



Animal Protection Index (API) 2020

Republic of Indonesia: ranking E

Executive summary

Indonesian animal welfare law has many positive aspects. Law 18 of 2009 on Husbandry and Animal Health is the main piece of animal welfare legislation. Many features of Law 18 of 2009 are supported by regulations or work alongside other legislative acts governing different industries and animal species, such as Regulation 95 of 2012 Concerning Public Health and Animal Welfare, and Act 5 of 1990 on the Conservation of Biological Resources and their Ecosystems. Many sections of Indonesian animal welfare legislation are aligned to the Five Freedoms, or other recognised international standards, such as the OIE's animal welfare standards. This is particularly prevalent in legislation regarding livestock. Similarly, Indonesia's dedicated Wildlife Crime Unit and biannual animal welfare meetings are to be commended. The Indonesian Government also shows active participation in regional animal welfare issues through their ASEAN membership. The Indonesian Government also updated their Penal Code on punishments for animal cruelty, suggesting there is political will at a national level for positive change for animal welfare.

While there are many parts of Indonesian law to be commended, there is room for improvement in many animal welfare areas. For example, while the law dictates that livestock should be treated in accordance with the Five Freedoms throughout their lives, including during transportation and slaughter, this does not apply in the case of religious slaughter or festivals. This results in the Five Freedoms not always being guaranteed. Enforcement mechanisms are also limited. Law 18 of 2009 does not include any enforcement mechanisms and, due to delegated authority to regional or provincial governments, reports suggest enforcement of breaches to any animal welfare law is sporadic. Other areas of concern include the prevalence of dog fighting in the country, the dog and cat meat industry, and the private keeping of wild animals as pets, such as orangutans. Finally, much of Indonesian animal welfare legislation is motivated by concerns regarding the livestock industry and public health, rather than the suffering of animals more generally.

The Indonesian Government has made limited efforts to improve animal welfare since the API was first published in 2014. This includes an update to the Indonesian Penal Code and holding of biannual animal welfare meetings with representation from all regions and provinces of the country. However, the Government has yet to publish an animal welfare strategy or make positive amendments to laws and regulations governing animal welfare since 2014.

Animal welfare is governed by multiple Ministries in Indonesia including the Ministry of Agriculture and Ministry of Environment and Forestry. The responsibilities of these Ministries, in relation to animal welfare, are delegated to their counterparts at regional and provincial level, with varying degrees of adherence to animal welfare legislation. Indonesia does not currently have a dedicated Ministry or department for animal welfare.



The Government of Indonesia is strongly encouraged to amend their animal welfare laws to close loopholes and contradictions that contribute to the low adherence to these laws. The Government is also recommended to align these laws and regulations with the OIE standards. Furthermore, the Government is encouraged to bring all animal welfare responsibilities under one Ministry with resources for enforcement, public education and research to ensure animal welfare legislation is appropriate and in line with current scientific thinking. This includes following through on their 2014 commitments to develop a national animal welfare strategy and committee dedicated to animal welfare, which includes representatives from regional and provincial governments, as well as animal welfare organisations. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



Animal Protection Index Indicators

Goal 1: Recognition of animal sentience and prohibition of animal suffering

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	D
<p>Although there is no explicit recognition of sentience in legislation, Article 1(42) of Law No. 18 of 2009¹ (Husbandry and Animal Health) defines animal welfare as 'all matters relating to animal physical and mental conditions'. This wide definition recognises the physical and mental wellbeing of animals, which provides an implicit recognition of animal sentience. In Part 2 of Law 18 of 2009, Article 66 requires that, in the interest of animal welfare, measures are taken that relate to catching and handling, placement and multiplication, care, transportation, slaughtering and killing, as well as 'reasonable treatment and tender care'. This is to be implemented with humanity so that animals are free from hunger and thirst, pain, torture and misuse, as well as from fear and from feeling under pressure, and so that ill treatment, torture and misuse of animals are avoided. Law 18 is applicable to all vertebrates and to 'some of the animals that have no backbone who can feel pain'.</p> <p>Law 18 is complemented by Government Regulation No. 95 of 2012 concerning veterinary public health and animal welfare, which provides that the concept of animal welfare in that Regulation applies to any kind of animal whose survival depends on humans. This Regulation covers vertebrates and invertebrates who can feel pain. This definition draws attention to the fact that animals are capable of feeling pain, which should be taken into account in their handling and treatment.</p> <p>Article 303 of the Indonesian Penal Code² sets the parameters on punishments for animal cruelty. These punishments are divided between 'light maltreatment' of animals and 'serious harm, death or illness of over a week'.</p> <p>Analysis</p> <p><i>The existing legislation explicitly takes into consideration the fact that animals can feel pain and fear, and therefore some protective measures are in place. There is also implicit recognition of the psychological suffering of animals.</i></p> <p><i>The Elucidation (clarification) section of Law 18 of 2009 states that a separate law is needed to comprehensively govern all animal aspects including livestock, pets, laboratory animals and veterinary practice, but this does not appear to have been developed further in legislation at time of writing.</i></p> <p><i>In March 2014 the Government updated the OIE's Regional Animal Welfare Strategy Commission for Asia Pacific on a number of important activities in progress aimed at improving animal welfare in</i></p>	

¹ http://www.flevin.com/id/lgsa/translations/JICA%20Mirror/english/4340_UU_18_2009_e.html

² https://www.unodc.org/res/cld/document/idn/indonesian_penal_code_html/1.1_Criminal_Code.pdf

the country, including an intention to revise section 302 of the Book of Criminal Law to increase penalties for animal cruelty and negligence.³ While the Indonesian Penal Code has been updated with increased penalties, there is no penalty for attempting to cause an animal harm, nor definitive legislation of animal forfeiture in cases of animal cruelty.

Additionally, the Government reported that a bi-annual national animal welfare meeting would be held to continue to discuss a national animal welfare advisory committee and the development of a national animal welfare strategy. This meeting took place in April 2014 and several stakeholders indicated their intention to work to improve animal welfare in the country.⁴ However, at the time of writing there was no evidence that a national animal welfare strategy had been developed.

However, the lack of enforcement mechanisms for failure to comply with the animal welfare provisions of Law 18 of 2009, together with the fact that enforcement mechanisms (including fines and imprisonment) do exist for some of the other provisions of Law 18 of 2009, suggests that this does not have high priority for improvement.

Enforcement mechanisms

There are no enforcement mechanisms for Article 66 of Law 18 of 2009.

Under Article 85 of Regulation 95 of 2012, animal care facility owners stand to have their business permits revoked for non-compliance with the principles of Animal Freedom in Article 83(3) (application of the five freedoms for various stages of the animal usage process, including catching, handling and slaughter).

Article 303 of the Indonesian Penal Code states a maximum of 3 months imprisonment or a maximum fine of 300 rupiahs for those found guilty of light maltreatment of animals, including causing deliberate pain or deliberately withholding of necessary sustenance. Article 303 also states that serious harm, death or illness of over a week is punishable by a maximum imprisonment of nine months or a maximum fine of 300 rupiahs.

Key recommendations

- **The Government of Indonesia is urged to formally recognise sentience in law and extend its application to all animals including all vertebrates and invertebrates including cephalopods and decapod crustaceans.**
- **The Government is encouraged to amend the Indonesian Penal Code to ensure punishment for those attempting to do harm to animals under Article 303.**
- **The Government of Indonesia is strongly urged to move forwards with their plans for a national animal welfare committee and strategy.**

³ https://rr-asia.oie.int/wp-content/uploads/2019/10/raws_cg_mtg_7_march_2014.pdf

⁴ <http://www.changeforanimals.org/#lunited-voice-for-animal-welfare-law-refo/chks>



2. There are animal protection laws that prohibit causing animal suffering either by a deliberate act of cruelty or by a failure to act

Analysis of the legislation	
Ranking	C
<p>Law 18 of 2009 includes a brief section on animal welfare, by which four provisions create the framework of protection for animals. Article 66(1) creates a duty of care in requiring that measures are taken in the interest of animal welfare in relation to the reasonable treatment and tender care of animals, in relation to listed activities including capture, husbandry, slaughter and transport. As 'animal welfare' is defined as all matters relating to animal physical and mental conditions (Article 1(42)), this implies that measures are taken to avoid the physical and mental suffering of animals.</p> <p>This is expanded on in Article 66(2) which requires that animals should be free from pain, fear or pressure when these activities take place and that ill treatment, torturing and misuse of animals must be avoided (66(2)(g)). Article 66(3) specifies that these provisions apply to vertebrates and to some invertebrates who can feel pain. Article 66(4) remits to the Minister to produce further implementing regulations.</p> <p>More detailed provisions are found in Regulation 95 of 2012 Concerning Public Health and Animal Welfare, which requires that animals have access to freedoms from hunger and thirst, from pain, injury and disease, from discomfort, persecution and abuse, from fear and distress and to express their natural behaviour (Article 83(2)). These freedoms should occur across a range of activities including transportation, caging, maintenance and protection of animals (Article 83(2)(3)). Articles 86 to 99 then give more detail about how to conduct the above steps of the animal use process.</p> <p>The law requires that, in relation to caging and housing (Articles 87 and 88) and in relation to transport (Article 89), this does not hurt the animal or lead to stress, there is protection from the elements and they have food and drink adequate to their physiological needs.</p> <p>Although these provisions, as well as Article 303 of the Indonesian Penal Code, imply that causing animal suffering is prohibited, the current wording of Article 66 together with the definition of animal welfare under Article 1(42) are not sufficiently clear. In particular, the Law does not prohibit a failure to act, which would result in animal cruelty.</p> <p>The Government reported in an OIE Regional Animal Welfare Strategy (RAWS) for Asia, the Far East and Oceania meeting in 2014 that it intended to revise the Book of Criminal Law to increase penalties for abuse or mistreatment of animals. As of 2019, there are plans for a new Criminal Code to replace the existing Indonesian Penal Code, however, this is still in draft stages at time of writing.</p> <p>Analysis</p> <p><i>The relevant legal provisions appear in Law 18 of 2009. However, this legislation is specifically focused on the health and productivity of animals, on animal husbandry, and on the prevention of animal disease. Animal cruelty does not appear to be a main concern of this legislation. References</i></p>	



are made in the law to animals as industrial products, which may make it difficult to make this element of animal protection a mainstream concern of society, beyond the minimum requirements for health and control of diseases. The legislation also contains enforcement mechanisms for various other provisions in Law 18 of 2009 but not for the animal welfare provisions. It is encouraging, however, that under Article 7 of Law 18 of 2009, the need of water for animals is prioritised in legislation.

Law 18 of 2009 has responsibilities and structures in place for the promotion and control of animal health and animal productivity, but no such structures are in place in relation to animal welfare. It is stated in the law that the Government will have a framework to produce regulations that implement mandates on animal welfare, which suggests that improvement may be possible, but there is no evidence of such regulations having been produced. As stated in Article 32 of Law 18 of 2009, responsibilities for some parts of Law 18 in relation to animal welfare and health are delegated to regional governments, particularly in relation to livestock.

Enforcement mechanisms

Unlike some of the other provisions in Law 18 of 2009, which do have enforcement mechanisms, the animal welfare provisions appear as an isolated body in the existing legislation and do not have enforcement mechanisms.

Article 303 of the Indonesian Penal Code states a maximum of 3 months imprisonment or a maximum fine of 300 rupiahs for those found guilty of light maltreatment of animals including causing deliberate pain or deliberately withholding of necessary sustenance. Article 303 also states that serious harm, death or illness of over a week is punishable by a maximum imprisonment of nine months or a maximum fine of 300 rupiahs.

Key recommendations

- **The Government of Indonesia is encouraged to amend the Indonesian Penal Code to ensure punishment for those attempting to do harm to animals under Article 303.**
- **The Government of Indonesia is urged to amend Law 18 of 2009 to include enforcement mechanisms for animal welfare protections to align with other provisions in the law.**
- **The Government is strongly urged to move forwards with their plans for a national animal welfare committee and strategy.**
- **The Government of Indonesia is encouraged to promote animal welfare since, as sentient beings, animals deserve protection in their own right, rather than focusing on animal-based production.**

Goal 2: Presence of animal welfare legislations

3. There are laws that apply to animals used in farming including rearing, transport and slaughter

Analysis of legislation	
Ranking	F
<p><u>Rearing</u></p> <p>Indonesian legislation relevant to this area is largely concerned with protecting the farming industry from an economic point of view, including preventing the outbreak of disease. There are various procedural requirements, such as the need to obtain a licence for various activities, including opening a slaughterhouse, and some of these can have welfare implications.</p> <p>Article 66(1) of Law 18 of 2009 requires that measures are taken in the interest of animal welfare (defined as all matters relating to animal physical and mental conditions) in relation to listed activities including capture, husbandry, slaughter and transport. Article 66(2) requires that, generally, animals should be free from pain, fear or pressure when these activities take place.</p> <p>Chapter 3 of Regulation 95 of 2012 concerning Veterinary Public Health and Animal Welfare⁵ is specifically concerned with animal welfare and includes the requirement for animals to be afforded the Five Freedoms (Article 83(2)(2)), across a range of activities including transportation, treatment, handling and placement of animals (Article 83(2)(3)). Notably, Article 83(4) requires that those involved in various processes involving animals including catching, handling, placement, maintenance, transport, utilisation, protection, slaughtering and comparison medical practise must be completed by people who have 'competence in the field of animal welfare'. Articles 86 to 99 then give more detail about how to conduct the above steps of the animal use process. Articles 87 and 88 relate to caging and housing.</p> <p>Article 303 of the Indonesian Penal Code sets the parameters on punishments for animal cruelty. These punishments are divided between 'light maltreatment' of animals and 'serious harm, death or illness of over a week'.</p> <p>Article 19 of Law 18 of 2009 provides that anyone rearing animals must sufficiently meet their animals' needs for feed and health, and that the Government shall foster the development of a domestic industry. Article 29 states that farmers, husbandry companies and certain parties engaged in the business of rearing animals meeting a certain scale are obliged to have a husbandry business permit and to comply with the good culture procedure of rearing animals without disturbing public order in accordance with guidance stipulated by the Minister.</p> <p>Secondary legislation relating to farm animals may also be found in the Regulation of the Government of the Republic of Indonesia (Number 95 of 2012) concerning Veterinary Public Health and Animal</p>	

⁵ http://www.flevin.com/id/lgso/translations/IICA%20Mirror/english/4936_PP_95_2012_e.html

Welfare, which stipulates some considerations for good practice, including separating sick from healthy animals, mandating cleanliness, providing medicine for sick animals and feeding them safely and according to their physiological needs (Article 5).

Rearing – pigs

There is no policy or legislation related specifically to the rearing of pigs.

Rearing – broiler chickens

There is no policy or legislation related specifically to the rearing of broiler chickens.

Rearing – egg-laying hens

There is no policy or legislation related specifically to the rearing of egg-laying hens.

Rearing – dairy cattle and calves

There is no policy or legislation related specifically to the rearing of dairy cattle and calves.

Transport

Article 66(2)(d) of Law 18 of 2009 provides that transportation shall be properly conducted so that the animal is free from fear, pressure and torture. Article 89 of Regulation 95 of 2012 relates to transport, requiring that this does not hurt the animal or lead to stress, that there is protection from the elements and that they have food and drink adequate to their physiological needs.

Slaughter

Article 66(2)(f) requires that slaughtering and killing shall be conducted properly so that the animal is free from pain, fear, pressure, torture and misuse, and Article 66(2)(g) requires that ill treatment, torture and misuse of animals must be avoided. However, the protections for animals during slaughter are limited by religious norms and faith of people receiving the animal parts (Article 61). Protections are similarly suspended during religious ceremonies and festivals (Article 61). There is no confirmation that animal welfare will be highest priority in cases of emergency slaughter (Article 61).⁶

Article 61(1) of Law 18 of 2009 requires that, in relation to animals killed for meat, slaughter must be conducted at a slaughterhouse and must comply with methods according to the 'norms of health practiced by veterinarians and welfare of the animal'. Harvesting of culture products must comply with the requirements for animal health, biosafety, and the norms of religions, ethics as well as aesthetics (Article 34(2)(d)).

Article 61(b) of Law 18 of 2009 on the Farming and Health of Animals requires that 'the slaughtering of animals whose meat will be circulated must comply with slaughtering manner which meets with the norm of the health of veterinarian society and animal welfare'. Article 47(3) and (6) of Law 18 require

⁶ http://www.flevin.com/id/lgso/translations/IICA%20Mirror/english/4340_UU_18_2009_e.html

that an animal suffering incurable disease must be given euthanasia and/or killed 'by veterinary force' with due observance of the provision on animal welfare, and that this must be done by veterinarian or by animal health force under veterinarian supervision. Further, Article 61(3) states that the Minister shall stipulate the procedure for 'decent slaughtering'. Part 2 of the law requires that 'measures are made pertaining to capturing, handling, placing and holding, nourishing and nursing, transportation, slaughtering and killing, natural treatment and protection of animals'.

Article 8(3) of Regulation 95 of 2012 contains regulations for slaughterhouses and Article (3)(e) requires that animal suffering be reduced at slaughter. Article 95 relates to slaughter, requiring that this does not hurt the animal or lead to fear or stress before slaughter and that animals are dead before further handling.

Analysis

The general welfare provisions in Law 18 of 2009, particularly under Article 66, are applicable to animals used in farming and provide a good starting point for the welfare of animals in this category, aligning well to the Five Freedoms. However, while Regulation 95 of 2012 does provide some examples and can assist with understanding the application of the principle of the Five Freedoms to different stages of animal farming, there appears to be no method of regulation and enforcement of these guidelines. Overall, there is a lack of detailed regulations surrounding the conditions of rearing for various species of farm animals. Furthermore, religious slaughter is exempt from anti-cruelty provisions.

The Government reported in March 2014 that it was in the process of drafting regulations on several issues including handling and slaughtering of animals during the festival of Eid Qurban. The Government also announced it was drafting regulations concerning poultry slaughter and transport as well as revising legislation concerning cattle slaughter, good farming practices for cattle and dairy, poultry and layer and good breeding practices for livestock, as well as revising some existing regulations.⁷ However, due to lack of available translation, these new regulations have been unable to be assessed at the time of writing. The Government is also working with others to promote education and training of veterinarians, auditors and slaughterhouse workers.⁸

Lack of knowledge and education about humane treatment of animals and natural behaviour needs may present a barrier to improving animal welfare in this area, as demonstrated by international concern about animal welfare standards during slaughter of Australian sheep in the country in 2011.⁹

Enforcement mechanisms

Some of the provisions of Law 18 of 2009 concerning animals used in farming, including in rearing, transport and slaughter, are enforceable with penalties (for example, the slaughter of a productive

⁷ https://rr-asia.oie.int/wp-content/uploads/2019/10/raws_cg_mtg_7_march_2014.pdf

⁸ https://rr-asia.oie.int/wp-content/uploads/2019/10/raws_cg_mtg_7_march_2014.pdf

⁹ http://www.gph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook44p/AnimalExports

female ruminant rather than using her for milk production may receive penalties of detention and/or a fine), there do not appear to be any mechanisms of enforcement of animal welfare provisions.

Article 85 of Law 18 of 2009 lists some provisions of that law that constitute a criminal offence and that provide an enforcement mechanism for failure to comply, and the animal welfare provisions of Law 18 of 2009 are not included in this list.

Under Regulation 95 of 2012, inspections and supervision of slaughterhouses can occur (Articles 38-44), giving the supervisor power to delay or stop the production process and examine documents or records, however this is largely to avoid zoonoses and infection, and it does not appear that they have powers to ensure good animal welfare. Article 85 provides that animal care facility owners who are not applying the principle of freedom of animals as intended by Article 83(3) may have their business permits revoked by the regent or mayor. However, there is no mention of how these inspections may occur (in relation to animal welfare issues), and there are no direct penalties for slaughterhouses and individuals whose slaughter practices do not comply with animal welfare provisions.

Article 303 of the Indonesian Penal Code states a maximum of 3 months imprisonment or a maximum fine of 300 rupiahs for those found guilty of light maltreatment of animals including causing deliberate pain or deliberately withholding of necessary sustenance. Article 303 also states that serious harm, death or illness of over a week is punishable by a maximum imprisonment of nine months or a maximum fine of 300 rupiahs.

Key recommendations

- **The Government of Indonesia is urged to ban the worst forms of confinement for farm animals. In particular, the use of farrowing crates, sow stalls, and cages should be banned. The stocking density of broiler chickens should also be reduced to maximum 30 kg/m² or lower. Surgical operations, such as piglet mutilations and beak trimming for egg-laying hens, should not be performed except under anaesthesia and with analgesics.**
- **Due to the significant animal welfare concerns associated with long distance transport, the Government of Indonesia is strongly urged to ban the export of live animals for long distances (i.e. over than eight hours) and replace it with a meat only trade. Long distance transport is inherently cruel as it involves chronic stress for all animals and for some species and modes of transport it may involve overpopulation, exhaustion, excess heat or cold, inadequate ventilation and/or access to food and water, leading to disease, pain, injury or death.**
- **The Government of Indonesia is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.¹⁰ Humane halal slaughter**

¹⁰ [http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20\(Halal%20and%20Kosher\)](http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20(Halal%20and%20Kosher))

allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed. No animal should be forced to witness other animals being slaughtered as this is inherently distressing.

4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	D
<p>The activities of capture and the handling of wildlife are part of the activities that Law 18 of 2009 included in the provisions that need to take in consideration animal welfare. Article 66(1) requires that measures are taken in the interest of animal welfare (defined as all matters relating to animal physical and mental conditions) in relation to listed activities including capture, husbandry, slaughter and transport, and Article 66(2) requires that generally animals should be free from pain, fear or pressure when these activities take place. Article 66(3) specifies that these provisions apply to vertebrates and to some invertebrates that can feel pain.</p> <p>More detailed provisions are found in Regulation 95 of 2012 Concerning Public Health and Animal Welfare, which requires that animals have access to freedoms from hunger and thirst, from pain, injury and disease, from discomfort, persecution and abuse, from fear and distress and to express their natural behaviour (Article 83(2)). These freedoms should occur across a range of activities including transportation, caging, maintenance and protection of animals (Article 83(2)(3)). Articles 86 to 99 then give more detail about how to conduct the above steps of the animal use process.</p> <p>The law requires that, in relation to caging and housing (Articles 87 and 88) and in relation to transport (Article 89), this does not hurt the animal or lead to stress, there is protection from the elements and they have food and drink adequate to their physiological needs.</p> <p><u>Zoos</u></p> <p>Two pieces of legislation underpin the establishment of zoos in Indonesia - the Instruction of the Minister of Home Affairs No. 35 (1997)¹¹ on the Cultivation and Management of Flora and Fauna Gardens in Local Regions and Decision Letter of the Minister of Forestry and Estate Crops No. 479 (1998) concerning Conservation Bodies Plants and Wildlife.¹² The latter regulates the licensing procedures, criteria, requirements, rights and responsibilities of zoos.</p>	

¹¹ <https://www.isaw.or.id/campaigns/indonesian-zoo-watch/indonesian-legislation-on-zoos/>

¹² <https://www.isaw.or.id/campaigns/indonesian-zoo-watch/indonesian-legislation-on-zoos/>



The establishment of zoos can only be done under license from the Minister of Forestry along with recommendation of local government and the Indonesian Zoo and Aquarium Association. Zoo Management authorities are also required to submit quarterly reports on the state of the animals under their care to the Minister of Forestry. Regional offices under the Ministry are required to submit an evaluation of zoo performance within their regional on an annual basis.

The role of zoos in Indonesia is stated in the Decision Letter of the Minister of Forests to serve as a facility for caring and breeding wild animals to prevent species extinction. The appendix of the Instruction of the Minister of Home Affairs also explains that zoos have four function pillars: conservation, education, research and recreation.

Private keeping of wild animals

Since 2003, Indonesia has operated its Wildlife Crimes Unit which works across the country and partners with law enforcement officers, multiple government ministries and the Supreme Court of Indonesia¹³. It is illegal to keep many protected species such as orangutan and Sumatran tigers as well as many species of bird and endangered species such as pangolins as pets.¹⁴

Fur farming

There is no policy or legislation related to fur farming.

Analysis

It is positive that Indonesian legislation mandates the licensing of zoos. Regulation 95 of 2012 also protect the Five Freedoms of animals in captivity.

However, issues of animal welfare experienced by animals in captivity do not appear to be sufficiently addressed by the existing legislation. Media reports consistently suggest that the welfare of captive wild animals in the country is poor,^{15 16} with the Ministry of Environment and Forestry saying in 2015 that only four of the country's 58 registered zoos were decent and appropriate.¹⁷ This is in spite of animals in captivity being protected under Regulation 95 of 2012 Concerning Public Health and Animal Welfare, which requires that animals have access to freedoms from hunger and thirst, from pain, injury and disease, from discomfort, persecution and abuse, from fear and distress and to express their natural behaviour (Article 83(2)).

¹³ <http://www.wildlifecrimesunit.org/AboutUs.aspx>

¹⁴ https://www.endangeredearth.com/wp-content/uploads/es_laws/Indonesia-Act-on-the-conservation-of-biological-resources-and-their-ecosystems-Act-No.-5-of-1990.pdf

¹⁵ <http://www.bbc.co.uk/news/world-asia-25908531>

¹⁶ <http://www.independent.co.uk/environment/nature/animals-left-for-dead-in-indonesian-zoos-7771373.html>

¹⁷ <https://jakartaglobe.id/news/ministry-indonesia-four-decent-zoos/>



Although Article 84(4) states that animal care processes including maintenance, placement and handling will be conducted by people who 'have competence in the field of animal welfare', reports about the current standards in zoos in Indonesia seem to indicate that this legislation is not effective.¹⁸

While many species, such as orangutans, are protected species, meaning it is illegal to keep them as pets (as well as capture or trade them), the illegal keeping of wildlife as pets is still rife.¹⁹ This is often due to a lack of knowledge regarding the legalities of keeping wildlife amongst the public. While high profile moments of wildlife rescue and release has resulted in short-term rises in animal surrenders, the Indonesian public maintains a low level of awareness of the cruelty of keeping wildlife as pets making enforcement difficult.²⁰

Enforcement mechanisms

Article 85 of Law 18 of 2009 lists some provisions of that law for which there is a criminal offence and an enforcement mechanism for failure to comply, but the animal welfare provisions of Law 18 of 2009 are not included in this list. There appear to be no enforcement mechanisms for the animal welfare provisions of this law.

In relation to Regulation 95 of 2012, Article 85 provides that animal care facility owners who are not applying the principle of freedom of animals as intended by Article 83(3) may have their business permits revoked by the regent or mayor.

Under the Decision Letter of the Minister of Forestry and Estate Crops No. 479 (1998) concerning Conservation Bodies Plants and Wildlife management, authorities are required to submit quarterly reports on the state of the animals under their care to the Minister of Forestry. Regional offices under the ministry are required to do an evaluation of zoo performance within their region on an annual basis. However, there is no indication if these regional evaluations require physical visits to zoo facilities.

Article 303 of the Indonesian Penal Code states a maximum of 3 months imprisonment or a maximum fine of 300 rupiahs for those found guilty of light maltreatment of animals including causing deliberate pain or deliberately withholding of necessary sustenance. Article 303 also states that serious harm, death or illness of over a week is punishable by a maximum imprisonment of nine months or a maximum fine of 300 rupiahs.

Key recommendations

- **The Government of Indonesia is encouraged to develop species-specific captive animal policies and regulations to promote the welfare of captive wild animals in line with current scientific knowledge and practical experience, and to use enforcement mechanisms to encourage compliance.**

¹⁸ <http://www.independent.co.uk/environment/nature/animals-left-for-dead-in-indonesian-zoos-7771373.html>

¹⁹ <https://news.mongabay.com/2017/07/indonesia-is-running-out-of-places-to-put-rescued-animals/>

²⁰ <https://news.mongabay.com/2017/07/indonesia-is-running-out-of-places-to-put-rescued-animals/>

- The Government is strongly urged to ban animal performances within zoos.
- As welfare issues for animals in captivity have not been sufficiently recognised in policy and legislation, the Government of Indonesia is encouraged to engage relevant parties in discussion about ways to improve captive animal welfare with changes to current legislation and policies.
- The Government of Indonesia is encouraged to develop a Positive List of species, specifying which species can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns. Furthermore, the Government of Indonesia is strongly encouraged to provide more resources for the education to the public on species that are appropriate to be kept as companion animals.
- The Government of Indonesia is urged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to animals.

5. There are laws that apply to companion animals

Analysis of the legislation	
Ranking	F
<p><u>Care of companion animals</u></p> <p>The general animal welfare provisions from Law 18 of 2009 apply to animals in this category. Article 66(1) requires that measures are taken in the interest of animal welfare (defined as all matters relating to animal physical and mental conditions) in relation to listed activities including husbandry, and Article 66(2) requires that generally animals should be free from pain, fear or pressure when these activities take place. Article 66(3) specifies that these provisions apply to vertebrates and to some invertebrates who can feel pain.</p> <p>Regulation 95 of 2012 Concerning Public Health and Animal Welfare, which requires that animals have access to freedoms from hunger and thirst, from pain, injury and disease, from discomfort, persecution and abuse, from fear and distress and to express their natural behaviour (Article 83(2)). These freedoms should occur across a range of activities including transportation, caging, maintenance and protection of animals (Article 83(2)(3)). Articles 86 to 99 then give more details about how to conduct the above steps of the animal use process. Articles 87 and 88 requires that in relation to caging and housing, this does not hurt the animal or lead to stress, there is protection from the elements, and that they have food and drink adequate to their physiological needs. These provisions apply to all vertebrates, and invertebrates who can feel pain, that depend on humans for survival (Article 83(1)).</p> <p>Regulation 95 of 2012 Concerning Public Health and Animal Welfare, which requires that animals have access to freedoms from hunger and thirst, from pain, injury and disease, from discomfort,</p>	



persecution and abuse, from fear and distress and to express their natural behaviour (Article 83(2)), also applies to this category of animals. These freedoms should occur across a range of activities including transportation, caging, maintenance and protection of animals (Article 83(2)(3)). Articles 86 to 99 then give more detail about how to conduct the above steps of the animal use process.

The law requires that, in relation to caging and housing (Articles 87 and 88) and in relation to transport (Article 89), this does not hurt the animal or lead to stress, there is protection from the elements and they have food and drink adequate to their physiological needs. There does not appear to be any additional policy, discussion or sign of upcoming progress for companion animals.

In Bali, a 2009 by-law regarding rabies control requires that pet owners must keep their dogs at home and vaccinate them regularly. The Indonesian Government has been working in collaboration with the FAO on rabies elimination since 2011, however, this has not translated into national legislation. This is despite an ASEAN Rabies Elimination Strategy that was endorsed by Indonesia in 2015 and reaffirmed in 2018.²¹

Moreover, the trade in dog and cat meat is relatively common in Indonesia, and protections for livestock or animals more generally as set out in Law 18 of 2009 and Regulation 95 of 2012, are not reported to be enforced for companion animals creating a risk to public health.²² In October 2018, an official government letter was issued to provincial governments calling for action to be taken to tackle the country's dog and cat meat trade;²³ however, this has not been translated into legislation.

Stray animals

There is no policy or legislation related to stray animals.

Analysis

Much of Indonesian animal welfare law seems to focus on animals raised for food purposes, and whilst Article 66 of Law 18 of 2009 does set out requirements for those responsible for animals, there is no enforcement mechanism set out within the law. However, there are punishments for animal cruelty set out within the Indonesia Penal Code.

The inclusion of the Five Freedoms detailed in Article 83(2) of Regulation 95 of 2012 and their application to activities in Article 83(3) is reflective of international standards for animal welfare, however, there are no enforcement mechanisms set out within the regulations. The existing legal provisions lack detail in relation to this category of animals and there also appear to be no comprehensive legal provisions relating to a requirement for humane stray population control throughout the country. However, the Government has advised that it has carried out public communication, information and education activities in a number of provinces regarding dog management; however, this has been inconsistent and mostly left to regional authorities.²⁴ The welfare of companion animals in Indonesia, particularly of dogs, arouses international concern with respect to

²¹ <https://asean.org/storage/2017/02/ASEAN-RabiesElimination-Strategy.pdf>

²² <https://www.fourpaws.org/our-stories/blog-news/dog-meat-trade-indonesia>

²³ <https://www.fourpaws.org/our-stories/blog-news/dog-meat-trade-indonesia>

²⁴ https://rr-asia.oie.int/wp-content/uploads/2019/10/raws_cg_mtg_7_march_2014.pdf



inhumane methods of killing stray dogs, such as poisoning²⁵, and also the practice of rearing and killing cats and dogs for meat, which does not adhere to Indonesian law regarding the rearing, transport and slaughter of livestock.²⁶

There appear to be socio-cultural barriers to improving animal welfare for companion animals, including the popularity of dog fighting in the country and the practice of rearing and killing dogs, and sometimes cats, for meat. As Indonesia is a rabies endemic country, this lack of enforcement for the dog and cat meat industry creates a public health risk.

Parts of the country are working to control rabies, which has led to the cruel killing by poisoning of dogs, although there have been a number of humane population management control projects in the country that involve the government, local authorities, NGOs and other stakeholders, which may provide some scope for improvement.²⁷ The Government of Indonesia has endorsed the ASEAN Rabies Elimination Strategy, but has yet to create national legislation to implement the recommendations including humane dog population management.

Enforcement mechanisms

Article 85 of Law 18 of 2009 lists some provisions of that law for which there is a criminal offence and an enforcement mechanism for failure to comply, but the animal welfare provisions of Law 18 of 2009 are not included in this list. There appear to be no enforcement mechanisms for the animal welfare provisions of this law.

In relation to Regulation 95 of 2012, Article 85 provides that animal care facility owners who are not applying the principle of freedom of animals as intended by Article 83(3) may have their business permits revoked by the regent or mayor. However, there is no mention of how these inspections may occur (in relation to animal welfare issues), and it is not clear whether pet shops and commercial breeders would fall within the definition of animal care facilities. It is stated that administration of animal welfare provided in Article 66 shall be conducted by the Government and the regional Government together with the public (Article 67), however, no details are given of how this is to occur, or of acts and behaviours that are not permitted.

Article 303 of the Indonesian Penal Code states a maximum of three months imprisonment or a maximum fine of 300 rupiahs for those found guilty of light maltreatment of animals including causing deliberate pain or deliberately withholding of necessary sustenance. Article 303 also states that serious harm, death or illness of over a week is punishable by a maximum imprisonment of nine months or a maximum fine of 300 rupiahs.

Key recommendations

²⁵ <http://www.thejakartapost.com/news/2014/06/27/straydogs-must-be-culled-bali-governor-says.html>

²⁶ <http://www.dailymail.co.uk/news/article-2569111/Held-tiny-cages-animals-await-fate-alongside-remains-dogs-rats-monkeys-creatures-flame-roasted-WHOLE-Indonesian-market.html>

²⁷ http://web.oie.int/RR-Europe/eng/events/docs/Wilkins_hammond.pdf

- The Government of Indonesia is urged to produce regulations with accompanying enforcement measures to ensure that the duty of care for companion animals sits with the animal owner as well as to regulate pet shops, animal rescue centres and commercial breeders. Commercial breeders and traders of companion animals should only be able to operate after receiving a licence, that is granted only if the facility abides by animal welfare criteria.
- The Government is encouraged to amend Law 18 of 2009 to ensure that stray animals are specifically protected and to nationally promote humane stray animal population management, which relies on promoting responsible pet ownership and adoption, mass vaccinations and reproduction control measures. The Government of Indonesia is urged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology.²⁸
- The Government of Indonesia is strongly urged to issue a ban on culling. Culling has proven to be ineffective in animal population management and disease control.
- The Government is encouraged to continue their work with the FAO and to produce national legislation for a humane rabies elimination programme.
- The Government is urged to issue a national ban on the dog and cat meat trade.
- The Government of Indonesia is encouraged to provide further resources for the investigation and enforcement of breaches to Law 18 of 2009 especially in the areas of dog fighting and companion animal meat trade. The Government is also encouraged to provide further resources for animal welfare education for the public.

6. There are laws that apply to animals used for draught or recreational purposes

Analysis of the legislation	
Ranking	G
<u>Animals used for entertainment</u>	
<p>The general animal welfare provisions from Law 18 of 2009 apply to animals in this category. Article 66(1) requires that measures are taken in the interest of animal welfare (defined as all matters relating to animal physical and mental conditions) in relation to listed activities including husbandry, and Article 66(2) requires that generally animals should be free from pain, fear or pressure when these activities</p>	

²⁸ <https://www.icam-coalition.org/>



take place. Article 66(3) specifies that these provisions apply to vertebrates and to some invertebrates can feel pain.

More detailed provisions are found in Regulation 95 of 2012 Concerning Public Health and Animal Welfare, which requires that animals have access to freedoms from hunger and thirst, from pain, injury and disease, from discomfort, persecution and abuse, from fear and distress and to express their natural behaviour (Article 83(2)), also applies to this category of animals. These freedoms should occur across a range of activities including transportation, caging, maintenance and protection of animals (Article 83(2)(3)). Articles 86 to 99 then give more detail about how to conduct the above steps of the animal use process. Article 87 and 88 of the law require that in relation to caging and housing that this does not hurt the animal or lead to stress, there is protection from the elements, and that they have food and drink adequate to their physiological needs. These provisions apply to all vertebrates, and invertebrates who can feel pain, that depend on humans for survival (Article 83(1)).

Although there are legal provisions which apply to animals in this category, they do not directly address the specific welfare challenges which can arise for these animals. There does not appear to be any additional policy, discussion or sign of upcoming progress for animals used for draught or recreational purposes, such as specific restrictions on the use of animals for these purposes.

Furthermore, the existing animal welfare provisions are reported not to apply to dog fighting events, which are popular in the country and for which there are organised events.²⁹ While cruelty to animals is forbidden under Law 18 of 2019, its application to dog fighting is left to be enforced by regional authorities.³⁰

Draught animals

The provisions of Law 18 of 2009 and Regulation 95 of 2012 apply to this category of animals. Beyond these general provisions, no legislation has been found specifically relating to draught animals.

Analysis

Although the relevant legal provisions do encourage compliance with the Five Freedoms of animal welfare, these are broadly worded and not enough guidance is given to Indonesians on how they can achieve the required standards of care.

The use of animals for entertainment in the country has caused considerable international concern, for example, the use of wild animals in circuses and animal fighting events.³¹ There appear to be socio-cultural barriers to improving animal welfare for animals used in entertainment, including the popularity

²⁹ <https://web.archive.org/web/20120410120716/http://www.examiner.com/animal-welfare-in-national/indonesian-animal-welfare-group-asks-for-global-help-to-end-dog-fighting>

³⁰ <https://www.scmp.com/lifestyle/article/2134962/dogs-fighting-wild-boars-illegal-pits-indonesia-and-activist-trying-put>

³¹ <https://www.tourism-review.com/travel-tourism-magazine-wildlife-exploitation-tourism-sites-that-you-should-avoid-in-indonesia-article1844>



of animal fighting events.³² The use of dolphins in travelling performances also causes significant welfare concern.^{33,34} Furthermore, there have been reports of endangered species being kept illegally in hotels to attract customers.³⁵

Enforcement mechanisms

Article 85 of Law 18 of 2009 lists some provisions of that law for which there is a criminal offence and an enforcement mechanism for failure to comply, but the animal welfare provisions of Law 18 of 2009 are not included in this list. There are no enforcement mechanisms for the animal welfare provisions of this law, however, animal cruelty is punishable under the Indonesian Penal Code.

In relation to Regulation 95 of 2012, Article 85 provides that animal care facility owners who are not applying the principle of freedom of animals as intended by Article 83(3) may have their business permits revoked by the regent or mayor. While zoos are subject to submit reports and be evaluated quarterly, the regulations are not clear if they also apply to circuses and other animal care facilities.

Intentional violation of Article 21 of Act 5 of 1990 (catching, injuring, killing, trading in protected species) is punishable with imprisonment of up to five years and a fine while a charge of negligence resulting in violation of Article 21 is punishable of imprisonment of up to one year and a fine. However, it is unclear is this would be applicable to wildlife kept in captivity.

Key recommendations

- **The Government of Indonesia is urged to forbid the organisation of and attendance to entertainment events causing animal suffering. Such a prohibition should cover circuses, rodeos, animal fights, animal races, rides on animals and all other forms of entertainment, such as performances at zoos. Notably, the Government is strongly encouraged to ban the use of all animals in circuses. Phasing out of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.**
- **The Government of Indonesia is strongly urged to provide further resources for enforcement and education to eliminate dog fighting.**
- **Recognising the physiological and behavioural needs of marine mammals cannot be met in captivity, the Government of Indonesia is strongly encouraged to ban the breeding, keeping and training of all marine mammals in captivity, so that these animals constitute the last**

³² <https://www.dailymail.co.uk/news/article7378337/Fighting-dogs-pitted-against-wild-boar-Indonesia-hundreds-gather-watch-blood-sport.html>

³³ <https://web.archive.org/web/20131102050258/http://www.theblackfish.org/news/indonesia-dolphin-circuses.html>

³⁴ <http://www.thejakartapost.com/news/2014/07/25/protests-greet-new-dolphin-attraction.html>

³⁵ <https://www.tourism-review.com/travel-tourism-magazine-wildlife-exploitation-tourism-sites-that-you-should-avoid-in-indonesia-article1844>



generation in captivity in the country. These animals should be retired to large seaside sanctuaries, which allow for an increased range of natural behaviours.

- The Government of Indonesia is encouraged to amend Law 18 of 2009 to specify protections for draught animals as well as produce regulations and guidelines for draught animals of different species. The Government of Indonesia is strongly encouraged to adopt specific legislation to address the welfare of working animals, including working equids, following the requirements of the OIE’s animal welfare standards (Chapter 7.12). Working animals must be treated with consideration and must be given adequate shelter, exercise, care, food and water appropriate to their physiological and behavioural needs. Any condition which may impair their welfare must be treated promptly and, if necessary, they must not be worked again until they are fit. They must not be overworked or overloaded, nor must they be forced to work through ill treatment.

7. There are laws that apply to animals used for scientific research

Analysis of the legislation	
Ranking	E
<p>The general animal welfare provisions from Law 18 of 2009 appear to apply to animals in this category. Article 66(1) requires that measures are taken in the interest of animal welfare (defined as all matters relating to animal physical and mental conditions) in relation to listed activities including husbandry, and Article 66(2) requires that generally animals should be free from pain, fear or pressure when these activities take place. Article 66(3) specifies that these provisions apply to vertebrates and to some invertebrates that can feel pain. Article 82 specifies that animal welfare considerations must be taken into account in relation to genetic engineering research, however, no other form of animal research is mentioned.</p> <p>Article 74(1) states that to improve the utilisation of animals as laboratory animals and research model animals and/or the use of animal organs for the welfare of human beings, the ‘medical science of comparison on animal’ shall be applied. The comparative medicine must be applied under supervision of a competent veterinarian, according to animal ethics and veterinary medicine ethics along with due consideration of animal welfare (Article 74(2)).</p> <p>More detailed provisions are found in Regulation 95 of 2012 Concerning Public Health and Animal Welfare, which requires that animals are from hunger and thirst, from pain, injury and disease, from discomfort, persecution and abuse, from fear and distress and to express their natural behaviour (Article 83(2)), also applies to this category of animals. These freedoms should occur across a range of activities including transportation, caging, maintenance and protection of animals (Article 83(2)(3)). Articles 86 to 99 then give more detail about how to conduct the above steps of the animal use process. Articles 87 and 88 of the law require that, in relation to caging and housing that this does not hurt the animal or lead to stress, there is protection from the elements, and that they have food and</p>	



drink adequate to their physiological needs. These provisions apply to all vertebrates, and invertebrates who can feel pain, that depend on humans for survival (Article 83(1)).

Article 97 regulates 'comparison medical practice', however, this is not defined in the law. Article 97(2) specifies that the application of the principle of freedom of animals in this context requires prioritising ways that do not hurt or lead to stress, using clean facilities and infrastructure which do not harm and do not lead to stress, and providing food and drink to suit the physiological needs of animals. Article 98 requires that comparison medical practice be performed by or under the supervision of a veterinarian. Article 99(1) states that it is not permitted to: engage in activities that result in unnecessary suffering for animals; mutilate animal bodies; provide materials that cause toxicity, disability, injury and/or death to the animal; or cause the animals to experience fear, pain, permanent disability or death.

The used of animal testing for cosmetic products does not appear to be restricted in legislation.

Act 5 of 1990 Act on the Conservation of Biological Resources and their Ecosystems allows for animals to be taken from the wild for the purposes of scientific research (Article 22).³⁶

Analysis

The Government has taken some steps towards achieving international standards in this area. However, there is still a lot of progress to be made to further protect this category of animals. Although it is positive that animals used for scientific purposes have been addressed and acknowledged as an individual issue, the provisions are not detailed and do not meet good international standards. For instance, the Three Rs Principles – Replacement, Reduction and Refinement – are not integrated within the country's legislation.

There is also some contradiction in the existing legal provisions. Whilst Article 99 of Law 95 of 2012 does seem to provide several protections for animals, these often appear to be incompatible with the use of animals for scientific purposes. For example, Article 99(1)(d) prohibits causing fear or pain; although these are often inevitable components of using animals for scientific research.

Furthermore, it seems that compliance with the relevant animal welfare provisions is mostly voluntary, as the authority for inspection of documents and evidence of non-compliance seems to apply only for criminal breaches (Article 84). The fact that those in breach of provisions can only be prosecuted after the harm to the animal has occurred and been forensically proven is a barrier to improving animal welfare. It would be preferable if action were taken prior or upon recognition that certain practices or a proposal may cause unnecessary harm.

Enforcement mechanisms

Article 85 of Law 18 of 2009 lists some provisions of that law for which there is a criminal offence and an enforcement mechanism for failure to comply, but the animal welfare provisions of Law 18 of

³⁶ https://www.endangeredeearth.com/wp-content/uploads/es_laws/Indonesia-Act-on-the-conservation-of-biological-resources-and-their-ecosystems;Act-No.-5-of-1990.pdf



2009 are not included in this list. There appears to be no enforcement mechanism for the animal welfare provisions of this law.

There are no penalties listed for non-compliance with the relevant provisions of Regulation 95 of 2012. Further, in order to prove a violation of Article 99, veterinary forensic testing must occur. This means that the animal must first suffer through the breach, which must then be proven before prosecution can occur. A more preventative mechanism of compliance may help enhance the effectiveness of this Act.

Key recommendations

- **The Government of Indonesia is urged to enact legislation that would protect all animals used in scientific research from unnecessary pain and suffering, enshrine the Three Rs Principles – Replacement, Reduction, Refinement – in law. It is also encouraged to provide resources to ensure enforcement.**
- **The Government of Indonesia is strongly urged to ban the testing of cosmetic products and their ingredients on animals.**
- **The Government of Indonesia is encouraged to ensure that all institutions using animals for research have an independent Animal Experimentation Ethic Committee to scrutinise and either approves or reject project applications. This committee much include animal welfare representatives.**
- **The Government is urged to amend Act 5 of 1990 Act on the Conservation of Biological Resources and their Ecosystems (Article 22(1)) to enact a ban on the taking of wildlife from the wild for the purposes of scientific research.**

8. There are laws that apply to wild animals

Analysis of the legislation

Ranking	D
<p>The general animal welfare provisions from Law 18 of 2009 apply to animals in this category. Article 66(1) requires that measures are taken in the interest of animal welfare (defined as all matters relating to animal physical and mental conditions) in relation to listed activities including catching and killing. Article 66(2) requires that catching wild animals must comply with the provisions in the statutory regulation on conservation, and that animals should be free from pain, fear or pressure at killing. Article 66(3) specifies that these provisions apply to vertebrates and to some invertebrates who can feel pain.</p> <p>Article 9(3) states that the exploitation of genetic resources of wild animals shall comply with the regulations of law concerning conservation of natural resources and the ecosystem, and Article 73(2)</p>	



states that the reproduction, medication, conservation medication and forensic veterinary medicine related to wild animals shall be administered in accordance with the regulations. Article 28 gives the Government power to allow wild animals to be raised as livestock, as long as their population has reached genetic stability and provided it is in conformity with the regulations of law concerning the conservation of wild animals, unless their lifecycles are wholly or partly in the water (Article 28(3)).

Article 83 of Regulation 95 of 2012 applies where the survival of a wild animal 'depends on humans', thus would apply to an animal that has been trapped or caught. These require (inter alia) that animals have freedom from pain, injury and disease, from discomfort, persecution and abuse, and from fear and distress (Article 2), and this applies to activities including catching and handling, fair treatment and protection of animals and killing (Article 3). However, these responsibilities apply only to animal owners, animal care facility owners, and those handling animals as part of their jobs. Therefore, it appears that this would only apply to hunting or trapping wild animals where this is done as part of a job.

Act 5 of 1990, Law 18 of 2009, Regulation 95 of 2012 also make some provisions relating to trade in wildlife products and protection of endangered species. Article 21 of Act 5 prohibits the 'catch, injure, kill, possess, care for, transport and trade of protected animals and animal parts'. However, Article 36 allows for the utilisation of wild species including for breeding, hunting, marketing, exhibition, species exchange and hobby.

Separate legislation governing hunting, including Regulation 13 of 1994 on game hunting affairs and Decree 616/Kpts-II/1996 on the control of game hunting, requires licensing for hunting. Article 20 of Regulation 13 of 1994 prohibits hunting using motorised vehicles, explosives, tracking animals, chemicals, fire, nets or traps with trap holes. The Regulation also provides for the establishment and registration of hunting parks.

Analysis

Whilst legislation does exist for the protection of wildlife, it predominately concerns conservation, and legalises exploitation and rearing wild animals so long as environmental conservation is considered. Therefore, although wild animals are considered an independent issue, existing legislation does not have a strong protective role, and the welfare of individual animals is not sufficiently considered. While it is positive that hunting in Indonesia requires a licence and that regulations prohibits many cruel forms of hunting. However, the fact that hunting of wild species included protected ones can take place under certain circumstances is problematic.

Despite existing provisions relating to conservation, wild animal trade and habitat loss continue to be major issues for the country.³⁷ Since 2003 Indonesia has operated its Wildlife Crimes Unit which works across the country and partners with law enforcement officers, multiple government ministries and the

³⁷ <https://www.wcs.org/our-work/regions/southeastasian-archipelago>



Supreme Court of Indonesia.³⁸ However, there is low public awareness around the illegality of the trade in wildlife.³⁹

The illegal wildlife trade in the country causes national and international concern and poses a threat to the survival of several species, for example, orangutans.⁴⁰ In March 2014, in a bid to halt the trade in wildlife, the Indonesian Council of Ulama issued a fatwa declaring illegal hunting or illegal trading of endangered species to be haram (forbidden). A wide range of animals, including endangered species, are sold at markets in the country.⁴¹ This has done little to stem the flow of endangered and protected species into the wildlife trade, many of whom have been protected since the early 20th Century. While enforcement mechanisms exist for the illegal trade and/or keeping of protected species (Act 5 of 1990, Article 40), owners of such animals are generally not prosecuted under the law, as they are often powerful figures.⁴²

It appears that there are a number of barriers to progress in safeguarding the welfare of free-living wild animals including habitat degradation and fragmentation, exploitation, pollution, forest and land fires.⁴³ The conversion of natural forest into oil palm plantation is a serious threat.⁴⁴ Similarly, the allowance of hunting under Act 5 of 1990 is concerning and an added pressure on wild animal populations.

Enforcement mechanisms

Article 85 of Law 18 of 2009 lists some provisions of that law for which there is a criminal offence and an enforcement mechanism for failure to comply, but the animal welfare provisions of Law 18 of 2009 are not included in this list. There are no enforcement mechanisms for the animal welfare provisions within this law.

There are no penalties listed for non-compliance with the relevant provisions of Regulation 95 of 2012.

Intentional violation of Article 21 of Act 5 of 1990 (catching, injuring, killing, trading in protected species) is punishable with imprisonment of up to five years and a fine while a charge of negligence resulting in violation of Article 21 is punishable of imprisonment of up to one year and a fine.

Key recommendations

- **The Government of Indonesia is encouraged to amend Regulation 13 of 1994 to extend the ban on all forms of hunting which do not directly support subsistence, i.e. for feeding oneself or one's family and not for commercial profit. Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all possible efforts should be made to**

³⁸ <http://www.wildlifecrimesunit.org/AboutUs.aspx>

³⁹ <https://news.mongabay.com/2017/07/indonesia-is-running-out-of-places-to-put-rescued-animals/>

⁴⁰ <http://news.nationalgeographic.com/news/2014/03/140304-fatwa-indonesia-wildlife-trafficking-koran-world/>

⁴¹ <http://www.brookings.edu/research/reports/2013/03/25-indonesia-wildlife-trafficking-felbabbrown>

⁴² <https://news.mongabay.com/2019/02/indonesia-rescues-captive-orangutans-but-leaves-their-owners-untouched/>

⁴³ <http://www.cbd.int/countries/?country=id>

⁴⁴ <http://www.cbd.int/countries/?country=id>



reduce the time to death of animals killed in these hunts. At a minimum, the Government is strongly encouraged to forbid the cruellest hunting methods.

- The Government of Indonesia is urged to provide more resources for education and enforcement, including to the Wildlife Crimes Unit, to protect wild animals.
- The Government of Indonesia is encouraged to strengthen and provide clarity on current animal welfare regulations and legislation to ensure that all regional authorities have a clear understanding and the delegated authority to enforce protections for wildlife.

Goal 3: Establishment of supportive government bodies

9. The Government has assigned responsibility and accountability for improving animal protection at a high government level and has provided resources

Analysis of the legislation	
Ranking	F
<p>Within Law 18 of 2009, there are provisions that maintain that government oversight must occur to ensure safe, healthy, whole and legitimate animal products (Article 58(1)). Article 67 states that the administration of animal welfare requirements given by Article 66 shall be conducted by the Government and regional government together with the public. Article 68 states that the Government and regional government are responsible for determining competent veterinarians, increasing the roles and functions of animal health administering institutions and making coordination with due observance of the regulations of law concerning regional government. In order to meet the need for animal health personnel, the Government shall arrange the supply and placement of animal health personnel throughout the territory as required (Article 70(1)). The Government shall empower farmers, those in the husbandry field and business of animal health, by facilitating the advancement of business and competitiveness through access to funding sources, financing, science, technology and information, animal health services and technical assistance and by avoiding costs that result in high-cost economy (Article 76(1)). Article 76(3) provides that the Government and regional government as well as other stakeholders in the field of husbandry and animal health shall empower farmers to enhance animal welfare.</p> <p>Article 78 states that the Government and regional government through educational institutions and business shall facilitate and develop education and training as well as provide information relating to the provision of competent human resource on husbandry and animals health (Article 78(4)), as well as motivating those who manage animals and developing the role of the public in conducting good husbandry and animal health (Article 78(5)). Although it is positive that the legislation sets expectations</p>	



for monitoring and improvement in many areas, the law does not identify a particular government body as responsible for this activity.

Indonesia conducts biannual national animal welfare meetings and participates in regional meetings with ASEAN. It is also actively engaging with global organisations such as the FAO and the OIE, however, this engagement is not enshrined in legislation.

Analysis

Whilst the Government has endeavoured to take responsibility for the development and support of implementation of good animal health and husbandry practices, mechanisms for implementation and accountability are unclear. It is evident from the country's engagement with the OIE and their biannual animal welfare meetings, and a dedicated national wildlife crimes unit that there is some political will at a national level for improvement. However, enforcement across the country is sporadic and delegated to regional and provincial authorities.

There are no accountability mechanisms, so whilst legislation does provide a role for government in the development of animal health and husbandry procedures and to foster public participation in good animal husbandry and animal health, there is no division of responsibilities or budgets and no apparent method set out in the legislation to ensure that this will occur. However, the Ministry of Agriculture is making attempts to improve farm animal welfare, particularly in consideration of the expectations arising from international trade in livestock and animal products, which may suggest some scope for improvement.⁴⁵

Enforcement mechanisms

There is no enforcement or public accountability mechanism for any alleged failure of the government to fulfil its duties under Law 18 of 2009, or any other laws and regulations affecting animal welfare.

Key recommendations

- **The Government of Indonesia is encouraged to follow through with plans from 2014 to create an animal welfare committee in charge of developing new animal welfare standards and strategies. Such a committee would include representatives from all regions and provinces and animal welfare organisations.**
- **The Government of Indonesia is also encouraged to align all animal welfare responsibilities under one Ministry, with appropriate resources for research, implementation and enforcement. This Ministry should be responsible for enacting animal welfare legislation and for monitoring the implementation of animal welfare standards. Allocating accountability for animal welfare at a high government level would promote the improvement of animal welfare in Indonesia.**

⁴⁵ https://web.archive.org/web/20161222161024/http://www.rfasia.oie.int/fileadmin/Regional_Representation/Programme/I_Welfare/2013_Animal_Welfare/21_Indonesia_experience.pdf



Goal 4: Support for international animal welfare standards

10. The Government has incorporated the OIE's guiding principles for animal welfare and its animal welfare standards into policy and legislation

Analysis of the legislation	
Ranking	E
<p>The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.⁴⁶</p> <p>The Government has incorporated elements of the Five Freedoms into both Law 18 of 2009 (Article 66) and Regulation 95 of 2012 (Chapter Three), following the guiding principles of animal welfare. Despite this, there is no acknowledgement in legislation of the OIE's animal welfare standards, apart from some regulations on slaughter of farm animals. The remainder of the OIE's animal welfare standards have not been incorporated into legislation or guidance.</p> <p>The final stages of the Improved Animal Welfare Programme were held in January 2013 in Indonesia. Supported by both the Indonesian and Australian governments, the IAWP aims to improve the understanding of OIE's animal welfare standards and promote their implementation in member countries.</p> <p>The country is a member of the OIE Regional Animal Welfare Strategy for Asia, the Far East and Oceania. Inclusion in this body has brought about Indonesia's involvement in a number of activities to improve animal welfare and has stimulated further work on legislation and enforcement.⁴⁷</p> <p>In March 2014 the government advised a meeting of the OIE's Regional Animal Welfare Strategy for Asia, the Far East and Oceania that it was working on a number of pieces of secondary legislation which are related to the OIE's animal welfare standards with respect to slaughter and cattle.⁴⁸</p> <p>Analysis</p> <p><i>While it is noted that the Government has incorporated the principles of the Five Freedoms into legislation, there are some inconsistencies in comparison with OIE standards. For example, the OIE Guidelines for Slaughter for Human Consumption do not distinguish the method of slaughter according to its purpose.⁴⁹</i></p> <p><i>The explanation of Law 18 of 2009 notes that the Law has not fully covered all animals. This could be considered an acknowledgement of the need to expand the reach of current legislation to all categories of animals. The Government is encouraged to continue its work to implement existing</i></p>	

⁴⁶ <http://www.oie.int/infographic/StandardsAW/index.html>

⁴⁷ https://rr-asia.oie.int/wp-content/uploads/2019/10/raws_cg_mtg_7_march_2014.pdf

⁴⁸ https://rr-asia.oie.int/wp-content/uploads/2019/10/raws_cg_mtg_7_march_2014.pdf

⁴⁹ https://www.oie.int/fileadmin/Home/eng/Health_standards/tahc/current/chapitre_aw_slaughter.pdf



legislation and to expand its policy and legislation to incorporate the OIE's guiding principles and animal welfare standards.

There are no enforcement mechanisms within Law 18 of 2009 relating to the animal welfare provisions of that law. However, the government's increasing engagement with OIE and its March 2014 update to the OIE on animal welfare activities⁵⁰ suggests that improvements are occurring.⁵¹

The Improved Animal Welfare Programme Workshop was used to promote the application of the OIE's animal welfare principles into Indonesian policy and law. This workshop emphasised welfare during transport and slaughter as well as proper training of veterinarians operating in the modern slaughter industry. While Indonesia's legislation requires the consideration of the Five Freedoms during transport and slaughter, the country continues with live importation of some species and the legislation regarding slaughter allows exceptions based on religion, festivals and emergency slaughter. Indonesia's inclusion in the OIE Regional Animal Welfare Strategy for Asia, the Far East and Oceania demonstrates government willingness to become involved in improving animal welfare standards within the region and to cooperate with other neighbouring nations to achieve progress. Similarly, their participation in Regional ASEAN meetings regarding animal welfare as well as their biannual animal welfare meetings and the Wildlife Crime Unit suggests further suggests a willingness at a national level to improve.

In March 2014 the government updated a meeting of the OIE's Regional Animal Welfare Strategy for Asia, the Far East and Oceania on an active programme of work aimed at improving animal welfare in the country with respect to a number of issues concerning farm animal welfare and also with respect to dog management.⁵² However, these are yet to be enacted in law or regulations at the time of writing.

Enforcement mechanisms

Under Regulation 95 of 2012, animal care facility owners stand to have their business permits revoked for non-compliance with the principles of Animal Freedom in Article 83(3) (application of the Five Freedoms for various stages of the animal usage process, including catching, handling and slaughter). However, there are no provisions for individuals in breach of the law within it.

Key recommendations

- **The Government of Indonesia is encouraged to extend legislation in accordance with OIE animal welfare standards, including enforcement mechanisms for all species to ensure a proficient level of animal welfare across all relevant industries.**

⁵⁰ https://rr-asia.oie.int/wp-content/uploads/2019/10/raws_cg_mtg_7_march_2014.pdf

⁵¹ https://web.archive.org/web/20161222161024/http://www.rr-asia.oie.int/fileadmin/Regional_Representation/Programme/I_Welfare/2013_Animal_Welfare/21_Indonesia_experience.pdf

⁵² http://www.rr-asia.oie.int/fileadmin/Regional_Representation/Programme/I_Welfare/2013_Animal_Welfare/21_Indonesia_experience.pdf



- The Government is further encouraged to continue their active engagement with the OIE to help with enshrining standards in law.

11. The Government has pledged in principle support for the Universal Declaration on Animal Welfare (UDAW)

Analysis of the legislation

The Minister for Agriculture pledged support for the UDAW on 10th May 2013.

Note: The UDAW is a proposed formal international acknowledgement of a set of principles giving animal welfare due recognition among governments and the international community. An expression of support for the UDAW demonstrates a government's commitment to working with the international community to improve animal welfare.

Analysis

Pledging support for the UDAW is an important step in creating a dialogue for the protection of animals and improving animal welfare standards in Indonesia. The support of the Minister for Agriculture may be indicative of the Government's intention to make progress and to move towards international animal welfare standards.

Whilst some of the principles of the UDAW are recognised in existing legislation (such as the application of welfare provisions to all vertebrates and some invertebrates (Article 66(3) of Law 18 of 2009)), there is room for expansion and incorporation of more specific principles and goals from the UDAW.

Moreover, social, cultural and religious traditions involving animals in Indonesia could still present significant barriers to the implementation of some of the key principles contained within the UDAW, in particular in relation to slaughter. The current lack of enforceability also suggests that there are barriers to improvement. More actionable policy derived from the UDAW principles could promote humane attitudes and behaviours across society. Enforcement of clear relevant legislation would also assist. The apparent lack of enforcement of current legislation means that the support for the UDAW is currently not fully effective to raise awareness of animal welfare issues in the country.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations



- Indonesia has provided government support to UDAW, through a declaration from Minister for Agriculture. Indonesia should act as an example for other countries to pledge support in principle to UDAW.

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