article 363 paragraph (1) point 4 of the Penal Code concerning theft, and Article 406 paragraph (1) in conjunction with Article 55 paragraph (1) point 1 concerning property damage. In practice, however, the slaughter of the cat clearly falls under the category of animal abuse. This fact reveals that the application of animal abuse laws in the judicial process remains ineffective. It should be emphasized that the non-use of Article 302 of the Criminal Code is not merely a matter of legal interpretation, but stands as clear evidence of the weak enforcement of animal protection laws in Indonesia. The failure to apply the specific article designed to address animal cruelty reflects systemic gaps in legal awareness, prosecutorial focus, and judicial sensitivity toward animal welfare issues.

Criminal sanctions for perpetrators of animal abuse from the perspective of islamic criminal law

Islam is a religion full of compassion, not only toward fellow human beings but also toward other creatures such as animals and plants. Humans are the most perfect of all God's creations. Therefore, it is fitting for humans to possess tolerant and kind behavior toward other beings, including animals that often assist in human tasks and are even considered companions to many people. Animals provide what we need, such as milk, meat, labor, and more. For that reason, we must treat animals with love and never act cruelly toward them (Qamariah et al., 2023). In Islamic criminal law, the term *jarimah* (also known as *jinayah*) refers to acts prohibited by syar' and punishable by *hudūd* or *ta'zīr*. Etymologically, *jarimah* means to act or to deviate from justice, often associated with sinful or detestable behavior (Mardani, 2019).

Animals in Islamic law are mentioned in several verses of the Qur'an, and there are even six surahs in the Qur'an named after animals: Al-Baqarah (the cow), Al-An'am (the cattle), An-Nahl (the bee), An-Naml (the ant), Al-'Ankabut (the spider), and Al-Fil (the elephant). When all the verses that speak about animals are collected, they amount to around 140 verses, which is not a small number. Therefore, many scholars and readers understand that the Qur'an also shows concern for the lives of animals, as evidenced by the significant number of verses that discuss them (Mukhlis & Drajat, 2021).

Kindness toward animals is a command, as animals are part of nature just like humans. Therefore, the command to show kindness and compassion to fellow humans also extends to animals. The existence of animals as part of the natural world holds significant value in every era, and treating them well such as by protecting them from extinction is rewarded in Islamic teachings. In addition, Islam affirms that animals have the right to protection and preservation. Islam teaches kindness toward all creatures, including animals.

Regarding animal abuse, Islamic criminal law does not specifically regulate it; however, Islam clearly forbids humans from harming animals. The teachings of Islam encourage love and compassion toward animals, as reflected in stories of past prophets, which show that Islam deeply cares about and shows mercy toward animals. This is illustrated in Surah An-Naml, verses 16–19 (Indonesia, 2018):

Allah Subhanahu Wa Ta'ala says:

وَوَرِثَ سُلَيْمُ دَاوُودَ وَقَالَ يَا أَيُّهَا النَّاسُ عُلِّمْنَا مَنْطِقَ الطَّيْرِ وَأُوتِينَا مِنْ كُلِّ شَيْءٍ ۚ إِنَّ هَذَا لَهُوَ الْفَضْلُ الْمُبِينُ
(١٦) وَخُشِرَ لِسُلَيْمَانَ جُنُودُهُ مِنَ الْجِنِّ وَالْإِنسِ وَالطَّيْرِ فَهُمْ يُوزَعُونَ (١٧) حَتَّىٰ إِذَا أَتَوْا عَلَىٰ وَادِ النَّمْلِ ۖ قَالَتْ مَلَكَةٌ مِّنْهُنَّ لِيَائِيهَا النَّمْلُ ادْخُلُوا مَسْكِنَكُم ۖ لَا يَخْطِمَنَّكُمْ سُلَيْمَانُ وَجُنُودُهُ ۖ وَهُمْ لَا يَشْعُرُونَ (١٨) وَتَفَقَّدَ الطَّيْرَ فَقَالَ مَا لِيَ لَا أَرَى الْهُدْهُدَ ۖ أَمْ كَانَ مِنَ الْغَائِبِينَ (١٩)

The meaning: "And Solomon inherited (the knowledge of) David. He said, 'O people! We have been taught the language of birds, and we have been given all things. Indeed, this is a clear favor.' And gathered for Solomon were his troops of jinn, humans, and birds, and they were [marching] in rows. Until, when they came upon the valley of ants, an ant said, 'O ants! Enter your dwellings so that you do not be crushed by Solomon and his soldiers while they are unaware.' And he inspected the birds and said, 'Why do I not see the hoopoe? Is he among the absentees?'"

Among the greatness of Islam is its teaching that animals have rights that must be respected. Therefore, no one is allowed to act unjustly or cruelly toward them. One of the prohibitions against such actions can be found in the following Hadith:

حَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنُ أَسْمَاءَ حَدَّثَنَا جُوَيْرِيَةُ بْنُ أَسْمَاءَ عَنْ نَافِعٍ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ عَذِّبَتْ امْرَأَةٌ فِي هِرَّةٍ سَجَنَتْهَا حَتَّى مَاتَتْ فَدَخَلَتْ فِيهَا النَّارُ لَا هِيَ أَطْعَمَتْهَا وَلَا سَقَتْهَا إِذْ حَبَسَتْهَا وَلَا هِيَ تَرَكَتْهَا تَأْكُلُ مِنَ خَشَاشِ الْأَرْضِ

The meaning: "Abdullah bin Muhammad bin Asma' narrated to me, Juwairiyah bin Asma' narrated to us from Nafi' from 'Abdullah bin 'Umar (may Allah be pleased with them) that the Messenger of Allah ﷺ said, 'A woman was punished because of a cat that she confined until it died of hunger. Because of that, she entered Hell. She neither fed it nor gave it water while confining it, nor did she let it go so it could eat the insects of the earth.'"

This hadith does not specify the legal punishment for a person who causes destruction on earth through acts such as animal abuse, but it clearly shows that such actions are cursed by Allah and His Messenger. Therefore, these actions can be categorized as jarimah ta'zir. Since jarimah ta'zir is not determined explicitly by the Qur'an or Hadith, the determination of punishment falls under the authority of local rulers. In applying this law, the ruler only establishes punishment in a general framework. This means that legislators do not prescribe fixed punishments for each specific jarimah ta'zir, but instead set a range of punishments from the lightest to the most severe (Marsaid, 2020).

Animal abuse is not included under jarimah hudud or jarimah qisas-diyat because neither the Qur'anic verses nor hadiths that prohibit animal abuse specify the type or extent of punishment. This means that animal abuse falls under the category of jarimah ta'zir. According to Nurul Irfan and Masyrofah in their book Fiqh Jinayah, the scope and classification of jarimah ta'zir are divided into four categories:

1. *Jarimah hudud or jarimah qisas-diyat* that contain elements of doubt (syubhat) are transferred to ta'zir sanctions, such as a parent stealing from their child or a parent killing their child.
2. *Jarimah hudud or jarimah qisas-diyat* that do not meet the legal requirements will be subjected to ta'zir punishment. Examples include attempted murder, attempted adultery, and attempted theft.
3. *Jarimah* that are mentioned in the Qur'an and Hadith but without specified sanctions fall under *jarimah ta'zir*, such as breach of trust, false testimony, insult, illegal logging, and bribery.
4. *Jarimah established* by the ulil amri (authority) for the welfare of the community, such as pickpocketing, fraud, acts of pornography, piracy, smuggling, money laundering, and human trafficking (Marsaid, 2020).

According to the scope and classification of jarimah ta'zir as outlined by Nurul Irfan and Masyrofah in their book Fiqh Jinayah, if a crime is mentioned in the Qur'an and Hadith but the specific punishment is not determined, it falls under the category of jarimah ta'zir. Jarimah ta'zir refers to offenses in which the degree and type of punishment are determined by the governing authority (ulil amri). The prohibition against animal abuse is found in the Qur'an,

the Sunnah, and government regulations. In Indonesia, animal abuse is regulated by statutory law, and therefore, it is the judge who determines the severity and type of punishment. As the upholder of justice, the judge refers to the law in deciding the sentence for perpetrators of animal abuse. Based on the classification of jarimah ta'zir according to the rights violated, animal abuse can be categorized as a jarimah ta'zir that violates the rights of Allah, because such acts, which do not necessarily threaten human life or are committed without clear intent, constitute corruption or mischief on earth. As previously explained, animal abuse can indeed be classified as a jarimah ta'zir, because it contains characteristics that serve as justification for that classification (Firdaus, 2022): First, by committing an act of animal abuse, the perpetrator has engaged in behavior that disrupts public order, thereby damaging the existing harmony within society. Second, the act of animal abuse committed by the perpetrator places them in a position of disturbing public interest and order.

Based on these two points, the ruler or ulil amri must not release a person who has committed animal abuse; instead, the judge must impose an appropriate ta'zir punishment for the act of abuse. Although, in principle, animal abuse does not have a clearly stated legal threat or fixed punishment, the imposition of ta'zir punishment is justified for the sake of public safety and interest. This is based on the action of the Prophet Muhammad who once detained a man accused of stealing a camel. After investigation proved that he had not committed the theft, the Prophet released him. In this case, the Prophet's act of detention was an example of a ta'zir punishment, while the actual sentence could only be handed down if the jarimah (crime) was proven (Firdaus, 2022).

Since jarimah ta'zir is not explicitly determined by the Qur'an and Hadith, the authority to impose punishment lies with the local ruler or governing body. In determining the law, the authority only establishes punishments in a general framework. This means that legislators do not assign specific punishments for each individual jarimah ta'zir, but instead determine a range of punishments, from the lightest to the most severe.

The various types of ta'zir punishments, from the lightest to the heaviest, are as follows (Firdaus, 2022): First, ta'zir punishments related to the body, these include two types of punishments: the death penalty and flogging. Second, ta'zir punishments related to personal freedom, there are two forms of punishment in this category: imprisonment and exile. Third, ta'zir punishments related to property, punishment involving the seizure of property does not mean that the judge takes the offender's assets for personal use or for the state treasury, but rather that the assets are withheld temporarily. However, if the offender is deemed unlikely to repent, the judge may allocate the property for purposes that serve public interest. Fourth, other ta'zir punishments. In addition to the ta'zir punishments mentioned earlier, there are several other forms of ta'zir sanctions, including: strict warnings, being summoned before a court session, advice, reproach, social exclusion, dismissal from a position, and public announcement of the offense, such as through print or electronic media.

Although Islamic criminal law does not explicitly stipulate specific sanctions for animal abuse, the abusive acts committed by BD, Y, and S in the city of Medan can be thoroughly analyzed through the perspective of Islamic criminal law, particularly within the framework of *ta'zir*. Each case demonstrates discretionary space for judges or authorities to impose sanctions aimed at moral correction, deterrence, and education. For instance, BD's act of beating an animal out of personal anger aligns with *ta'zir*'s corrective dimension to address impulsive

aggression; Y's neglect reflects a failure of moral responsibility, justifying rehabilitative sanctions; and S's deliberate killing indicates a disregard for the sanctity of life, warranting a preventive response to avoid recurrence. These cases, when assessed through *ta'zīr*, reveal how Islamic criminal law can respond proportionally and ethically to acts of cruelty, even in the absence of codified punishments. Islamic criminal law, as a reflection of Islamic teachings that emphasize compassion and justice, underscores the importance of treating all creatures including animals with kindness. Several verses in the Qur'an and Hadith include warnings about human responsibility toward animals and prohibitions against harming them. Therefore, BD's action of beating a cat until it suffered serious injuries constitutes a violation that not only harms the animal but also contradicts the moral values promoted in Islam.

In BD's case, striking a cat with a wooden stick does not merely indicate anger and dislike but also reflects an inability to manage emotions constructively. From the perspective of Islamic criminal law, this act can be classified as *jarimah ta'zir*, which refers to offenses for which punishments are not explicitly prescribed in the Qur'an or Hadith. *Jarimah ta'zir* arises in response to actions that harm public interests and cause injustice. In this case, the abuse of animals clearly disrupts public order and creates a negative social impact. Therefore, local authorities have the discretion to impose *ta'zir* sanctions, ranging from warnings to more severe punishments.

Similarly, Y's actions expressing anger through violence and neglecting the basic needs of his pet chicken reflect disobedience to Islamic teachings. A witness, Mrs. April, described how Y not only beat the chicken but also failed to provide essential needs such as food and water. In this context, Y's actions not only harmed the animal but also created a sense of insecurity within the surrounding community. From the standpoint of Islamic criminal law, such conduct qualifies for *ta'zir* punishment as well. This is essential to remind the public of their responsibilities toward the living beings under their care.

Meanwhile, the case involving S, who threw a rock at his duck resulting in the animal becoming crippled, reveals aggressive behavior that not only injured the animal but also showed a failure to manage frustration and conflict in a healthier manner. S's actions can also be categorized as *jarimah ta'zir*, as they result in injustice and disrupt public order. Moreover, S failed to provide proper shelter for his duck, demonstrating a neglect of animal rights within the framework of Islamic law. In such cases, imposing *ta'zir* sanctions is crucial to uphold justice and ensure animals are treated with dignity and care.

The widely known case of the abuse of a cat named Tayo further demonstrates how animal cruelty, if not addressed seriously, can result in broad and damaging consequences. The perpetrator's actions clearly violate Islamic teachings that advocate compassion and protection toward animals. In this context, the authorities or *ulil amri* are expected to take appropriate measures to address such violations both from the standpoint of positive law and through the lens of Islamic criminal law.

These cases illustrate the urgent need for stricter law enforcement and greater public awareness of the responsibilities humans have toward animals. Within the Islamic criminal law framework, *ta'zir* sanctions for animal abuse serve not only as punishment but also as a means of rehabilitation and prevention, ensuring that such actions are not repeated in the future. Grounded in the principles of justice and compassion taught in Islam, it is hoped that society will grow to respect animal rights and treat them appropriately.

The imposition of *ta'zir* sanctions against perpetrators of animal abuse aims to fulfill several important aspects of humane law enforcement (Firdaus Adji Prasetyo et al., 2024). First, the preventive goal functions to deter individuals who have not yet committed such offenses, encouraging them to reconsider before harming animals. Additionally, the sanctions serve a repressive purpose ensuring that perpetrators are discouraged from repeating their cruel actions. Through a curative approach, *ta'zir* penalties are intended to reform the behavior of offenders so they may learn to love and care for animals. Finally, the educational aspect is key in transforming the perpetrators' lifestyle for the better in all respects, instilling a moral awareness of responsibility toward living beings. Thus, *ta'zir* punishment is not merely a penalty, but also a step toward positive transformation within society.

Conclusion

The phenomenon of animal abuse in Medan reflects a lack of empathy and moral awareness in certain parts of society, often triggered by personal dissatisfaction and negative emotions. These acts, involving animals such as cats, chickens, and ducks, not only cause physical suffering but also disturb social harmony. The viral case of a cat named Tayo further illustrates the complexity of legal protection for animals in Indonesia, which remains weak and inconsistent. From the perspective of Indonesian positive law, Article 302 of the Penal Code (KUHP) provides legal sanctions that function both as punishment and deterrence, with penalties ranging from fines to imprisonment depending on the severity of the abuse. Meanwhile, Islamic criminal law classifies animal abuse as *jarimah ta'zir*, where sanctions are determined by authorities to prevent reoffending, rehabilitate moral behavior, and educate individuals about compassion toward living beings. Strengthening law enforcement and raising public awareness are crucial steps toward building a more humane society that respects animals as part of God's creation.

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