

Analysis of the Justification for the Criminalization of Bestiality Based on Pancasila and the Morality of the Indonesian Nation

by Fuadi Isnawan

Submission date: 21-Oct-2024 08:44AM (UTC+0700)

Submission ID: 2491600292

File name: Naskah_Jurnal_JIC_Fuadi_Isnawan.doc (212.5K)

Word count: 9199

Character count: 53068

Analysis of the Justification for the Criminalization of Bestiality Based on Pancasila and the Morality of the Indonesian Nation

Fuadi Isnawan

Faculty of Law, Universitas Islam Indonesia
Fuadi.isnawan@uii.ac.id

Abstract

This research focuses on the criminalisation of bestiality in Indonesia's new Criminal Code using the principles of Pancasila as a moral and philosophical foundation. The research aims to understand the basis of legal justification regarding the criminalisation of bestiality, by exploring ethical, moral, and justice questions. The study highlights the complexity of the law and its impact on animal life as well as the values of Pancasila in the context of Indonesian society. This research uses a normative juridical method. The results show that there are several basic reasons to justify the criminalisation of bestiality in Indonesia. Firstly, bestiality is not in accordance with the Pancasila philosophy as the basis of the state, which contains noble values such as divinity, humanity, unity, democracy, and justice. As the basis of national law, Pancasila has the highest position in Indonesian law, being the main source of law in this country. Secondly, bestiality is considered an immoral form of animal violence, as it is difficult for animals to give consent. Bestiality is also seen as a form of violence and exploitation against animals, which requires strict legal protection. Thirdly, bestiality is considered a sexual perversion that damages the morals of society and violates animal rights and degrades human dignity. In a legal context influenced by these moral values, bestiality is considered a detrimental crime because it disrupts the moral fabric of society. Fourth, bestiality is closely linked to a range of other deviations, and criminalising bestiality is an important step to protect animal welfare and prevent risks to society. Fifth, the criminalisation of bestiality in Indonesia is based on the principle of protecting animals and their welfare. Sixth, bestiality can lead to the spread of serious sexual diseases in society. Research shows that sexual contact with animals can spread a range of dangerous diseases, underlining the importance of protecting animals from sexual abuse to prevent the spread of diseases that harm human health.

Keywords: Bestiality, Criminalisation Morality, Pancasila

1. INTRODUCTION

Criminal law is one of the main branches of the legal system that aims to maintain order and justice in society. Its crucial function is to enforce social norms that are considered important for the continuity of life together.¹ By establishing prohibitions and sanctions against behaviours that are considered detrimental or threatening to the security and welfare of society, criminal law plays a role in maintaining social stability and protecting individual rights.² Through the regulation and enforcement of criminal law, the community is expected to live in a safe and protected atmosphere from the threat of crime, thus enabling the creation of an environment conducive to development and progress.³ Thus, criminal law does not only act as a means of enforcing justice, but also as an instrument to create social harmony and welfare for all members of society.

Criminalisation of criminal acts is the process by which an act that is considered harmful or violates social norms is declared as an act that violates criminal law and is subject to

¹ Supriyedi Syamsuri, "Politik Hukum Pemerintah Terhadap Kebijakan Remisi," *Sol Justicia* 4, no. 2 (2021): 130.

² Samud, "Penegakan Hukum Pidana Perspektif Nilai Kemanusiaan Yang Adil Dan Beradab," *Inklusif: Jurnal Pengkajian Penelitian Ekonomi Dan Hukum Islam* 6, no. 1 (2021): 54.

³ Azwad Rachmat Hambali, "Penegakan Hukum Melalui Pendekatan Restorative Justice Penyelesaian Perkara Tindak Pidana," *Kalabbirang Law Journal*, 2, no. 1 (2020): 72.

Commented [Editor1]: Mohon dilampiri hasil turnitin maksimal 25% di Supplementary File (Summary)

Commented [FISM2R1]: Saya lampiri pada supplementary files

legal sanctions. In this context, the relationship between criminal law and criminalisation of criminal acts becomes very important.⁴ Criminal law contains a wide range of rules governing acts that are considered detrimental to society in general, such as crimes against property, physical violence, or fraud.⁵ Through criminalisation, these acts are identified as violations of criminal law that can be subject to legal sanctions, either imprisonment or fines. With criminalisation, criminal law exerts moral and legal pressure on behaviours that are deemed incompatible with societal values and detrimental to the common good.⁶ As a result, criminalisation of criminal acts aims to reduce the frequency and intensity of these harmful acts, so that the contribution of criminal law in maintaining order and justice in society can be effectively realised.⁷ Thus, criminalisation of criminal acts is a concrete implementation of the principles of criminal law in an effort to maintain social order and security and protect individual and collective rights.⁸

The criminalisation of bestiality, the practice of sexual intercourse between humans and animals^{9,10}, as been a major highlight that raises profound questions of morality, ethics and justice. In response to the complexity of this phenomenon, the government introduced Article 337 in the newly revised Criminal Code (KUHP), which expressly stipulates sanctions for perpetrators of harming or injuring animals, including having sexual intercourse with animals.¹¹ While this measure aims to regulate and protect the interests of animals and prevent acts of violence against them, it presents legal complexities that require a deeper understanding, particularly in the context of the principles of Pancasila as the moral and philosophical foundation of the Indonesian state.

In Indonesia's new Criminal Code (KUHP), the criminalization of bestiality reflects a growing awareness of the need to protect animals from abuse and uphold societal morals. Article 337 Paragraph (1) of the KUHP stipulates that individuals who engage in animal abuse can be subject to imprisonment for up to one year or fined up to Category II (Rp 10,000,000). This provision covers two specific forms of animal abuse: (a) acts that inflict harm, injury, or damage to an animal's health without a legitimate purpose, and (b) sexual

⁴ Dion Valerian, "Kriteria Kriminalisasi: Analisis Pemikiran Moeljatno, Sudarto, Theo De Roos, Dan Iris Haenen," *Veritas et Justitia* 8, no. 2 (2022): 416.

⁵ A. Danardana and Vincentius Patria Setyawan, "Kriminalisasi Fenomena Penyimpangan Sosial Kumpul Kebo (Samenlaven) Dalam Perspektif Hukum Pidana," *Justitia Et Pax* 38, no. 1 (2022): 212.

⁶ Yurista Ardien Adhipradana and Wiwik Afifah, "Urgensi Kriminalisasi Bagi Pekerja Seks Komersial," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 2 (2023): 1544.

⁷ Sahat Maruli Tua Situmeang, "Politik Hukum Pidana Terhadap Kebijakan Kriminalisasi Dan Dekriminalisasi Dalam Sistem Hukum Indonesia," *Res Nullius Law Journal* 4, no. 2 (2022): 204.

⁸ Welly Kendra, "Kriminalisasi Terhadap Perilaku Penyimpangan Seksual," *Swara Justisia* 4, no. 1 (2020): 56.

⁹ Brian James Holyoya, "Bestiality Law in the United States: Evolving Legislation with Scientific Limitations," *Animals* 12, no. 12 (2022): 8.

¹⁰ Dikshi Arora and Shivank Kumar, "Zoophilia and Bestiality: International Legal Approaches towards Human-Animal Sexual Conduct," *Bharati Law Review* VIII, no. 4 (2020): 115.

¹¹ Anis Safitri, Abd Rahman, and Hardianto Djanggih, "Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Pembunuhan Hewan: Studi Perbandingan KUHP Lama Dan KUHP Baru," *Journal of Lex Theory (JLT)*, 5, no. 1 (2024): 44.

acts with animals. This legislative stance highlights a commitment to animal welfare in Indonesia and seeks to address the moral, ethical, and public health concerns related to bestiality and animal cruelty. The law signifies Indonesia's recognition of animals as beings entitled to protection, not merely as property or resources, and aims to align with broader human rights and ethical standards by addressing acts deemed harmful to animals and society alike. This legal measure provides a framework to penalize abusive actions and underscores the importance of ethical treatment of animals within Indonesian society.

The legal idea underlying this research is the importance of understanding and analysing the justification for the criminalisation of bestiality in Indonesia's new Criminal Code in accordance with the principles of Pancasila and Indonesian morality. Pancasila, as the philosophy of life of the Indonesian nation, includes moral values that underlie the formation of positive law, including the protection of human life and dignity and social justice. In the context of the criminalisation of bestiality, the fundamental question that arises is to what extent the act is in accordance with the values of Pancasila, and how the existence of the regulation can uphold and promote these values in society.

The purpose of this research is to provide a deeper understanding of the relevance, effectiveness, and moral consequences of criminalising bestiality in the context of Indonesian law. By combining legal, moral, and philosophical approaches, this research aims to provide a solid foundation for the discussion of appropriate policies and regulations in dealing with the phenomenon of bestiality in Indonesia. This research is expected to make an important contribution to the development of more effective and dignified legal policies, which are in line with the principles of Pancasila and fulfil the moral and ethical needs of Indonesian society.

The urgency of this research is particularly important given the lack of in-depth understanding of the criminalisation of bestiality in the Indonesian legal context. Although legislative measures have been taken to address this phenomenon, the existence of this new regulation raises the need for a comprehensive analysis of the moral, ethical and legal justifications underpinning the criminalisation. With a better understanding of the implications of the criminalisation of bestiality in the context of the principles of Pancasila and the morality of the Indonesian Nation, it is hoped that this research can provide a more comprehensive and sustainable view of legal efforts in response to this phenomenon, as well as provide clearer direction for future policy formulation.

The background of this research emphasizes the need for an in-depth examination of the justifications for criminalizing bestiality within Indonesia's revised Criminal Code (KUHP), grounded in the principles of Pancasila and national morality. While previous studies have addressed legal perspectives on bestiality and related issues, limitations remain in contextualizing these findings within Indonesia's foundational legal and ethical frameworks. For instance, the work of Azzahra Anggun Ary Irawan and Nining Yurista Prawitasari (2024) suggests that cases of sexual abuse involving animals should fall under animal cruelty provisions as per Article 302 of the previous KUHP, yet it largely relies on

subjective interpretation without considering the broader moral implications and values within Pancasila. Meanwhile, Mei Ayu Zulfikriyah et al. (2024) contrast human-animal relationships with marriage principles in Islam and positive law, arguing that marriage fundamentally upholds human dignity, whereas human-animal unions violate both human and Islamic laws. They call for stricter legal measures in Indonesian law to prevent such cases. Another study by Sri Astuti Ana Darwis et al. (2021) explores the varied responses to bestiality in Islamic and positive law, highlighting a need for concrete legal prohibitions in Indonesia. However, these studies tend to focus on specific doctrinal or comparative aspects and lack a cohesive approach that aligns criminalization with Indonesia's unique philosophical underpinnings. This research, therefore, aims to bridge these gaps by providing a normative analysis of bestiality criminalization through the lens of Pancasila's values, reinforcing the importance of legal norms that reflect Indonesia's ethical heritage while addressing the legal and moral demands of animal protection.

2. METHOD

This research methodology uses a normative juridical approach. Based on this approach, legal research is also referred to as doctrinal legal research, positive legal research, or pure legal research. The perspective of this research is internal, which views law as a closed system separate from other systems in society, with clear boundaries between the legal system and other systems.¹² The research approach is conducted with a legislative approach through a thorough analysis of the new Criminal Code relating to the legal issues studied.¹³ Primary legal materials used in this research are the Indonesian Criminal Code, while secondary legal materials are journals and books relevant to the research topic.

The data analysis in this research employs a qualitative descriptive approach that focuses on narrative interpretation rather than numerical data, coding, or categorization. This method involves examining the collected data through a comprehensive, interpretive lens to provide a clear and detailed understanding of the subject matter. By emphasizing descriptive analysis, the research captures nuanced insights and interpretations of the phenomenon without reducing it to coded segments. This approach is particularly useful for exploring complex, context-rich issues, allowing the researcher to maintain the depth and richness of the original data, reflecting real-world perspectives that answer the research questions comprehensively.

3. RESULTS AND DISCUSSION

The term bestiality refers to any form of sexual act between humans and non-human animals. Stating that an individual commits bestiality is not the same as making a diagnosis of zoophilia, and it does not explain why an individual engages in sexual relations with animals. As Holoyda and Newman explain, individuals may engage in sexual acts with animals to fulfil a variety of motivations. A less common synonym for bestiality is

¹² Muhammad Siddiq Armia, *Penentuan Metode & Pendekatan Penelitian Hukum* (Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022), 11.

¹³ Nur Solikin, *Pengantar Metodologi Penelitian Hukum* (Pasuruan: Qiara Media, 2021), 58.

zoerastru. Animal sexual abuse (ASA) is a term recently described in the veterinary literature as 'the preferred, all-encompassing term for sexual contact between humans and animals' that emphasises the harm to animals resulting from sexual relations with humans.¹⁴ The term zoophilia, which is sometimes mistakenly equated with bestiality, indicates the presence of paraphilia. Zoophilia is classified among paraphilia, a group of sexual disorders, in which stimuli considered unusual are required to arouse sexual desire. The World Health Organization (WHO) classifies zoophilia under 'Other sexual preference disorders,' a category that falls under 'Adult personality and behaviour disorders' in 'Mental and behavioural disorders. This classification is currently under revision. The DSM-5 (Diagnostic and Statistical Manual of Mental Disorders) published by the American Psychiatric Association defines zoophilia as 'recurrent and intense sexual desire directed toward animals. Zoophilia and bestiality are often used as synonyms; however, some researchers define zoophilia at the level of intention, whereas bestiality refers to the act that occurs. Efforts have also been made to popularise the more value-neutral term 'zoosexuality'.¹⁵

Regarded as a perversion, it prompts various societal responses and legal considerations within the framework of criminal law. Despite common misconceptions, it is crucial to distinguish between zoophilia and bestiality. Zoophilia pertains to the emotional attraction and affection towards animals, whereas bestiality specifically denotes the act of engaging in sexual activities with them. This differentiation is pivotal in understanding the nuances of such behaviors and their legal ramifications.¹⁶ The individuals who may perpetrate acts of bestiality vary in their motivations and circumstances. Firstly, those displaying cruelty towards animals may be inclined towards such acts. Additionally, individuals with limited access to human partners might turn to animals for sexual gratification. The consumption of bestiality pornography also plays a role, as it can normalize or encourage such behavior. Instances of young individuals exhibiting violence towards animals without justification may also indicate a predisposition towards bestiality. Finally, individuals who are emotionally disturbed or afflicted by psychological trauma may engage in such acts as a manifestation of their distress. Understanding the demographics and motivations behind bestiality is essential for formulating effective legal and societal responses to prevent and address such behavior within the context of Indonesian criminal law.¹⁷

Pancasila, which was established by the founding fathers, contains noble and profound values that serve as a way of life for the nation and state. The values of Pancasila must gradually be realised in the behaviour of the state and society. In addition to being a political consensus, Pancasila also acts as a Staatsfundamentalnorm, which in a formal

¹⁴ Brian Holoyda et al., "Bestiality: An Introduction for Legal and Mental Health Professionals," *Behavioral Sciences and The Law*, 2018, 689, <https://doi.org/10.1002/bsl.2368>.

¹⁵ Szilvia Vetter, Anita Boros, and László Özsvári, "Penal Sanctioning of Zoophilia in Light of the Legal Status of Animals—A Comparative Analysis of Fifteen European Countries," *Animals* 10 (1020): 2, <http://dx.doi.org/10.3390/ani10061024>.

¹⁶ Suryansh Mishra, "Bestiality: Is It a Practice or Behavioural Problem?," *International Journal of Law Management & Humanities* 5, no. 1 (2022): 663, <https://doi.org/10.1000/IJLMH.112527>.

¹⁷ Suryansh Mishra, 663.

juridical context functions as the basic rules of the state. Pancasila obtains its legal legality through the Preamble of the 1945 State Constitution. With the inclusion of Pancasila in these state decisions, Pancasila has obtained its legal legality. As a result, Pancasila applies and binds every Indonesian human being, whenever and wherever he is.¹⁸

Pancasila, as a state ideology (staatsidee), which also functions as a legal ideal (rechtsidee), philosophical basis (philosophische grondslag), staatsfundamentalnorm, and worldview (weltanschauung), is a flexible ideology. Marguerite S. Robinson in her book 'The Microfinance Revolution: Lessons from Indonesia' states that 'Pancasila ... is a very flexible state ideology that can be drawn upon, pushed, and expanded to cover almost any situation.' In Robinson's perspective, Pancasila is a very flexible state ideology that can be drawn, pushed, and expanded to cover almost any situation. In addition, the basic principles of Pancasila also incorporate three important characteristics, namely (1) it is highly universal; (2) it is widely agreed upon; and (3) it is not easy to openly oppose. 'The general principles of Pancasila include three important characteristics. They are so universal that they are widely agreed upon and cannot easily be openly challenged,' Robinson said. As such, Pancasila provides a very solid foundation for life, law and policy in Indonesia.¹⁹

Pancasila is the foundation of the state (staatsfundamentalnorm) and has values that must be embodied in the behaviour of state and community life. Pancasila also obtains its legal legality through the preamble of the 1945 State Constitution, thus binding every Indonesian citizen. While the second paragraph explains that Pancasila functions as the ideology of the nation, the unifying tool of the nation. Thus, together they emphasise that Pancasila acts as a binding state foundation, as well as an ideology that unites the Indonesian nation.²⁰

To justify the criminalisation of bestiality in Indonesia's new Criminal Code in accordance with the principles of Pancasila and the morality of the Indonesian Nation, it is important to consider the moral and social dimensions rooted in the values of humanity, justice, and particularly animal welfare.²¹ The principles of Pancasila teach respect for the life and dignity of all living beings, and emphasise the importance of social justice and shared prosperity.²² The criminalisation of bestiality can be seen as an effort to protect animals from sexual exploitation that not only harms them physically, but also contradicts

¹⁸ Redyanto Sidi et al., "Staatsfundamentalnorm (Pancasila) Sebagai Bahan Pembaruan Sistem Hukum Di Indonesia," *Juris Studia: Jurnal Kajian Hukum* 2, no. 3 (2021): 508.

¹⁹ A. Ahsin Thohari, "The Manifestation Of The Rechtsidee Of Pancasila In Regulating The Constitutional Rights In Indonesia," *Petita* 4, no. 2 (2019): 182.

²⁰ Madaskolay Viktoris Dahoklory and Lita Tyesta Addy Listya Wardhani, "Rekonstruksi Nilai-Nilai Pancasila Dalam Undang-Undang," *SASI* 26, no. 3 (2020): 301.

²¹ Zaimudin Hasan et al., "Penerapan Nilai-Nilai Pancasila Dalam Pembentukan Peraturan Hukum Di Indonesia," *Perkara: Jurnal Ilmu Hukum Dan Politik* 2, no. 2 (2024): 9, <https://doi.org/10.51903/perkara.v2i2.1863>.

²² Si Pujiati and Ilyya Muhsin, "Aktualisasi Nilai Pancasila Dalam Memperkuat Negara Hukum Indonesia Perspektif Sosiologis," *JPK: Jurnal Pancasila Dan Kewarganegaraan* 5, no. 2 (2020): 17.

the moral and ethical values of Indonesian society that uphold humanity and the welfare of living beings.²³ These fundamentals include:

1) Bestiality is not in accordance with the Pancasila Philosophy

Indonesia's legal system is based on the Pancasila national legal system, where all applicable laws in Indonesia must be in accordance with the principles of Pancasila. As the foundation of the Indonesian state, Pancasila is the main source of law in Indonesia. Pancasila occupies the highest position in Indonesian law, although since independence Indonesia still uses Dutch law. However, the role of Pancasila as the main guide for the formation and improvement of all laws in Indonesia.²⁴ y considering the development of society and changes in the law, any changes that occur are always adjusted to the aspirations of the Indonesian people who refer to the principles of Pancasila.

The Pancasila philosophy is the identity of the Indonesian nation that reflects the noble character and personality of the nation. The values contained in Pancasila such as courtesy, mutual respect, respect for human rights, cooperation, love for the country and nationalism, as well as justice in all areas of life, become the moral and ethical foundation of the nation. In everyday life, Indonesians must make Pancasila the main guideline, ensuring that every action and decision is in line with its values. Teguh Prasetyo emphasised that Pancasila has a higher position than the constitution, making it the highest standard in the formation of law in Indonesia. This means that any regulations or laws that are lower in the hierarchy must be consistent with the principles of Pancasila.²⁵ By placing Pancasila as the main reference, we can build a just, harmonious and united society. The implementation of Pancasila values in the life of the nation will ensure the creation of an environment that respects justice, human rights, and co-operation, as well as strengthen the love and pride for the country. There are several values in Pancasila related to justifying the criminalisation of Bestiality.

The value of divinity in Pancasila is an absolute value that is the basis for all good values in the life of society, nation and state. This value emphasises the importance of obedience to God's law and gives birth to ethics that include trust and piety in God. The divine value in Pancasila provides a strong justification to reject and prohibit such acts.²⁶

²³ Andi Lala, "Implementasi Nilai-Nilai Pancasila Dalam Pembangunan Hukum Pidana Nasional," *Jurnal Indonesia Sosial Sains* 2, no. 5 (2021): 730.

²⁴ Aristo Evandy A. Barlian and Annisa D. Permata Herista, "Pembangunan Sistem Hukum Indonesia Berdasarkan Nilai-Nilai Pancasila Sebagai Ideologi Politik Bangsa," *Jurnal Lembaga Ketahanan Nasional Republik Indonesia* 9, no. 1 (n.d.): 91.

²⁵ Noor Efendy, Ahmadi Hasan, and Masyithah Umar, "Membangun Hukum Yang Adil Dalam Bingkai Moralitas Pancasila," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory (IJJEL)* 1, no. 4 (2023): 661.

²⁶ Silvana Oktanisa and Fransisca Uly Marshinta, "Kajian Moralitas Dan Etika Terhadap Pelaksanaan Hukum Media Di Indonesia," *Jurnal Hukum, Politik Dan Ilmu Sosial (JHPIS)* 2, no. 1 (2023): 184.

Bestiality can be considered an act that goes against God's law and moral ethics derived from religious teachings.²⁷ Most religions in Indonesia, which acknowledge the existence of God Almighty, condemn acts of bestiality as immoral behaviour and violate the dignity of living beings.²⁸ The value of divinity in Pancasila demands that every individual maintain the sanctity, honour and dignity of himself and other living beings.²⁹

The value of divinity, which creates a sense of trust and piety in God, also encourages people to live in harmony and mutual respect. Bestiality, which often involves coercion and causes suffering to animals, goes against the principles of justice and compassion taught by religions. It therefore not only violates the moral law but also tarnishes the divine values that are a key cornerstone in Pancasila.

The human value in Pancasila, shown through the principle of "Just and civilized humanity," focuses on creating awareness of order as the principle of life. This reflects that every human being has the potential to become a perfect civilized human being, where advanced civilization facilitates the acceptance of truth, follows the procedures and patterns of orderly community life, and recognizes universal law. This human value supports the spirit of building a harmonious, tolerant and peaceful society. This provides a strong basis to reject and criminalize such acts. Bestiality, which involves forcing animals and causing suffering, is against the principles of just and civilized humanity. These acts not only dehumanize the humans who commit them but also disregard the basic rights of animals to live without suffering and violence.³⁰

Animal is living beings and treat them fairly. Awareness of universal order and law raised in the humanitarian value of Pancasila requires humans to act in accordance with moral and ethical principles that uphold the dignity of all living beings. Bestiality, which not only harms animals but also demonstrates the offender's inability to follow moral norms, is clearly an unjust and uncivilized act.

The value emphasizes harmony, tolerance and peace suggesting that the act of bestiality creates disharmony in the relationship between humans and animals. The act undermines the harmonious order of life and shows a lack of respect for other beings. In addition, the act clearly violates the moral and ethical values that exist in society, which is the content of this human value. Therefore, based on the value of humanity in Pancasila, bestiality should be criminalized as an effort to maintain honor, justice, and order in society.

The value of unity in Pancasila, embodied in the third principle "Persatuan Indonesia," emphasizes the importance of maintaining unity and harmony among all

²⁷ Amalia Rizki Wandani and Dinie Anggraeni Dewi, "Penerapan Pancasila Sebagai Dasar Kehidupan Bermasyarakat," *De Cive: Jurnal Penelitian Pendidikan Pancasila Dan Kewarganegaraan* 1, no. 2 (2021): 36.

²⁸ Enny Nurcahyawati, Catur Sunu Wijayanto, and Apipudin, "Implementasi Nilai Religi Pada Sila Pertama Untuk Ketahanan Nasional Yang Unggul," *Jagadhdita* 2, no. 2 (2023): 6.

²⁹ Marshandha Della Ardhani et al., "Implementasi Nilai-Nilai Pancasila Dalam Kehidupan Sehari-Hari," *Jurnal Gema Keadilan* 9, no. II (2022): 7.

³⁰ Yohana. R.U. Sianturi and Dinie Anggraeni Dewi, "Penerapan Nilai Nilai Pancasila Dalam Kehidupan Sehari Hari Dan Sebagai Pendidikan Karakter," *Jurnal Kewarganegaraan* 5, no. 1 (2021): 224.

Indonesian citizens. This value implies that the state must protect all aspects of the life of the Indonesian people and the entire Indonesian homeland, and is committed to advancing the general welfare, educating the nation's life, and participating in creating a world order based on independence, lasting peace and social justice.³¹

This value provides a strong moral and ethical foundation to reject and criminalize such acts. Bestiality, which involves sexual acts with animals, not only violates the basic rights of animals but also creates disharmony in society. Such acts contradict efforts to promote the general welfare and intellectual life of the nation, as they demonstrate cruel and immoral behavior that can undermine the values of togetherness and humanity upheld by the Indonesian nation.³²

Indonesian unity requires each individual to maintain and preserve social harmony, which includes the relationship between humans and animals. Acts of bestiality show a lack of respect for other living beings and create disruptions in the moral order of society. This kind of behavior is not in line with the principles of unity that require every citizen to behave in a fair, civilized manner and respect each other, including other living beings.³³

In addition, efforts to create a world order based on independence, lasting peace and social justice also include protecting animals from acts of violence and abuse. A country that values diversity and upholds human values must ensure that all living beings are treated with respect and dignity.

The populist value contained in the fourth principle emphasizes the importance of problem solving through consensus and deliberation. For the Indonesian people, consensus reached through deliberation is one of the most fundamental aspects of life together. This concept reflects the application of popular sovereignty or democracy in various fields of community life.³⁴

The populist value of Pancasila emphasizes that legal decisions taken must reflect a collective agreement reached through a process of deliberation. This principle represents the aspirations and common interests of the community.³⁵ Acts such as bestiality, which involve sexual behavior with animals, clearly contradict the principles of deliberation and consensus that are the cornerstone of Pancasila's populist system.

³¹ Puji Ayu Handayani and Dinie Anggraeni D, "Implementasi Pancasila Sebagai Dasar Negara," *Jurnal Kewarganegaraan* 5, no. 1 (2021): 8.

³² Hariyanto, "Pembangunan Hukum Nasional Berdasarkan Nilai-Nilai Pancasila," *Volkgeist* 1, no. 1 (2018): 58.

³³ Tobias Kardiman, "Sila Ketiga Pancasila Fondasi Dalam Menyukkseskan Demokrasi Inklusif (Sebagai Upaya Menangkal Politik Identitas)," *Sovereignty: Jurnal Demokrasi Dan Ketahanan Nasional* 3, no. 1 (2024): 23.

³⁴ Veronika Buka et al., "Implementasi Nilai-Nilai Pancasila Dalam Budaya Mana'o Di Desa Manu Kuku Kabupaten Sumba Barat," *Jurnal Ilmiah Ilmu Sosial* 8, no. 1 (2022): 115, <https://doi.org/10.23887/jiis.v8i1.40757>.

³⁵ Sekar Anggun Gading Pinih and Sumber Nurul Hikmah, "Aktualisasi Nilai-Nilai Pancasila Terhadap Hak Atas Kebebasan Beragama Dan Beribadah Di Indonesia," *Masalah - Masalah Hukum* 47, no. 1 (2018): 42.

In a democratic society, legal decisions must take into account the moral and ethical values upheld by society. The criminalization of bestiality is the result of consensus and deliberation by the Indonesian people. Indonesian society collectively asserts that acts such as bestiality are unacceptable and contrary to the values espoused by the majority of citizens.³⁶

In the process of law formation and implementation, the decision to ban bestiality is a reflection of the aspirations and common interests of a society that upholds noble moral and ethical values. Thus, the criminalization of bestiality is a form of protection of the populist values embraced by the Indonesian nation, which ensures that legal decisions reflect the will and interests of the people as a whole. This is a concrete example of the implementation of populist values within the framework of Pancasila in the context of criminalization policies that are based on the collective agreement and awareness of the community.

The value of justice contained in the fifth principle is the foundation for the realization of a just social life for all Indonesian people. These values are based on the principles of Belief in One God, Fair and Civilized Humanity, Indonesian Unity, and Democracy Led by Wisdom in Consultation/Representation. This principle emphasizes that justice in social life must reflect a fair relationship between man and himself, man and other humans, man and his community, nation and country, as well as man's relationship with his God. The value of justice in Pancasila affirms that every individual has the right to live in a safe environment and be protected from actions that violate human and moral values.³⁷ The criminalization of bestiality is the implementation of the value of justice that underlies human relationships with society and the nation. Acts of bestiality cause injustice because they violate moral principles, animal rights, and the social welfare of society as a whole.

A legal system based on the value of justice Pancasila, any action that violates human rights, morals, and the social welfare of society must be given appropriate sanctions.³⁸ The criminalization of bestiality aims to maintain social justice and protect the welfare of society from acts that undermine the human and moral values that are the basis of life together. Thus, the criminalization of bestiality is part of the effort to realize social justice mandated by the fifth principle of Pancasila.³⁹

Through the application of a just and civilized law, Indonesian society upholds human values and maintains harmony and civilization in common life. Social justice in the context of bestiality criminalization is considered a form of implementation of Pancasila values in maintaining a harmonious and just society

³⁶ Ratna Sari and Fatma Ulfatun Najicha, "Memahami Nilai-Nilai Pancasila Sebagai Dasar Negara Dalam Kehidupan Masyarakat," *Harmony* 7, no. 1 (2022): 55.

³⁷ Ricky Sembiring, "Keadilan Pancasila Dalam Persepektif Teori Keadilan Aristotele," *Jurnal Aktual Justice* 3, no. 2 (2018): 147.

³⁸ Yohanes Suhardin, "Konsep Keadilan Dari John Rawls Dengan Keadilan Pancasila (Analisis Komparatif)," *Fiat Iustitia: Jurnal Hukum* 3, no. 2 (2023): 205.

³⁹ M. Bahtiar Ubaidillah et al., "Nilai-Nilai Spiritualitas Dalam Pancasila: Sebuah Tinjauan Teoritis," *Jurnal JISIPOL* 7, no. 1 (2023): 7.

2) The basis that the act of bestiality is immoral animal cruelty

Some experts argue that bestiality is essentially coercive because it is difficult to obtain consent from animals. Animals are unable to give consent, or at least make decisions based on adequate information. According to Raymond Belliotti, "bestiality is inherently non-consensual." Every sexual act should be based on consent to be acceptable; any act involving non-consent, such as rape and pedophilia, is morally unacceptable. Any sexual act performed without the explicit consent of both parties can be defined as cruelty. By definition, that action exploits someone by reinforcing the power imbalance. This also creates a power imbalance that causes suffering to animals. This is in line with the view that animals should be treated with respect and should not be exploited for human satisfaction. Thus, bestiality cannot be morally justified because it involves sexual acts without clear consent and inherently harms animals.⁴⁰

Some animals, such as dogs, seem to often enjoy the attention given by sexual contact with humans. On the other hand, fish and birds or other small animals become victims of dislike and suffering. Between these two extremes, the response of cows or horses appears similar to boredom and indifference, or even "calculated detachment," and for various reasons, these animals are often violated, such as in medical procedures like artificial reproduction. Overall, bestiality is discussed and debated as a social activity and proposed to describe all forms of sexual activity with animals as interspecies sexual harassment.⁴¹

Otto (2005) and Ibrahim (2006) proposed various reforms, including the establishment of a "sexual assault against animals" law modeled after human sexual assault laws. Other reforms include mandatory detention orders, the revocation of animal ownership rights for unfit offenders, mandatory mental health evaluations and treatment for defendants, bans on animal ownership for those convicted, and community registration and notification. Otto's recommendation aims to treat animals with legal protection similar to that of humans, highlighting that acts such as bestiality are a serious form of violence. This reform provides a strong basis for criminalizing bestiality by asserting that such acts are forms of violence and exploitation that require stricter legal protection.⁴²

Stine G. Christiansen from the University of Copenhagen and the Danish Animal Ethics Council stated that it is hard to imagine a large animal like a horse or cow being harmed by human penetration. This statement, although highlighting the physical

⁴⁰ Yolandi M. Coetser, "Cruel Art: Intersections between Art, Animals, and Morality," *De Arte* 55, no. 1 (January 2, 2020): 67, <https://doi.org/10.1080/00043389.2019.1643072>.

⁴¹ Mabel Chandra, Nitin Nishad, and Mahesh A. Tripathi, "Bestiality: A Cruelty Towards Animal," *Indian Journal of Forensic Medicine & Toxicology* 15, no. 3 (2021): 3416.

⁴² Brian J. Holoyda and William J. Newman, "Childhood Animal Cruelty, Bestiality, and the Link to Adult Interpersonal Violence," *International Journal of Law and Psychiatry* 47 (July 1, 2016): 6, <https://doi.org/10.1016/j.ijlp.2016.02.017>.

strength of large animals, does not diminish the fact that bestiality is a form of violence and immoral exploitation against animals.⁴³

Although large animals like horses or cows may not show obvious physical injuries from penetration actions, it is important to remember that animal welfare does not solely depend on their physical condition. Animals also have psychological needs that need to be addressed. Human penetration is a form of unnatural interaction and can cause significant psychological trauma to animals. Fear, stress, and anxiety experienced by animals as a result of such actions are forms of psychological violence that are as serious as physical violence.

Research conducted by F. Fekih-Romdhane, I. Khemiri, R. Ridha in 2020 shows that bestiality offenders have a higher tendency to engage in serious violent acts such as rape, sexual assault, and murder. Moreover, bestiality reflects acts of exploitation and cruelty towards animals, who are unable to give consent or resist, thus revealing power dynamics and control that are not much different from other forms of interpersonal violence. Research also shows that individuals who engage in bestiality during childhood tend to exhibit violent behavior towards humans later in life.⁴⁴

Bestiality, which is a sexual act between humans and animals, is often viewed as a horrific sadistic act. This behavior is a consequence of a person's sadistic personality. As mentioned, a sadist enjoys causing pain to others, and in the context of bestiality, animals are used as substitute objects to satisfy the perpetrator's sexual needs. The action not only causes suffering to animals but also exploits them cruelly. In addition, bestiality is also viewed as a consequence of mental disorders. It is impossible for someone who is mentally healthy to rationally think about or engage in sexual acts with animals that cannot give consent because they cannot speak. This highlights the power imbalance between humans and animals, where animals become objects of sexual gratification for sadistic humans or those with mental disorders.⁴⁵

Therefore, criminalizing bestiality is the right and necessary step to protect animals from violence and exploitation. This action provides legal protection for animals, who often become victims without the ability to give consent or resist, thereby reducing the risk of violence they experience. Moreover, by criminalizing bestiality, we also prevent the potential for broader violence in society. Research shows that individuals who engage in bestiality tend to be involved in interpersonal violence, such as rape and murder. Thus, taking action against bestiality perpetrators is not only about protecting animals, but also an important step in ensuring the safety and well-being of humans as a whole. This criminalization helps identify and intervene with individuals

⁴³ Giuditta Bassano, "Bestialitatis and the New Ethics on 'Human' Animals," *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique* 31, no. 3 (September 1, 2018): 668, <https://doi.org/10.1007/s11196-018-9549-x>.

⁴⁴ F. Fekih-Romdhane, I. Khemiri, and R. Ridha, "Violence, Bestialité et Trouble de La Personnalité Borderline: À Propos d'un Cas," *Sexologies* 30, no. 3 (September 1, 2021): 4, <https://doi.org/10.1016/j.sexol.2020.08.003>.

⁴⁵ Ritisha Choudary, "Beastly Nature of Mankind," *International Journal of Law Management & Humanities* V, no. 3 (2021): 5531.

who have the potential for violent behavior, prevent further escalation, and create a safer environment for all living beings.

3) The basis that bestiality is a sexual deviation that damages societal morals

Human sexual acts with animals are considered very strange in many cultures. This is not only because it is considered degrading to human dignity, but also because it is seen as a serious violation of animal rights. In many societies, animals are regarded as beings worthy of respect and protection, and sexual acts with animals are considered a form of unethical exploitation. This reflects a profound philosophical and ethical perspective on the relationship between humans and animals in society. The issue of consent has become a central point in the debate surrounding sexuality with animals. Unlike in human relationships, where consent or rejection can be clearly expressed verbally or non-verbally, animals do not have the same way to express consent or rejection. This raises complex questions about the morality and ethics behind human-animal interactions. The development of the online world has increased the visibility and accessibility of these practices, which previously might have occurred in more isolated environments. With the advancement of technology, groups involved in such practices can connect and gather on online platforms, which in turn increases the controversy and exposure to these practices.⁴⁶

Immanuel Kant, a Prussian philosopher, has discussed bestiality in his writing titled "Wrongness of Unnatural Sex." As implied by the title, Kant opposes the idea of sexual relations between humans and animals. In fact, he viewed it with deep contempt and stated that "bestiality — like masturbation or homosexuality — not only contradicts the nature of animals and the natural instincts of humans, but also lowers human dignity 'below the level of animals'." By engaging in bestiality, humans neglect their duties to themselves." Kant's argument regarding the exclusion of humans involved in bestiality from the human race and the denial of their rights is still debated to this day. On the other hand, Jeremy Bentham (1748–1832) approached this issue from a different perspective. Bentham highlights the danger of innocent people who might be falsely accused in this matter by those who wish to defame them. This view has been maintained for years and has made this topic a taboo in India. (Davies 1982). Instead of considering bestiality as an individual issue, involving the animal and its owner, this bestiality is viewed as an offense against the entire society.⁴⁷

In a modern context, the views of Kant and Bentham provide valuable insights into the complexities of ethics and societal views on bestiality. While Kant's perspective emphasizes the aspects of morality and the degradation of human dignity, Bentham focuses more on the potential injustice towards individuals accused without sufficient evidence. These two perspectives provide an overview of how views on bestiality have evolved and remain a sensitive and taboo topic in various cultures.

⁴⁶ José María Valcuende del Río and Rafael Cáceres-Feria, "Social Scientific Analysis of Human-Animal Sexual Interactions," *Animals* 10, no. 10 (2020): 9, <https://doi.org/10.3390/ani10101780>.

⁴⁷ Harleen Kaur and Ravi Singh Chhikara, "The Theory of Consent in Sexual Abuse on Animals," *Knowledge Commons*, 2020, 3, <http://dx.doi.org/10.17613/fb75-3d07>.

Commented [Editor3]: Di penulisan artikel ini tidak mengenal pengabdian/penomoran. Sebaiknya ditulis dalam bentuk paragraf/essay atau ditulis a).....; b).....; dst

Commented [FISM4R3]: Sudah saya perbaiki

Moreover, sexual acts with animals are considered immoral because they contradict the sexual norms rooted in the Victorian era. The Victorian era is known for its very conservative moral values, especially regarding sexuality. These norms emphasize the importance of purity, self-control, and heterosexual marriage as the only legitimate context for sexual activity. Because of these norms, sexual acts with animals are not only considered deviant but also a serious violation of societal moral values. Therefore, the law categorizes bestiality as a harmful crime because it is considered immoral, even though it may not always cause direct physical harm to humans. In the view of the law influenced by Victorian-era morality, this act is deemed to disturb the moral order of society and is therefore deserving of punishment.⁴⁸

4) Bestiality is linked to various other aberrations

⁴ Bestiality is more closely associated with people who suffer from emotional abuse than physical abuse, but overall, people who engage in bestiality do not have a higher history of abuse than the general population. Research shows that bestiality cases commonly involve what psychiatrists refer to as sexually violent predators (SVPs). These individuals have mental or personality disorders and have committed criminal sexual acts against more than one person on more than one occasion. SVPs have a higher risk of committing subsequent sexual offenses, including bestiality. In this context, SVPs are individuals who exhibit highly dangerous and compulsive patterns of behavior related to sexual violence. Their mental or personality disorders affect their ability to control their sexual urges, often leading to increasingly extreme and deviant acts, such as bestiality.⁴⁹

The link between bestiality and violence is very clear. There are several studies showing that zoophilia is often associated with other paraphilia and/or violent behavior. Abel and his colleagues (1988) reviewed 14 cases of bestiality in a sample of 561 adult male patients diagnosed with paraphilia and verified that bestiality was most commonly associated with incestuous and non-incestuous female pedophilia, voyeurism and exhibitionism. When they interviewed a group of inmates, Miller and Knutson (1997) reported that 11% of the individuals had seen or engaged in sexual contact with animals. The following year, Duffield and his colleagues (1998) found that 20% of children who sexually abused other children had previously sexually abused animals, suggesting that zoophilia may be an indicator that other paraphilia may be present in the patient. Then, in 2002, Fleming and his colleagues examined a group of institutionalized adolescent boys and reported that 6% of the 381 individuals admitted to having had sexual intercourse with animals and 96% of them also reported sexual offenses against humans. Another relevant study on this subject with 180 adult participants who sexually abused children revealed that 36.1% of the individuals had

⁴⁸ Richard Jochelson and James Gacek, "'Ruff' Justice: Canine Cases and Judicial Law Making as an Instrument of Change," *Animal Law Review* 24, no. 1 (2018): 172.

⁴⁹ Jason S. Ulsperger, Kristen L. Ulsperger, and Cole Smith, "The Emergence of Contemporary Bestiality Law: Applying the Integrative Conflict Model to the Enumclaw Case," *Journal of Qualitative Criminal Justice & Criminology* 4, no. 2 (2016): 4, <https://doi.org/10.21428/88de04a1.79111262>.

1 also had sexual intercourse with animals. Current research on animal sexual abuse supports the view that these behaviors during childhood may predict violent behavior or abnormal sexual behavior in adulthood. Hensley, Tallichet, and Singer (2006) investigated a group of inmates and reported that 75% of subjects who had sexual relations during their infancy or adolescence with animals had been found guilty of crimes against persons, including rape and murder. Indeed, only 5% of the inmates found guilty of crimes against persons had no history of sexual contact with animals during their infancy or adolescence. Then, in 2010, the same group of researchers reported results consistent with the previous results. They examined a group of inmates who had sexual contact with animals during their childhood or adolescence and found that they were more likely to commit crimes against people and return to that behavior in adulthood, compared to individuals who had never engaged in sexual relations with animals. In fact, in 2008, Abel stated that sexual abuse of animals committed during childhood is a strong predictor of child abuse as an adult. More recently, in 2014, Schenk and his colleagues showed significant results in their research, incorporating this view: 81.25% of young individuals who committed human sexual offenses admitted to having had sexual intercourse with animals during childhood. Regarding the consumption of animal pornography, in 2013 Seigfried-Spellar and Roger conducted a survey of 630 adult men and women regarding the consumption of pornography with bestiality, as well as the consumption of child pornography, and concluded that users who watch child pornography are more likely to watch animal pornography. Very recently, in 2016, Seigfried-Spellar confirmed that, statistically, individuals who consume adult pornography are more likely to consume animal pornography, and users of animal pornography are statistically more likely to consume child pornography. There appears to be a link between animal abuse and human abuse. Animal abusers are known to exhibit violence towards their own family members more often than strangers. For that reason, veterinarians are those who can help break the cycle of family violence by reporting suspicious cases.⁵⁰

The justification for criminalizing bestiality has a clear link between bestiality and violence, both against animals and humans, highlighting the importance of strict legal action against this practice. Research has shown that the practice of bestiality is often linked to other violent behaviors and paraphilia, such as pedophilia, voyeurism and exhibitionism. In this regard, criminalizing bestiality is an important and relevant step to protect animal welfare and prevent potential risks to society as a whole. Laws prohibiting bestiality not only aim to protect animals from exploitation and abuse, but also to prevent and mitigate risks to human welfare. Criminalizing bestiality provides a strong legal basis to crack down on the practice and sends a clear signal that such behavior is unacceptable in a society that respects animal rights and welfare as well as human security. As such, the criminalization of bestiality reflects a moral and social

50 Mariana Monteiro Campos Castanheira, "Animal Sexual Abuse - a Reality in Portugal and Spain," *Derecho Animal (Forum of Animal Law Studies)* 10, no. 4 (2019): 129, <https://doi.org/10.5565/rev/ida.455>.

responsibility to protect both animals and humans from the potential harm posed by this practice.

5) The basis that animals have justice in law

The criminalization of bestiality in Indonesia has a purpose that is in line with the principles of animal protection adopted by many other countries, namely to safeguard the welfare of animals and prevent their abuse. The main justification for criminalizing bestiality in Indonesia is to provide protection to animals who do not have the ability to speak or fight for their own rights from abuse. In addition, this criminalization also aims to prevent acts of violence against animals, which are serious violations of animals' fundamental rights.⁵¹ By prohibiting the practice of bestiality, Indonesian law affirms a commitment to provide strong legal protection to animals that are vulnerable to sexual exploitation and inhumane treatment. By criminalizing bestiality, Indonesia affirms that the exploitation or abuse of animals will not be tolerated in a society that values animal welfare and respects their rights.

In addition, according to Animal Justice there are 2 values that must be considered. The first value to be considered is the protection of vulnerable animals from the risks posed by inappropriate human behavior. This underscores our moral responsibility to protect animals who cannot defend themselves from harm caused by human actions, especially behavior of a sexual nature. When considering bestiality, special attention should be paid to the negative impacts that animals may experience, including physical injury, emotional trauma or other health risks. A deep understanding of the needs and welfare of the animal is key in determining whether the act is contrary to justice and overall animal welfare. Furthermore, the second value highlighted is the unrighteousness of sexual behavior that involves the exploitation of non-consenting participants. This highlights that in the context of bestiality, the animals involved lack the ability to give valid consent due to their limited understanding and communication. This exploitation could include the use of power or authority to gain sexual favors from the animal without regard to the animal's needs, desires, or welfare. Consent is a key concept in healthy and moral sexual relationships between humans, and sexual behavior involving non-consenting participants cannot be ethically justified. Therefore, in assessing bestiality, it is important to consider whether the act involves the exploitation of an animal that is incapable of giving valid consent.⁵²

Beirne suggests that bestiality should be reconceptualized as interspecies sexual abuse (or misuse), where animal sexual abuse also involves penetration of the animal's vagina, anus or cloaca by a human penis. The three main assumptions underlying this conceptualization are: (a) sexual intercourse between humans and animals involves coercion in almost all cases, (b) sexual acts with animals cause pain (such as internal

⁵¹ Brian James Holoyda, "Animal Maltreatment Law: Evolving Efforts to Protect Animals and Their Forensic Mental Health Implications," *Behavioral Sciences & the Law* 36, no. 6 (2018): 683. <https://doi.org/10.1002/bsl.2367>.

⁵² James Gacek and Richard Jochelson, "'Animal Justice' and Sexual (Ab)Use: Consideration of Legal Recognition of Sentience for Animals in Canada," *Manitoba Law Journal* 40, no. 3 (2017): 338.

2
bleeding, cracking of the anus and vagina, psychological trauma, and possibly death), and (c) animals are incapable of giving consent and voicing concerns about the abuse they experience. Beirne also proposed different types of interspecies sexual abuse, including zoophilia/sexual fixation, commodification of animals or the use of animals as commodities for sale in the production of pornography, juvenile sexual experimentation, and escalating cruelty where violence and sexual acts occur against animals. However, in addition, it is argued that sexual abuse of animals does not always require penetration, as it can include a variety of behaviors other than vaginal, anal, or oral penetration, such as groping, oral-genital contact, penetration using objects, and killing or injuring animals.⁵³

Discussions about the treatment of animals as more than just property that can be abused or exploited by humans create a framework of thought that supports arguments to protect animals from sexual abuse. By challenging the existence of animals as private property, we begin to open up space to consider animal rights, including the right to proper treatment and freedom from sexual abuse. This strengthens the argument that criminalizing bestiality is an important step towards ensuring that animals are treated with respect and not exploited for human sexual gratification. Furthermore, questioning the social constructs underlying the treatment of animals as property also opens the door to expanding our understanding of how law and society view the relationship between humans and animals, which can support more effective animal protection.⁵⁴

Combating bestiality and protecting animal welfare requires a holistic and values-based approach. A deep understanding of these two values helps us develop effective strategies to prevent and crack down on bestiality behavior. Protection of animals from the risks posed by inappropriate human behavior and respect for the right to consent are principles that should underpin any effort to address this issue. As such, taking these two values seriously and integrating them into regulations and policies is a crucial step towards ensuring that animals are protected and justice is maintained in the relationship between humans and animals.

6) The basis that bestiality causes sexual diseases that can spread in the community

Research conducted by Sangeeta Singg in 2017 shows the serious health hazards caused by zoonoses, which are diseases that can be transmitted from animals to humans, which can be acquired through sexual contact with animals. More than 200 zoonoses have been identified, including leptospirosis, echinococcosis and rabies, all of which can be transmitted through sexual contact with animals such as dogs, cats, sheep and horses. Leptospirosis can cause fatal meningitis in about 10% of cases, echinococcosis is caused by parasitic worms that form cysts in vital organs, and rabies,

⁵³ Heng Choon (Oliver) Chan and Rebecca W.Y. Wong, "Childhood and Adolescent Animal Cruelty and Subsequent Interpersonal Violence in Adulthood: A Review of the Literature," *Aggression and Violent Behavior* 48 (September 1, 2019): 87, <https://doi.org/10.1016/j.avb.2019.08.007>.

⁵⁴ James Gacek and Richard Jochelson, "Animals as Something More Than Mere Property: Interweaving Green Criminology and Law," *Social Sciences* 9, no. 7 (2020): 13, <https://doi.org/10.3390/socsci9070122>.

which is almost always fatal if not treated immediately, attacks the central nervous system. In addition to zoonotic risks, studies have also shown that sexual contact with animals (SCA) is a risk factor for penile cancer and possibly other sexually transmitted diseases. In a study of penile cancer patients, almost half reported having SCA, suggesting that SCA could be a significant risk factor for the disease. Therefore, the researchers recommended a health campaign to reject SCA and the use of condoms or other protection methods to minimize the risk. They also suggested that efforts to eradicate SCA should be seriously considered due to the high risk of the disease.⁵⁵

Not only zoonoses, animals are also potential sources of transmission of human sexually transmitted diseases, bacterial infections, or parasitic infections of the genital, intestinal, or urinary tracts, as well as cancer-causing viruses. Research shows that sexual interactions between humans and animals can spread a variety of dangerous diseases. For example, sexual contact with animals can lead to the transmission of human sexually transmitted diseases such as chlamydia, syphilis and genital herpes. In addition, bacteria and parasites found in animals can be transmitted to humans through sexual intercourse, resulting in infections of the genital tract, intestines or urinary tract. In addition, some viruses found in animals, such as papillomavirus, have been shown to cause cancer in humans through sexual contact.⁵⁶ Therefore, protecting animals from sexual abuse is also important in preventing the spread of diseases that can harm human health

4. CONCLUSION

To address the objectives of this study, the criminalization of bestiality in Indonesia under the revised Criminal Code (KUHP) is justified by aligning with the nation's core values as embodied in Pancasila and the morality of Indonesian society. This research contributes to the understanding of how these philosophical foundations shape legal norms, reinforcing that bestiality constitutes not only an ethical violation but also an affront to human dignity and animal welfare. Pancasila emphasizes humanity, social justice, and moral integrity, principles that bestiality fundamentally violates by exploiting animals, which are unable to consent, and by contravening societal sexual norms. The novelty of this study lies in its holistic analysis that connects criminalization to the ethical, moral, and public health considerations unique to Indonesia's cultural and legal framework, filling a gap in existing research that has largely focused on doctrinal or comparative law approaches. Additionally, the findings emphasize that criminalizing bestiality serves multiple purposes: safeguarding animal rights, preserving human dignity, and protecting public health from zoonotic diseases, all while strengthening Indonesia's legal commitment to moral and ethical governance. The study underscores that bestiality poses broader social risks, with

⁵⁵ Sangeeta Singg, "Health Risks of Zoophilia/Bestiality," *Journal of Biological and Medical Sciences* 1, no. 1 (2017): 2.

⁵⁶ Bhumika Sharma, "Compassion Towards Animals: A Study with Special Reference to Offence of Bestiality in India," *Educational Quest: An Int. J. of Education and Applied Social Science* 9, no. 2 (2018): 205, <https://doi.org/10.30954/2230-7311.2018.08.7>.

perpetrators often associated with other deviant behaviors, justifying legal intervention as a preventive measure for both animals and society. This comprehensive approach highlights Indonesia's proactive stance in addressing moral degradation and upholding national values, providing a robust legal foundation for future legal developments in this area.

BIBLIOGRAPHY

- A. Ahsin Thohari. "The Manifestation Of The Rechtsidee Of Pancasila In Regulating The Constitutional Rights In Indonesia." *Petita* 4, no. 2 (2019).
- A. Danardana and Vincentius Patria Setyawan. "Kriminalisasi Fenomena Penyimpangan Sosial Kumpul Kebo (Samenlaven) Dalam Perspektif Hukum Pidana." *Justitia Et Pax* 38, no. 1 (2022).
- Amalia Rizki Wandani and Dinie Anggraeni Dewi. "Penerapan Pancasila Sebagai Dasar Kehidupan Bermasyarakat." *De Cive: Jurnal Penelitian Pendidikan Pancasila Dan Kewarganegaraan* 1, no. 2 (2021).
- Andi Lala. "Implementasi Nilai-Nilai Pancasila Dalam Pembangunan Hukum Pidana Nasional." *Jurnal Indonesia Sosial Sains* 2, no. 5 (2021).
- Anis Safitri, Abd Rahman, and Hardianto Djanggih. "Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Pembunuhan Hewan: Studi Perbandingan KUHP Lama Dan KUHP Baru." *Journal of Lex Theory (JLT)*, 5, no. 1 (2024).
- Aristo Evandy A.Barlian and Annisa D. Permata Herista. "Pembangunan Sistem Hukum Indonesia Berdasarkan Nilai-Nilai Pancasila Sebagai Ideologi Politik Bangsa." *Jurnal Lembaga Ketahanan Nasional Republik Indonesia* 9, no. 1 (n.d.).
- Armia, Muhammad Siddiq. *Penentuan Metode & Pendekatan Penelitian Hukum*. Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022.
- Azwad Rachmat Hambali. "Pencegakan Hukum Melalui Pendekatan Restorative Justice Penyelesaian Perkara Tindak Pidana." *Kalabirang Law Journal*, 2, no. 1 (2020).
- Bassano, Giuditta. "Bestialitatis and the New Ethics on 'Human' Animals." *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique* 31, no. 3 (September 1, 2018): 659–75. <https://doi.org/10.1007/s11196-018-9549-x>.
- Bhumika Sharma. "Compassion Towards Animals: A Study with Special Reference to Offence of Bestiality in India." *Educational Quest: An Int. J. of Education and Applied Social Science* 9, no. 2 (2018). <https://doi.org/10.30954/2230-7311.2018.08.7>.
- Brian Holoyda, Renee Sorrentino, Susan Hatters Friedman, and Det. John Allgire. "Bestiality: An Introduction for Legal and Mental Health Professionals." *Behavioral Sciences and The Law*, 2018. <https://doi.org/10.1002/bsl.2368>.
- Brian James Holoyda. "Animal Maltreatment Law: Evolving Efforts to Protect Animals and Their Forensic Mental Health Implications." *Behavioral Sciences & the Law* 36, no. 6 (2018). <https://doi.org/10.1002/bsl.2367>.
- . "Bestiality Law in the United States: Evolving Legislation with Scientific Limitations." *Animals* 12, no. 12 (2022).
- Chan, Heng Choon (Oliver), and Rebecca W.Y. Wong. "Childhood and Adolescent Animal Cruelty and Subsequent Interpersonal Violence in Adulthood: A Review of the Literature." *Aggression and Violent Behavior* 48 (September 1, 2019): 83–93. <https://doi.org/10.1016/j.avb.2019.08.007>.

Commented [Editor5]: REFERENCES

Penulisan judul referensi dan sumber referensi di footnote dan Daftar Pustaka tdk boleh UPPERCASE tetapi Capitalized Each Word kecuali singkatan seperti KPK, UU PT, USM (diedit dimendeley)

Commented [FISM6R5]: Sudah saya perbaiki

- Coetser, Yolandi M. "Cruel Art: Intersections between Art, Animals, and Morality." *De Arte* 55, no. 1 (January 2, 2020): 57–75. <https://doi.org/10.1080/00043389.2019.1643072>.
- Dikshi Arora and Shivank Kumar. "Zoophilia and Bestiality: International Legal Approaches towards Human-Animal Sexual Conduct." *Bharati Law Review* VIII, no. 4 (2020).
- Dion Valerian. "Kriteria Kriminalisasi: Analisis Pemikiran Moeljatno, Sudarto, Theo De Roos, Dan Iris Haenen." *Veritas et Justitia* 8, no. 2 (2022).
- Enny Nurcahyawati, Catur Sunu Wijayanto, and Apipudin. "Implementasi Nilai Religi Pada Sila Pertama Untuk Ketahanan Nasional Yang Unggul." *Jagadhdita* 2, no. 2 (2023).
- Fekih-Romdhane, F., I. Khemiri, and R. Ridha. "Violence, Bestialité et Trouble de La Personnalité Borderline : À Propos d'un Cas." *Sexologies* 30, no. 3 (September 1, 2021): 230–34. <https://doi.org/10.1016/j.sexol.2020.08.003>.
- Hariyanto. "Pembangunan Hukum Nasional Berdasarkan Nilai-Nilai Pancasila." *Volkgeist* 1, no. 1 (2018).
- Harleen Kaur and Ravi Singh Chhikara. "The Theory of Consent in Sexual Abuse on Animals." *Knowledge Commons*, 2020. <http://dx.doi.org/10.17613/fb75-3d07>.
- Holoyda, Brian J., and William J. Newman. "Childhood Animal Cruelty, Bestiality, and the Link to Adult Interpersonal Violence." *International Journal of Law and Psychiatry* 47 (July 1, 2016): 129–35. <https://doi.org/10.1016/j.ijlp.2016.02.017>.
- James Gacek and Richard Jochelson. "'Animal Justice' and Sexual (Ab)Use: Consideration of Legal Recognition of Sentience for Animals in Canada." *Manitoba Law Journal* 40, no. 3 (2017).
- . "Animals as Something More Than Mere Property: Interweaving Green Criminology and Law." *Social Sciences* 9, no. 7 (2020). <https://doi.org/10.3390/socsci9070122>.
- Jason S. Ulsperger, Kristen L. Ulsperger, and Cole Smith. "The Emergence of Contemporary Bestiality Law: Applying the Integrative Conict Model to the Enumclaw Case." *Journal of Qualitative Criminal Justice & Criminology* 4, no. 2 (2016). <https://doi.org/10.21428/88de04a1.79111262>.
- José María Valcuende del Río and Rafael Cáceres-Feria. "Social Scientific Analysis of Human-Animal Sexual Interactions." *Animals* 10, no. 10 (2020). <https://doi.org/10.3390/ani10101780>.
- M. Bahtiar Ubaidillah, Irwan Swandana, Titik Khusumawati, and Derta Nur Anita. "Nilai-Nilai Spiritualitas Dalam Pancasila: Sebuah Tinjauan Teoritis." *Jurnal JISIPOL* 7, no. 1 (2023).
- Mabel Chandra, Nitin Nishad, and Mahesh A. Tripathi. "Bestiality: A Cruelty Towards Animal." *Indian Journal of Forensic Medicine & Toxicology* 15, no. 3 (2021).
- Madaskolay Viktoris Dahoklory and Lita Tyesta Addy Listya Wardhani. "Rekonstruksi Nilai-Nilai Pancasila Dalam Undang-Undang." *SASI* 26, no. 3 (2020).
- Mariana Monteiro Campos Castanheira. "Animal Sexual Abuse - a Reality in Portugal and Spain." *Derecho Animal (Forum of Animal Law Studies)* 10, no. 4 (2019). <https://doi.org/10.5565/rev/da.455>.
- Marshandha Della Ardhani, Irma Utaminingsih, Izzati Ardana, and Riska Andi Fitriyono. "Implementasi Nilai-Nilai Pancasila Dalam Kehidupan Sehari-Hari." *Jurnal Gema Keadilan* 9, no. II (2022).

- Noor Efendy, Ahmadi Hasan, and Masyithah Umar. "Membangun Hukum Yang Adil Dalam Bingkai Moralitas Pancasila." *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory (IJIEL)* 1, no. 4 (2023).
- Puji Ayu Handayani and Dinie Anggraeni D. "Implementasi Pancasila Sebagai Dasar Negara." *Jurnal Kewarganegaraan* 5, no. 1 (2021).
- Ratna Sari and Fatma Ulfatun Najicha. "Memahami Nilai-Nilai Pancasila Sebagai Dasar Negara Dalam Kehidupan Masyarakat." *Harmony* 7, no. 1 (2022).
- Redyanto Sidi, Hasan Basri, Ahmad Akbar, Irhamuddin, and Nirmayana Sinaga. "Staatsfundamentalnorm (Pancasila) Sebagai Bahan Pembaruan Sistem Hukum Di Indonesia." *Iuris Studia: Jurnal Kajian Hukum* 2, no. 3 (2021).
- Richard Jochelson and James Gacek. "'Ruff' Justice: Canine Cases and Judicial Law Making as an Instrument of Change." *Animal Law Review* 24, no. 1 (2018).
- Riky Sembiring. "Keadilan Pancasila Dalam Persepektif Teori Keadilan Aristotele." *Jurnal Aktual Justice* 3, no. 2 (2018).
- Ritisha Choudary. "Beastly Nature of Mankind." *International Journal of Law Management & Humanities* V, no. 3 (2021).
- Sahat Maruli Tua Situmeang. "Politik Hukum Pidana Terhadap Kebijakan Kriminalisasi Dan Dekriminalisasi Dalam Sistem Hukum Indonesia." *Res Nullius Law Journal* 4, no. 2 (2022).
- Samud. "Penegakan Hukum Pidana Perspektif Nilai Kemanusiaan Yang Adil Dan Beradab." *Inklusif: Jurnal Pengkajian Penelitian Ekonomi Dan Hukum Islam* 6, no. 1 (2021).
- Sangeeta Singg. "Health Risks of Zoophilia/Bestiality." *Journal of Biological and Medical Sciences* 1, no. 1 (2017).
- Sekar Anggun Gading Pinilih and Sumber Nurul Hikmah. "Aktualisasi Nilai-Nilai Pancasila Terhadap Hak Atas Kebebasan Beragama Dan Beribadah Di Indonesia." *Masalah - Masalah Hukum* 47, no. 1 (2018).
- Si Pujiati and Ilyya Muhsin. "Aktualisasi Nilai Pancasila Dalam Memperkuat Negara Hukum Indonesia Perspektif Sosiologis." *JPK: Jurnal Pancasila Dan Kewarganegaraan* 5, no. 2 (2020).
- Silvana Oktanisa and Fransisca Uully Marshinta. "Kajian Moralitas Dan Etika Terhadap Pelaksanaan Hukum Media Di Indonesia." *Jurnal Hukum, Politik Dan Ilmu Sosial (JHPIS)* 2, no. 1 (2023).
- Solikin, Nur. *Pengantar Metodologi Penelitian Hukum*. Pasuruan: Qiara Media, 2021.
- Supriyedi Syamsuri. "Politik Hukum Pemerintah Terhadap Kebijakan Remisi." *Sol Justicia* 4, no. 2 (2021).
- Suryansh Mishra. "Bestiality: Is It a Practice or Behavioural Problem?" *International Journal of Law Management & Humanities* 5, no. 1 (2022). <https://doi.org/10.10000/IJLMH.112527>.
- Szilvia Vetter, Anita Boros, and László Özsvári. "Penal Sanctioning of Zoophilia in Light of the Legal Status of Animals—A Comparative Analysis of Fifteen European Countries." *Animals* 10 (1020). <http://dx.doi.org/10.3390/ani10061024>.
- Tobias Kardiman. "Sila Ketiga Pancasila Fondasi Dalam Menyukkseskan Demokrasi Inklusif (Sebagai Upaya Menangkal Politik Identitas)." *Sovereignty: Jurnal Demokrasi Dan Ketahanan Nasional* 3, no. 1 (2024).
- Veronika Buka, I Gusti Ngurah Santika, I Made Kartika, and I Gede Sujana. "Implementasi Nilai-Nilai Pancasila Dalam Budaya Mana'o Di Desa Manu Kuku

- Kabupaten Sumba Barat." *Jurnal Ilmiah Ilmu Sosial* 8, no. 1 (2022).
<https://doi.org/10.23887/jiis.v8i1.40757>.
- Welly Kendra. "Kriminalisasi Terhadap Perilaku Penyimpangan Seksual." *Swara Justisia* 4, no. 1 (2020).
- Yohana, R.U. Sianturi and Dinie Anggraeni Dewi. "Penerapan Nilai Nilai Pancasila Dalam Kehidupan Sehari Hari Dan Sebagai Pendidikan Karakter." *Jurnal Kewarganegaraan* 5, no. 1 (2021).
- Yohanes Suhardin. "Konsep Keadilan Dari John Rawls Dengan Keadilan Pancasila (Analisis Komparatif)." *Fiat Iustitia : Jurnal Hukum* 3, no. 2 (2023).
- Yurista Ardien Adhipradana and Wiwik Afifah. "Urgensi Kriminalisasi Bagi Pekerja Seks Komersial." *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 2 (2023).
- Zainudin Hasan, Fathaniah Ghaisani Putri, Cinta Jivara Riani, and Amanda Putri Evandra. "Penerapan Nilai –Nilai Pancasila Dalam Pembentukan Peraturan Hukum Di Indonesia." *Perkara: Jurnal Ilmu Hukum Dan Politik* 2, no. 2 (2024).
<https://doi.org/10.51903/perkara.v2i2.1863>.

Analysis of the Justification for the Criminalization of Bestiality Based on Pancasila and the Morality of the Indonesian Nation

ORIGINALITY REPORT

9%

SIMILARITY INDEX

6%

INTERNET SOURCES

4%

PUBLICATIONS

1%

STUDENT PAPERS

PRIMARY SOURCES

1

revistes.uab.cat

Internet Source

5%

2

Heng Choon (Oliver) Chan, Rebecca W.Y. Wong. "Childhood and adolescent animal cruelty and subsequent interpersonal violence in adulthood: A review of the literature", *Aggression and Violent Behavior*, 2019

Publication

1%

3

Brian Holyoada, Renee Sorrentino, Susan Hatters Friedman, John Allgire. "Bestiality: An introduction for legal and mental health professionals", *Behavioral Sciences & the Law*, 2018

Publication

1%

4

Submitted to Pennsylvania State System of Higher Education

Student Paper

1%

5

ejurnal.ubharajaya.ac.id

Internet Source

1%

6

ejournal.insuriponorogo.ac.id

Internet Source

1 %

7

www.mdpi.com

Internet Source

1 %

Exclude quotes On

Exclude matches < 1%

Exclude bibliography On