

# Analysis of Legal Protection Against Harmful Animals Traded (Case Study: Cat and Dog Meat Trade in Tomohon Market, North Sulawesi)

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## ABSTRACT

The city of Tomohon is famous for its extreme market that sells various animal meats that are not commonly consumed in some areas. The official name of the market is Tomohon City Faith Market. A number of animals whose meat is sold in this market include cats, dogs, bats, forest rats, wild boars, cattle pigs, snakes, etc. In this case, it is quite interesting to note that cats and dogs are not livestock that can be consumed, but wild animals and/or pets that should be human friends. The main problem in this study is the slaughtering method carried out by a number of Tomohon Market traders against cats and dogs which are considered very inhumane and against religious rules and laws. This study aims to determine the form of legal protection for wild animals that are abused and traded in the Tomohon Market, North Sulawesi. This research uses a descriptive empirical juridical method. The data sources used are primary, secondary, and tertiary data. The results of this study indicate that traders do not treat cats and dogs as they should in the Law and Animal Welfare, and many residents of North Sulawesi still consume these animals. It can be concluded that the trade in cat and dog meat is not only bad for animals, it is also bad for human health.

**Keywords:** Tomohon Market, Abuse, Trade, Wild Animals, Animal Welfare

## 1. INTRODUCTION

Animal welfare is not only a national challenge but also a global challenge, and this issue is not new to Indonesia. Because, in the context of criminal law that has been in effect since the colonial era to the current Indonesian legislation, it has recognized that it relates to animal welfare. Indonesian law stipulates that all matters relating to animal welfare efforts are a shared obligation between the central government, regional governments, and the community. This is based on Law Number 18 of 2009 in conjunction with Article 67 of Law Number 41 of 2014 concerning Livestock and Animal Health.[1] Although through a philosophical approach between Human Rights (HAM) and Animal Rights, there are fundamental differences, in terms of animal or wildlife demonstrations, one must still pay attention to animal freedom (animal liberalization), in which there is a demand to provide equal treatment with human rights. Human Rights. Starting from the view that animals must be protected (animal protection), and animals should not be treated as objects or property. Through Law Number 18 of 2009 concerning Livestock and Animal Health, it has not been explicitly regulated with regard to matters needed as an effort to protect animals, only to explain that animal welfare requires adequate food,

normal expression of behavior, and safe growth and development processes. and comfortable.

In biomedical research, there are 3 main principles that need to be considered related to animal welfare. This was stated by Prof. Dr. Dondin Sajuthi, MST. Ph.D in a Workshop on Bioethics. The three principles, namely; respect, beneficiary, and justice. Meanwhile, in the context of research involving animals, the 3Rs (replacement, reduction, and refinement) must be considered.

Respect for animals as a form of life and creation of Allah SWT can satisfy curiosity and prevent unnecessary forms of research, which ignore justice and veterinary sensitivity in treating animals. The following are examples of behavior that does not respect the ethical principles of animal research:

- a. Repeated injection treatment or surgery solely for the purpose of reducing the number of animals used,
- b. Use of euthanasia drugs that have the potential to cause adverse side effects for animals due to considerations to minimize budget.

The next principle is Reduction, this principle requires researchers to be more creative in exploring data sources. So, if without the use of animals, researchers can obtain data similar to what is expected, then there is no reason for researchers to continue to use animals in research. This principle also emphasizes that researchers strive to

maximize gains from an experiment, so that there is no need for additional pain to animals and minimize the number of animals used in research.

The last principle is Refinement. This principle has a specific focus on laboratory management as well as the use of tools in research. With the aim that a study is carried out by ensuring that procedures and use of equipment have minimized the pain that arises and the potential for stress in research animals.

In order for the three ethical principles of research above to be optimal, they must be combined with the 5F principles on animal welfare, namely:

1. Freedom from hunger and thirst,
2. Freedom from discomfort,
3. Freedom from pain, injury and disease,
4. Freedom from fear and distress,
5. Freedom to express natural behavior. [2]

In North Sulawesi, especially in the city of Tomohon, the impact of culture and customs on people's lives generally follows the pattern of social groups where the Tomohon people belong to the Minahasa clan ethnic group, and therefore Minahasa people live in groups and gather in small environments carried out and applied in social conditions. now. This means that the habitat is dense and there are no clear boundaries between houses, even in primitive conditions. Kinship and kinship-based grouping patterns are clearly visible in the settlements.[3]

However, there is a phenomenon from one of the tourist destinations in North Sulawesi, namely the illegal trade in animal meat, especially for consumption by Muslim Indonesians. The animal meat trade is located at the Tomohon Faith Market, or commonly known as the Extreme Market. This market is called the Extreme Market because the meat of various animals can be found here. Protected animals can also be found here. In general, the market that we often see is a market that sells livestock such as beef, goat, fish, and chicken, but unlike the Tomohon market, the meat served is dog meat, cat, bat, snake, yaki/monkey and mole. Previously, some of the traders in this market had sold red-rumped Yaki meat or Macaca Nigra and deer pigs which are included in the list of protected animals.

The Tomohon market in North Sulawesi has been around since the Dutch era in 1852, where the Minahasa indigenous people usually sell natural resources around North Sulawesi. However, the culture of the Minahasa people who always serve extreme dishes for the big day, makes traders at Tomohon Market also provide these foods. The seller got the animal from hunting in the forest. However, in recent years, the Indonesian government has increased the status of animals that need to be protected. As a result, the animals sold at the Tomohon Market are no more extreme than in the past.[4] With the tradition of consuming animal meat, it creates conflict among the community, especially animal lovers. The killing process was shown live in front of visitors, including children. Like a cat whose head was beaten to death, then burned while its body was still moving. Likewise, the dog's neck was tied with a rope, beaten with a blunt object until it died, after which the fur was scorched

with gas fire until it was charred. But not all dog meat is traded and eaten in this market, such as a kind of Bulldog, Siberian and other valuable dog breeds, only mongrel types are traded. The rats are like that too, only white-tailed forest rats are sold, intentionally the tails are not cut to indicate that they really are white-tailed forest rats.[5]

The processing of dogs in Tomohon Market is not like other animals by slaughtering, because according to local people it will change the taste of the meat to be unpleasant. Moreover, the blood that is released will come out splattered.[6] One of the efforts to realize animal welfare enforcement is by ensuring that when going through the slaughtering process, animals are free from prolonged pain, as well as fear and stress. Persecution and abuse as regulated in Law no. 18 of 2009 in conjunction with Law no. 41 of 2014, and further regulated in Government Regulation No. 95 of 2012 concerning Veterinary Public Health and Animal Welfare. The process of slaughtering wild animals is generally carried out in a painful and tortured way, so that it can be classified as a violation of animal welfare and can be punished in accordance with Article 91B of Law Number 41 of 2014 and Article 302 of the Criminal Code.

Article 302 of the Criminal Code stipulates that anyone who intentionally harms and endangers animals without having a clear reason and a valid reason or at least is considered exceeding the limit, including not providing sufficient food for animals, can be punished with imprisonment for three months. . Meanwhile, if this act causes more than a week of illness, disability, other serious injuries or death, the offender will face a prison sentence of up to nine months. In fact, the government has not stayed silent and has made various efforts, but the results have not achieved what was hoped for. The government tries to take the right attitude, taking into account all aspects of life and the prevailing laws and regulations. One of the main reasons why traders still insist on selling cat and dog meat is because they have the opportunity to find work.

In the midst of many regulations that are made to ensure animal welfare, at the same time, practices that are contrary to what is expected of these regulations, as is the case in Manado's Tomohon Traditional Market, where wild animals usually wandering around or being cared for in a house full of affection, it is precisely in this place that they are used as food for consumption by means of inhumane cooking. It is against this background that the writer is interested in discussing and writing it in the title: "ANALYSIS OF LEGAL PROTECTION AGAINST WILD ANIMALS THAT ARE HARMED AND TRADED (CASE STUDY: TRADING OF CAT AND DOG MEAT IN THE TOMOHON MARKET, NORTH SULAWESI)."

## 2. METHOD

The research used in this method is a descriptive empirical juridical approach. The approach used refers to the legal approach and the case approach of the cat and dog meat trade in the Tomohon Market, North Sulawesi. The technique of collecting survey data, as well as books,

regulations, documents or records obtained from the organization where this survey was conducted, besides that the author also collects data about the object under study, in this case it is done through interviews with meat sellers in the Tomohon market and one of the one resident of North Sulawesi who consumes dog meat. The data obtained by the author is through primary legal materials, including related laws and regulations, secondary materials including books, journals, and the internet and tertiary as supporting materials in the form of a legal dictionary.

### 3. DISCUSSION

#### 3.1 Animal Abuse Law Review

The mistreatment of cats and dogs sold in Tomohon Market begins with the initial method of arresting them. A stray cat is caught and then put in a sack, while the dog after being caught is tied with a rope to prevent it from barking. The animals are then put into trucks to be brought to the market. Arriving at the market, there are 2 (two) cages, the first is for dogs and the second is for cats. These animals are put in cramped iron cages, waiting their turn to be bought and slaughtered. The retrieval process is very inhumane and incompatible with taking animals in general. This animal was taken from the cage using an iron rod with a rope attached to carry the animal's neck. Then he was hanged by his neck, and beaten with a wooden stick until he was unconscious. After that the animals were burned with a gas burner, in which the animal's body was still moving in a semi-conscious state.

According to the information obtained by the author, the animals were beaten with a blunt object to minimize blood loss, even as much as possible not to bleed. Because according to consumers it is what makes the meat taste more delicious and tender. This is a cruel act of animal abuse and is against animal rights/animal welfare. Some of the rules that this action violated were:

##### 3.1.1. "Five Freedoms of Animals"

This regulation requires that all animals that are kept or live freely in nature have the following rights or freedoms:

- a. Freedom from hunger and thirst.  
Freedom from hunger and thirst or freedom from hunger and thirst by providing sufficient, balanced, hygienic and nutritious food and drink for each animal's needs.
- b. Freedom from thermal and physical discomfort.  
Freedom from thermal and physical discomfort or freedom from heat and physical discomfort is achieved by providing an environment, and shelter and facilities that are comfortable and in accordance with the behavior of the animal. Animals need at least two different places, one open to live and one closed to rest.
- c. Freedom from injury, disease and pain.  
Freedom from injury, disease and pain or freedom from injury, disease and illness can be achieved by taking

care, taking measures to prevent disease, diagnosing disease and caring for animals appropriately.

- d. Freedom to express most normal pattern of behavior.  
Freedom to express the most normal pattern of behavior or freedom to express normal and natural behavior is achieved by providing space, accommodation and structure that are in accordance with the natural behavior of the animal. This includes providing friends (same animals) and partners for social interaction and marriage.
- e. Freedom from fear and distress.  
Freedom from fear and distress is achieved by ensuring that the conditions and treatment that animals receive are free from things that cause fear and stress, such as conflict with other species and disturbance from predators.[7]

##### 3.1.2. Government Regulation of the Republic of Indonesia

Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare:

- a. Article 83 paragraph 2:  
"Animal Welfare as referred to in paragraph (1) is carried out by applying the principle of Animal freedom which includes being free:
  - 1) free from thirst and hunger;
  - 2) free from pain, injury, and disease;
  - 3) free from discomfort, torture, and abuse;
  - 4) free from fear and stress; and
  - 5) to express his natural behavior."
- b. Article 83 paragraph 3:  
"The principle of animal freedom as referred to in paragraph (2) is applied to activities:
  - 1) arrest and treatment;
  - 2) placement and containment;
  - 3) maintenance and care;
  - 4) transportation;
  - 5) uses and benefits;
  - 6) fair treatment and care for Animals;
  - 7) dismemberment and murder; and
  - 8) comparative medicine practice."

In this case, the actions taken by the traders in Tomohon Market do not fulfill these principles. These animals during the cage are not given enough food and water, and the discomfort of animals being in a cage that is full and cramped.

- c. Article 95 paragraphs 1 and 2:  
"(1) The application of the principle of animal freedom in slaughtering and slaughtering as stated in Article 83 paragraph (3) letter g must at least be carried out by:
  - a. a way that does not hurt, does not cause fear and stress to the animal before it is slaughtered or slaughtered;

- b. a way that does not relieve the animal from fear and stress, and can end the suffering of the animal as soon as possible at the time of slaughter or slaughter;
- c. must use very clean facilities and equipment; and
- d. ensure that the animal is completely dead before further handling.

(2) In the event that the slaughter and slaughter as referred to in paragraph (1) uses stunning, it is not allowed to use methods that cause the animal to cause pain, stress, and/or death.”

The way the slaughter or slaughter is done causes the animal to feel scared and stressed. And the equipment used is unhygienic and placed in any place.

### *3.1.3. Law of the Republic of Indonesia No. 18 of 2009 concerning Livestock and Animal Health jo. Law of the Republic of Indonesia No. 14 of 2014*

a. Article 66 paragraph 1 (one):

“In the interest of animal welfare, action is taken by catching and handling; placement and containment; maintenance and care; transportation; dismemberment and murder; and proper treatment and care of animals.”

b. Article 66 paragraph 2 (two) letter c:

“Care, safeguard, care, and protect animals as well as possible so that animals are free from hunger and thirst, pain, abuse and abuse, as well as fear, and stress.”

What is meant by "persecution" is action for the self-interest and/or benefit of the animal by treating the animal beyond the limits of its biological and physiological capabilities. These animals are not free from thirst and hunger, due to the fact that when the animals are in the cage there is not always food and drink prepared by the traders.

c. Article 66 paragraph 2 (two) letter f:

"Slaughtering and slaughtering of animals is done in the best possible way so that the animals are free from pain, fear and stress, abuse, and abuse."

In this case, animal abuse at Tomohon Market does not prioritize animal welfare. It can be seen from the slaughtering and slaughtering procedures that are not in accordance with proper animal welfare, because before being killed, the animal is first hurt and burned alive.

d. Article 66 paragraph 2 (two) letter g:

"The treatment of animals must be avoided from acts of abuse and abuse".

What is meant by "abuse" is the act of treating an animal unreasonably and/or not in accordance with its name or purpose to obtain satisfaction and/or profit from the animal. In this case, cats and dogs are not treated according to their intended use, because these animals are not farm animals, but "Companion Animals" or pets.

e. Article 66 A:

1. "Everyone is prohibited from abusing and/or torturing animals that cause disability and/or low productivity.
2. Everyone who knows the behavior as referred to in paragraph (1) is obligated to report it to the competent authority."

The act of animal abuse at the Tomohon Market can cause harm to animals.

f. Article 91 B:

"Everyone who abuses and/or abuses animals resulting in disability and/or incapacity 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 a minimum of IDR 1,000,000 (one million rupiah) and a maximum of IDR 5,000,000 (five million rupiah)."

### *3.1.4. Article 302 of the Criminal Code*

1. "Threatened with a maximum imprisonment of three months or a maximum fine of four thousand five hundred rupiahs for committing light abuse of animals.
  - a. any person who deliberately oversteps, injures or injures an animal without a legitimate purpose to harm its health;
  - b. whoever without a proper purpose or by exceeding the limit necessary to achieve the goal, deliberately does not provide food and drink necessary for the life of an animal, which is wholly or partly his and is under his control, or to an animal which he is obliged to keep.
2. If the act causes illness for more than a week, or is disabled or suffers other serious injuries, or dies, the perpetrator is threatened with a maximum imprisonment of nine months, or a maximum fine of three hundred rupiahs, for animal abuse.
3. If the animal belongs to the perpetrator of the crime, then the animal can be secured.
4. Attempting to commit the crime is not punishable."

### *3.2. Legal Overview of the Cat and Dog Meat Trade*

In North Sulawesi, the trade in dog and cat meat occurs in large quantities reaching 8,700 heads per week for dogs, while for cats the total is more than the number of dogs. The behavior of consuming cat and dog meat cannot be justified even though in some countries there are still people who consume it for reasons of tradition or custom. Tomohon market, Manado is one of the areas with a high level of trade in cat and dog meat. In this market, dogs, cats and other non-food items are also traded. The process of slaughtering these animals is unnatural and very brutal. This market is one area that has great potential to spread rabies.

Research conducted by Radbound University Medical Center in 2009 found that direct contact, such as slaughtering unvaccinated dogs and cats, carries a risk of transmitting rabies. The bacteria that causes cholera can

also be easily spread through dog meat consumption habits. Representative of the World Health Organization (WHO), Jean-Marc Olive once warned that the habit of eating dog meat can increase the risk of bacterial infection up to 20 times. Trichinellosis is a parasite that is easily transmitted from dogs to humans. Transmission occurs through the consumption of infected dogs.[8] While the cat is the primary host of the parasite that causes toxoplasmosis which poses a serious threat of deformity to pregnant women and babies. Cat meat also threatens the transmission of bacterial infections such as Clostridium botulinum.[9] So far there are no clear rules governing the trade in dog and cat meat, even in the Law of the Republic of Indonesia Number 18 of 2012 concerning Food, cat and dog meat are not included in the definition so that animal meat is not a food category. However, if we refer to some of the articles below, then the trade in cat and dog meat is a legal prohibition and can be stopped.

### *3.2.1. Law of the Republic of Indonesia Number 18 of 2012 concerning Food, Article 1 number 1*

"Food is everything that comes from organic sources of agriculture, plantation, forestry, fishery, animal husbandry, waters, and water, both processed and unprocessed which is intended as food or drink for human consumption, including food additives, food raw materials, and other materials used in the process of preparing, processing, and/or making food or beverages."

From this definition, it can be concluded that cats and dogs are not included in the category of food and livestock.

### *3.2.2. Law of the Republic of Indonesia Number 18 of 2009 concerning Livestock and Animal Health, Article 42 paragraph (5)*

"Every person who imports and/or exports animals, animal products, and/or disease carrier media is obligated to fulfill the technical requirements for animal health."

If they violate the provisions of this article, they can be threatened with Article 89 paragraph (1) of the Law of the Republic of Indonesia Number 18 of 2009 concerning Animal Husbandry and Health, which reads:

"Every person who violates the act of removing and/or importing animals, animal products, or other carriers of animal diseases from and into the territory of the Unitary State of the Republic of Indonesia as referred to in Article 42 paragraph (5), Article 58 paragraph (5), and Article 59 paragraph (1) shall be punished with imprisonment for a minimum of 2 (two) years and a maximum of 5 (five) years and/or a fine of at least Rp. 150,000,000.00 (one hundred and fifty million rupiah) and a maximum of Rp. 1,500,000,000.00 (one billion five hundred million rupiah)."

### *3.2.3. Areas*

Rabies-free areas that receive supplies of cats and dogs or their meat from areas infected or suspected of being infected

with Rabies, the prohibition of the dog meat trade can be carried out in accordance with Law of the Republic of Indonesia Number 18 of 2009 Article 46 paragraph 5 (five) which reads:

"Everyone is not allowed to remove and/or import animals, animal products, and/or media that may carry other animal diseases from infected and/or suspected areas to free areas." Violation of this rule is punishable by imprisonment for a maximum of 1 (one) year to a maximum of 5 (five) years and/or a fine of at least Rp. 150,000,000.00 (one hundred and fifty million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah) in accordance with Article 89 Paragraph (2) of the Law of the Republic of Indonesia Number 18 of 2009.

### *3.2.4. Law of the Republic of Indonesia Number 16 of 1992 concerning Animal, Fish and Plant Quarantine, Article 6*

"Every media that carries quarantine pests and diseases of animals, quarantine fish pests and diseases, or quarantine plant-disturbing organisms that are transported or dispatched from one area to another within the territory of the Republic of Indonesia must:

- a. equipped with a health certificate from the area of origin for animals, materials of animal origin, products of materials originating from animals, fish, plants and several plant origins, except for carrier media classified as other objects;
- b. through designated places of entry and exit;
- c. reported and submitted for the purposes of quarantine measures to quarantine administrators at points of entry and exit."

If you violate the provisions of the article, you can be threatened with Article 31 of the Law of the Republic of Indonesia Number 16 of 1992 concerning Animal, Fish and Plant Quarantine, which reads:

1. "Whoever intentionally violates the provisions as referred to in Article 5, Article 6, Article 7, Article 9, Article 21, and Article 25, shall be sentenced to a maximum imprisonment of 3 (three) years and a maximum fine of Rp. 150,000,000.- (one hundred and fifty million rupiah).
2. Whoever because of his negligence commits a violation of the provisions as referred to in Article 5, Article 6, Article 7, Article 9, Article 21, and Article 25, shall be sentenced to a maximum imprisonment of 1 (one) year and a maximum fine of Rp. 50.000000.- (fifty million rupiah).
3. The crime as referred to in paragraph (1) is a crime and the crime as referred to in paragraph (2) is a violation."

### *3.2.5. WSPA*

World Society for The Protection of Animals (WSPA) explains in detail how to use animals according to their respective uses. WSPA has an animal classification policy based on the following benefits:

- a. Farm Animals: are livestock animals that are consumed such as cows, goats, chickens, etc.
- b. Working Animals: is animal power that is used, such as: horses, buffalo, snow sledding dogs, etc.
- c. Companion animals: are pets that are kept as pets, such as dogs, cats, other exotic animals.
- d. Laboratory animals: are animals used for research or testing materials.
- e. Genetic manipulation and Genetic Engineering: are animals that have been genetically manipulated.
- f. Wild Animals: are wild animals that live freely in nature such as orangutans, rhinos, tigers, etc.
- g. Animals used in sport or entertainment: are animals used for sport and recreation such as racing horses and dogs.
- h. Marine animals: are animals that live in the sea.
- i. Fur and trapping: namely animals that are used for fur and skin, as well as animal capture.
- j. Conservation: are animals that are threatened with extinction.[10]

When referring to the classification of these animals, it is clear that cats and dogs are not farm animals, but are companion animals.

#### 4. CONCLUSION

Implementation of the regulation of wildlife protection based on Article 66 paragraphs 1 (one) and 2 (two) of the Law of the Republic of Indonesia Number 18 of 2009 concerning Animal Husbandry and Health, and Article 83 paragraphs 2 (two) and 3 (three), and Article 95 paragraphs 1 (one) and 2 (two) of the Government Regulation of the Republic of Indonesia Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare are not applied. Where in the case that the author has raised, there are still many wild animals that are intentionally injured and shown to the public so that it is declared to have violated wildlife protection regulations.

Wild animals that are persecuted and traded in Tomohon Market, North Sulawesi can be given protection based on Law Number 18 of 2012 concerning Food in Article 1 paragraph 1 (one) which explains that wild animals such as cats and dogs are not included as livestock and are not raw materials. human food, but the animal is a human friend who should be loved and cared for. And traders can also be given criminal sanctions according to what has been stated in Article 91 B of the Law of the Republic of Indonesia Number 41 of 2014 concerning Amendments to Law Number 18 of 2009 concerning Animal Husbandry and Health and Article 302 of the Criminal Code for acts of abuse and trading of cats and dogs. dogs for consumption at Tomohon Market, North Sulawesi.

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