

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

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Abstract

This research explores the justification for criminalizing bestiality in Indonesia, emphasizing the moral and ethical values embedded in Pancasila. Triggered by the infamous case of an orangutan named Pony, subjected to sexual exploitation, the study highlights significant gaps in the Indonesian legal system. While Article 302 of the Criminal Code addresses physical abuse, it fails to explicitly criminalize bestiality, leaving such acts unregulated. Using a normative juridical method, the research integrates Pancasila's principles of humanity, justice, and animal welfare as the moral foundation for legal reform. Pancasila promotes respect for all living beings, viewing bestiality as a violation of its core principles. The findings reveal significant enforcement challenges, including the private nature of the crime, lack of witnesses, and the inability of animal victims to provide testimony. Forensic evidence, such as histopathology and DNA analysis, is critical but often hindered by limited training among law enforcement and veterinarians. Additionally, societal taboos and inadequate legal education exacerbate public unawareness of bestiality as a criminal offense. This study advocates for comprehensive public legal education, specialized training for law enforcement on forensic techniques and evidence management, and collaboration with veterinary experts to ensure effective enforcement. These measures aim to uphold animal welfare and align legal policies with Indonesian societal and ethical values.

Keywords: Bestiality;Criminalization;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 Criminalization 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 legal sanctions.³ Through criminalization, these acts are identified as violations of criminal law that can be subject to legal sanctions, either imprisonment or fines.⁴

One case of bestiality that shocked Indonesia was the sexual exploitation of an orangutan named Pony in Central Kalimantan. Pony, who was forced to become a “sex worker” by unscrupulous members of the community in the early 2000s, endured a wide range of suffering both physically and mentally. Her hair was shaved off, her skin was covered in sores from mosquito bites and infections, and she was chained up in a dark room to serve paying humans. The exploiters even put makeup, perfume and jewelry on Pony 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 Dion Valerian, “Kriteria Kriminalisasi: Analisis Pemikiran Moeljatno, Sudarto, Theo De Roos, Dan Iris Haenen,” *Veritas et Justitia* 8, no. 2 (2022): 416.

⁴ 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.

manipulate her appearance for the sexual interests of customers. Pony's rescue by a team from the Borneo Orangutan Survival Foundation (BOSF) and the Natural Resources Conservation Agency (BKSDA) in 2003 required military intervention with 35 armed personnel. However, these efforts faced major challenges as the community that exploited Pony refused to give up their source of income. Although eventually rescued, Pony's trauma left a lasting impact. She struggled to return to her natural habitat and exhibited traumatic behavior whenever she saw her former master.⁵ The case not only reflects the exploitation of animals that violates moral norms, but also highlights the loopholes in the Indonesian criminal law system that has not explicitly regulated and sanctioned heinous acts against animals such as bestiality.

In Indonesia's criminal law system, the regulation on animal abuse is regulated in Article 302 of the Criminal Code (KUHP). This article contains provisions regarding sanctions against perpetrators who intentionally harm or injure animals without a legitimate reason or excessively, including actions that cause injury, illness, disability, or death of animals. The maximum penalty for this offense is three months' imprisonment or a fine of three hundred rupiah for minor offenses, while for more severe cases such as serious injury or death of an animal, the penalty can be up to nine months' imprisonment. While the article prohibits violence against animals, it only covers physical aspects such as abuse and neglect. There are no specific provisions that explicitly regulate or prohibit bestiality. However, a closer look reveals that bestiality does not only cause physical and psychological suffering to animals, but also includes violations of morals and fundamental human values.⁶ This legal gap shows that the existing laws are inadequate to deal with such acts, so a more comprehensive legal reform is needed. Therefore, this research aims to analyze the justification of criminalizing bestiality in the context of Pancasila and the morality of the Indonesian nation.

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.⁷ This 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

⁵ "Kisah Pilu Pony, Orangutan Yang Dijadikan Pelacur Di Kalimantan Dan Kondisinya Kini," *Kompas.Com*, August 14, 2023, <https://www.kompas.com/tren/read/2023/08/14/170000465/kisah-pilu-pony-orangutan-yang-dijadikan-pelacur-di-kalimantan-dan?page=all>.

⁶ Fuadi Isnawan, "Analysis of the Indonesian Criminal Code's Respect for Animals," *Jurnal Hukum Magnum Opus* 8, no. 1 (2025): 48.

⁷ 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.

purpose, and (b) sexual acts with animals.⁸ 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.

One of the fundamental issues in criminal law is the justification of criminalization of a crime. In this case, the criminalization of an act has a clear basis, both in terms of legality, morality, and social effectiveness. The question then is: How is the analysis of criminal justification in the Indonesian Criminal Code based on Pancasila? This problem formulation aims to analyze the issue of bestiality from a comprehensive perspective, as well as to fill the gap of previous research that has not discussed this issue in depth in the context of Pancasila values-based criminal law.

For instance, the work of Irawan (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.⁹ Meanwhile, Zulfikriyah (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.¹⁰ Another study by Darwis (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.¹¹ 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.

Through an understanding of criminalization based on the noble values of Pancasila, this research seeks to bridge the gap that has existed between the doctrinal legal approach and a more in-depth and contextual philosophical approach. This approach also pays special attention to the moral and cultural values that characterize the Indonesian nation. As a state

⁸ Rian Prayudi, "Perbandingan Pasal KUHP Lama Dan KUHP Baru Tentang Pertanggungjawaban Terhadap Pelaku Tindak Pidana Pembunuhan Hewan," *Jurnal Review Pendidikan Dan Pengajaran (JRPP)* 7, no. 3 (2024): 11471.

⁹ Nining Yurista Prawitasari, "Analisis Yuridis Pertanggungjawaban Pidana Terhadap Pelaku Eksploitasi Seksual Pony Si Orangutan," *Juris Studia: Jurnal Kajian Hukum* 5, no. 2 (2024): 266–73.

¹⁰ Mei Ayu Zulfikriyah et al., "Keabsahan Pernikahan Manusia Dengan Hewan Perspektif Hukum Islam Dan Positif," *Humani* 1, no. 1 (2024).

¹¹ Sri Astuti Ana Darwis, Abdul Wahid Haddade, and Andi Muhammad Akmal, "Sexual Deviation of Animals Between Law and Sharia; a Comparative Analysis," *Mazahibuna: Jurnal Perbandingan Mazhab* 3, no. 2 (2021): 118–29.

ideology, Pancasila is the foundation for building criminal laws that are not in accordance with the values of the Indonesian nation.

The values of Pancasila must gradually be realized in the behavior of the state and society.¹² 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.¹³

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.¹⁴ The research approach is conducted with a legislative approach through a thorough analysis of the new Criminal Code relating to the legal issues studied.¹⁵ 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

¹² Redyanto Sidi et al., "Staatsfundamentalnorm (Pancasila) Sebagai Bahan Pembaruan Sistem Hukum Di Indonesia," *Iuris Studia: Jurnal Kajian Hukum* 2, no. 3 (2021): 508.

¹³ A. Ahsin Thohari, "The Manifestation Of The Rechtsidee Of Pancasila In Regulating The Constitutional Rights In Indonesia," *Petita* 4, no. 2 (2019): 182.

¹⁴ Muhammad Siddiq Armia, *Penentuan Metode & Pendekatan Penelitian Hukum* (Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022), 11.

¹⁵ Nur Solikin, *Pengantar Metodologi Penelitian Hukum* (Pasuruan: Qiara Media, 2021), 58.

¹⁶ 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 zoerastris. 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.¹⁶ 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’.¹⁷

To justify the criminalization 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.¹⁸ 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.¹⁹ 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 the moral and ethical values of Indonesian society that uphold humanity and the welfare of living beings.²⁰

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.

¹⁶ 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>.

¹⁷ Szilvia Vetter, Anita Boros, and László Ózsvári, “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>.

¹⁸ Zainudin 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>.

¹⁹ 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.

²⁰ Andi Lala, “Implementasi Nilai-Nilai Pancasila Dalam Pembangunan Hukum Pidana Nasional,” *Jurnal Indonesia Sosial Sains* 2, no. 5 (2021): 730.

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.²¹ 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 value of divinity in Pancasila, “Ketuhanan Yang Maha Esa” 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.²² Bestiality is an act that against God's law and moral ethics derived from religious teachings.²³ 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.²⁴ The value of divinity in Pancasila demands that every individual maintain the sanctity, honour and dignity of himself and other living beings.²⁵

The human value in Pancasila, shown through the principle of “Kemanusiaan Yang Adil dan Beradab,” 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 provides a strong basis to reject and criminalize such acts. Bestiality is act against the principles of 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.²⁶

The value of unity in Pancasila, embodied in the third principle “Persatuan Indonesia”, emphasizes the importance of maintaining unity and harmony among all 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.²⁷ This value provides a strong moral and ethical foundation to reject and criminalize such acts. Bestiality, not only

²¹ 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.

²² Silvana Oktanisa and Fransisca Uly Marshinta, “Kajian Moralitas Dan Etika Terhadap Pelaksanaan Hukum MediaDi Indonesia,” *Jurnal Hukum, Politik Dan Ilmu Sosial (JHPIS)* 2, no. 1 (2023): 184.

²³ 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.

²⁴ Enny Nurcahyawati, Catur Sunu Wijayanto, and Apipudin, “Implementasi Nilai Religi Pada Sila Pertama Untuk Ketahanan Nasional Yang Unggul,” *Jagaddhita* 2, no. 2 (2023): 6.

²⁵ Marshandha Della Ardhani et al., “Implementasi Nilai-Nilai Pancasila Dalam Kehidupan Sehari-Hari,” *Jurnal Gema Keadilan* 9, no. II (2022): 7.

²⁶ 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.

²⁷ Puji Ayu Handayani and Dinie Anggraeni D, “Implementasi Pancasila Sebagai Dasar Negara,” *Jurnal Kewarganegaraan* 5, no. 1 (2021): 8.

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.²⁸ 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.²⁹

The populist value “Kerakyatan yang dipimpin oleh hikmat kebijaksanaan dalam permusyawaratan perwakilan” 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.³⁰ This principle represents the aspirations and common interests of the community.³¹ 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. 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.³²

The value of justice “Keadilan sosial bagi seluruh rakyat Indonesia” 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

²⁸ Hariyanto, “Pembangunan Hukum Nasional Berdasarkan Nilai-Nilai Pancasila,” *Volkgeist* 1, no. 1 (2018): 58.

²⁹ 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.

³⁰ 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>.

³¹ 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): 42.

³² Ratna Sari and Fatma Ulfatun Najicha, “Memahami Nilai-Nilai Pancasila Sebagai Dasar Negara Dalam Kehidupan Masyarakat,” *Harmony* 7, no. 1 (2022): 55.

and be protected from actions that violate human and moral values.³³ 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. 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.³⁴

In the context of Pancasila and the morality of the Indonesian nation, the criminalization of bestiality can be understood as a response to violations of human and moral values recognized by the state. Pancasila, as the foundation of the state, emphasizes the value of a just and civilized humanity, contained in the second principle: "Just and civilized humanity." This value requires the protection of all living beings, including animals, by considering their dignity as part of the universe that must be respected and safeguarded. Referring to the research of Otto (2005) and Ibrahim (2006), who propose legal reforms to treat animals with legal protection equal to humans, we can see the compatibility between these ideas and the principles of Pancasila. Otto suggests the creation of an "animal sexual assault" law modeled on human sexual assault laws, reflecting that bestiality is a serious form of violence against animals. This is in line with the first principle of Pancasila, "Belief in One God," which teaches respect for all of God's creations, including animals. Furthermore, Otto and Ibrahim also proposed legal reforms such as mandatory restraining orders, revocation of animal ownership rights for unfit offenders, and mental health evaluation and treatment for defendants. This shows a commitment to provide more protection to animal victims of violence, which is in line with the principle of social justice contained in the fifth principle of Pancasila: "Social justice for all Indonesian people." Regulations such as the prohibition of animal ownership for convicted offenders and the registration of offenders in the community demonstrate efforts to prevent the recurrence of violence against animals, as well as maintaining social harmony and welfare.³⁵ From the perspective of Indonesian morality, which prioritizes respect for life, acts of bestiality can be considered a violation of the moral values embraced by society. Not only does this act undermine the dignity of animals, but it also undermines the principles of justice and humanity upheld in Pancasila.

From the perspective of Pancasila and Indonesian morality, Beirne's concept of bestiality as interspecies sexual abuse provides a strong justification for the criminalization of such behavior. Pancasila, especially the second principle that emphasizes "just and civilized humanity," emphasizes the protection of living beings, both humans and animals.

³³ Riky Sembiring, "Keadilan Pancasila Dalam Persepektif Teori Keadilan Aristotele," *Jurnal Aktual Justice* 3, no. 2 (2018): 147.

³⁴ M. Bahtiar Ubaidillah et al., "Nilai-Nilai Spiritualitas Dalam Pancasila: Sebuah Tinjauan Teoritis," *Jurnal JISIPOL* 7, no. 1 (2023): 7.

³⁵ 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>.

In this case, acts of bestiality, which involve violence and abuse against animals, contradict the principles of just and civilized humanity as they not only harm animals as living beings who are unable to fight back, but also violate human values valued in Indonesian culture. Beirne reveals three main assumptions in viewing bestiality as a form of sexual abuse involving violence against animals, namely the presence of coercion in almost all cases, the physical and psychological impact caused, and the inability of animals to give consent or voice their concerns. This is in line with the basic principles of Pancasila, which encourages a sense of responsibility for the welfare of fellow living beings and respect for their dignity, as reflected in the first principle of "Belief in One God," which teaches that all of God's creations must be respected. In addition, Beirne's views on various forms of sexual abuse of animals, including zoophilia, exploitation of animals for pornography, or adolescent sexual experimentation, also lead to an understanding that such acts are not just physical, but also a broader form of exploitation and cruelty. The fifth principle of Pancasila, "Social justice for all Indonesians," provides a moral basis for responding to this phenomenon by providing stricter legal protection for animals, as a form of respect for the principles of justice and equality. Regulations that prohibit all forms of violence against animals, be it through penetration or other forms of violence, are essential to maintain social harmony and the well-being of all living beings.³⁶

The criminalization of bestiality based on the moral values of Pancasila can be further justified through these studies. Stine G. Christiansen from the University of Copenhagen and the Danish Animal Ethics Council argues that it is difficult to imagine large animals, such as horses or cows, being harmed by human penetration due to their physical strength. While this statement may underscore the resilience of large animals, it does not undermine the fact that bestiality is inherently an act of violence and immoral exploitation against animals. Pancasila, particularly the second principle of "Humanity that is Just and Civilized," demands the protection of all living beings, emphasizing respect for both human dignity and the dignity of animals. The harm caused to animals, regardless of their size, directly violates the moral values that Pancasila upholds, as such acts represent a severe breach of ethical conduct that degrades the sanctity of life and the harmonious relationship between humans and animals.³⁷ Moreover, research conducted by F. Fekih-Romdhane, I. Khemiri, and R. Ridha in 2020 reveals a concerning correlation between bestiality offenders and their higher tendency to commit severe violent acts, such as rape, sexual assault, and even murder. This finding aligns with the Pancasila principle of "Social Justice for All Indonesian People," which seeks to prevent violence and foster a society based on mutual respect and justice. The link between early involvement in bestiality and subsequent violent behavior toward humans further emphasizes the need for strong legal measures to prevent such acts, as they not only harm animals but also pose a long-term

³⁶ 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>.

³⁷ 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>.

threat to societal well-being. In this regard, criminalizing bestiality is consistent with Pancasila's values, which advocate for the protection of life in all its forms and the promotion of a just, peaceful, and humane society. By addressing these acts with appropriate legal actions, Indonesia can maintain the moral integrity and social order envisioned by Pancasila, ensuring that both animals and humans are treated with dignity and respect³⁸

This behavior, driven by a person's sadistic tendencies, further underscores the need for criminalization based on the moral framework of Pancasila. As outlined, sadists derive pleasure from inflicting pain on others, and in the case of bestiality, animals are tragically used as mere objects to fulfill the perpetrator's sexual desires. This act not only results in physical and psychological harm to animals but also reflects a profound violation of the ethical principles enshrined in Pancasila, particularly the second principle of "Humanity that is Just and Civilized." Pancasila emphasizes the importance of treating all creatures with respect and dignity, advocating for an ethical standard where cruelty toward any living being, including animals, is unacceptable. The exploitation of animals in such a manner goes against the moral values of Indonesia, where there is a collective societal responsibility to ensure the welfare of all beings, both human and non-human.³⁹

The connection between bestiality and individuals who exhibit sexually violent predator (SVP) behavior provides a compelling argument for criminalization, grounded in the moral and ethical framework of Pancasila. While research indicates that those who engage in bestiality may not have a higher history of physical abuse compared to the general population, the link to emotional abuse and the presence of mental or personality disorders highlights the broader societal implications. As outlined by Pancasila's principles, particularly the second principle of Pancasila "Humanity that is Just and Civilized," individuals who commit such acts are engaging in behaviors that not only harm animals but also violate the dignity of human beings. These offenders, who display a compulsive tendency toward sexual violence, represent a threat to both animals and society. In the context of Pancasila, there is a moral obligation to protect vulnerable entities, such as animals, from exploitation, as well as a societal duty to address the underlying psychological factors that drive such deviant behavior.⁴⁰

The criminalization of bestiality in Indonesia is strongly supported by the moral values enshrined in Pancasila, which emphasizes justice, humanity, and social welfare. Pancasila, with its foundational principle of "Just and Civilized Humanity," provides a clear rationale for the prohibition of acts such as bestiality, as these acts involve the exploitation and abuse of animals, violating their inherent dignity and well-being. The moral perspective

³⁸ 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>.

³⁹ Ritisha Choudary, "Beastly Nature of Mankind," *International Journal of Law Management & Humanities* V, no. 3 (2021): 5531.

⁴⁰ 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): 4, <https://doi.org/10.21428/88de04a1.79111262>.

embedded in Pancasila aligns with research suggesting that bestiality is often linked to other forms of violent and deviant behavior. 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 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.⁴¹

From the explanation above, it can be understood that bestiality is a form of sexual deviance that not only affects the perpetrators and victims (animals), but can also be an indicator of other deviations in the form of criminal acts that can also affect public health. The value of Pancasila morality is a real basis for criminalizing such behavior. The second principle emphasizes respect for the dignity of humans and living things. Meanwhile, the fifth principle encourages legal protection aimed at maintaining social justice, including to prevent various impacts of deviations and crimes. Therefore, the criminalization of bestiality must be seen comprehensively as a social issue that requires an approach based on Pancasila morality to prevent social damage. Equally important is to provide protection to the public from the threat of spreading diseases caused by animals.

To understand deeper about that, we can see the 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, 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.⁴²

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

⁴¹ 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/da.455>.

⁴² Sangeeta Singg, "Health Risks of Zoophilia/Bestiality," *Journal of Biological and Medical Sciences* 1, no. 1 (2017): 2.

sexual contact.⁴³ Therefore, protecting animals from sexual abuse is also important in preventing the spread of diseases that can harm human health.

Based on analysis above, the criminalization of bestiality aligns with moral value in Pancasila. As human beings, people can think about the moral degradation if they commit sexual intercourse with animals. 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." That's mean that Bestiality is morally unacceptable. Any sexual act performed without the explicit consent of both parties can be defined as cruelty. Thus, bestiality cannot be morally justified because it involves sexual acts without clear consent and inherently harms animals.⁴⁴ 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.⁴⁵

The implementation of Article 337 of the Criminal Code, which regulates the criminalization of acts of bestiality, faces various challenges in the context of law enforcement mechanisms in Indonesia. One of the challenges in enforcing Article 337 of the Criminal Code is the nature of the case, which tends to be carried out in a hidden place or private space, making it difficult to obtain evidence and evidence.⁴⁶

In Indonesia's criminal justice system, Article 183 of the Criminal Procedure Code (KUHAP) stipulates that evidence must meet the principle of a combination of a system of evidence based on the judge's belief and a positive system of evidence. Thus, Indonesia adheres to a negative statutory evidentiary system, which means that a conviction can only be imposed if valid evidence in accordance with statutory regulations supports the judge's belief. This makes evidence a central element in criminal justice to determine the guilt or innocence of the defendant. According to Article 184 paragraph (1) of KUHAP, valid evidence consists of witness testimony, expert testimony, letters, instructions, and testimony of the defendant.⁴⁷

⁴³ 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>.

⁴⁴ 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>.

⁴⁵ 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>.

⁴⁶ Enas A Elsaftawy et al., "Bestiality: A Crossing Point for The Emergence and Renaissance of Zoonosis," *Zagazig Journal of Forensic Medicine* 22, no. 1 (2024): 108.

⁴⁷ Nurlaila Isima, "Kedudukan Alat Bukti Elektronik Dalam Pembuktian Perkara Pidana," *Gorontalo Law Review* 5, no. 1 (2022): 182.

The evidentiary challenge is made more apparent by the absence or lack of witness testimony given that the acts are generally committed in secret.⁴⁸ Witnesses, as an important element in the criminal justice evidentiary system, provide relevant information about criminal offenses seen, heard, or experienced firsthand. Witness testimony must be delivered honestly and without coercion, so as to be able to provide a true picture related to the incident.⁴⁹ In addition to this, another thing that makes law enforcement of Bestiality cases difficult is that the animal as a victim is not able to provide testimony or convey information related to the crime that can help investigators to identify the perpetrator or prove the crime that occurred.⁵⁰

The limited evidence in the form of witnesses is a challenge for law enforcement officials in the process of proving the perpetrators of bestiality crimes. A comprehensive legal education effort is needed to improve the ability of law enforcement in handling bestiality cases. Legal education can be done by providing understanding and training on the collection of forensic evidence from animals that are victims of bestiality.

To overcome this challenge, expert testimony can be used. Expert testimony refers to information or opinions provided by an individual possessing specialized expertise, knowledge, or experience in a specific field. This testimony plays a critical role in providing technical or scientific insights that assist the court in understanding complex matters beyond the knowledge of ordinary individuals.⁵¹

Expert testimony, especially veterinary testimony, is often crucial evidence to uncover signs of violence or biological evidence on an animal's body. Veterinarians hold a pivotal role in the field of animal forensic science by investigating various manifestations of animal cruelty, including inadequate pet care, violations of animal welfare standards, physical abuse, and poisoning. Their responsibilities encompass notifying competent authorities upon identifying cases of animal cruelty, meticulously collecting and preserving evidence in adherence to the chain of custody protocols, and reporting instances of abuse to relevant organizations. Additionally, veterinarians are instrumental in educating animal owners, providing them with essential knowledge regarding proper animal care practices, and elucidating the applicable legal frameworks, including potential sanctions for violations. To enhance the efficacy of this role, future research should prioritize evaluating the level of awareness and understanding among veterinarians in diverse residential contexts concerning their responsibilities in forensic science and their familiarity with legal provisions addressing animal cruelty. Such studies would provide critical insights into

⁴⁸ Bjelajac Željko and Merdović Boro, "Internet in The Function of Promotion of Bestiality: Profiling Zoophiles," *International Journal of Cognitive Research in Science, Engineering and Education* 11, no. 1 (2023): 160.

⁴⁹ Khafifah Nuzia Arini and Herman Sujarwo, "Kedudukan Saksi Ahli Dalam Persidangan Perkara Pidana," *Syariat: Jurnal Studi Al-Qur'an Dan Hukum* 7, no. 2 (2021): 247.

⁵⁰ Anastasiya Andrianova, "Can the Animal Consent? Zoophilia and the Limits of Logocentrism," in *Gender and Sexuality in Critical Animal Studies*, ed. Amber e. George (London: Lexington Books, 2021), 182.

⁵¹ Ghina Annisa Rahmah, Diana Haiti, and Anang S Tornado, "Objektivitas Keterangan Ahli Dalam Persidangan Perkara Pidana Menurut KUHAP," *Jurnal Ilmu Hukum Prima* 6, no. 2 (2023): 282.

existing gaps and inform strategies for strengthening the integration of veterinary expertise into the broader domain of animal protection and forensic investigation.⁵²

Veterinarians pathology, play a pivotal role in uncovering and addressing cases of animal sexual abuse through forensic investigations. Veterinary pathologists contribute detailed analyses of physical injuries sustained by animals, offering insights into the methods and potential motives behind the abuse. Techniques such as histopathological and forensic examinations are indispensable in criminal investigations and legal proceedings. For instance, advanced forensic protocols, as proposed by Stern and Smith-Blackmore in 2016, encompass the use of alternate light source examinations, DNA swab collection, sampling of vaginal and rectal washes, and radiographic studies. A comprehensive forensic necropsy, including histopathology, further strengthens the evidentiary process. Additionally, veterinary clinicians often play an initial detection role, identifying suspicious injuries during routine examinations. However, detecting sexual abuse remains challenging due to the subtlety of physical indicators and the rarity of overt signs, particularly in cases involving penetration. This highlights the necessity of enhancing forensic training and awareness among veterinary professionals to improve detection and reporting in such cases.⁵³

Another challenge in bestiality cases is the low level of public awareness regarding this act.⁵⁴ The lack of information and education means that many individuals are unaware that bestiality is a criminal offense under Article 337 of the Criminal Code.⁵⁵ In addition, some people still consider this issue taboo to discuss, resulting in limited open dialogue on the legal, moral and health impacts of bestiality.^{56,57} Legal education for the community is needed to provide a good public legal awareness that bestiality is not only a violation of the rule of law, but also violates various moral values upheld by Indonesian society, such as those contained in Pancasila.⁵⁸ The emphasis in this legal education is on understanding the importance of maintaining animal welfare and harmonious relationships between humans and nature in addition to the prohibiting laws and sanctions that can be enforced for violating these prohibited acts.

⁵² Andrianova, 182.

⁵³ Mariana Monteiro Campos Castanheira, "Animal Sexual Abuse - a Reality in Portugal and Spain," 130.

⁵⁴ Azhara Devica Risnanda and Handar Subhandi Bakhtiar, "Perlindungan Hukum Dalam Klasifikasi Bentuk Kekerasan Terhadap Hewan Di Indonesia," *Res Nullius Law Journal* 5, no. 2 (2023): 128, <https://doi.org/10.34010/rnlj.v5i2.9789>.

⁵⁵ Marsya Razita Nur Sabrina et al., "Partisipasi Masyarakat Dalam Penegakan Hukum Terkait Perlindungan Satwa Di Indonesia," *Khirani: Jurnal Pendidikan Anak Usia Dini* 1, no. 2 (June 6, 2023): 104, <https://doi.org/10.47861/khirani.v1i2.223>.

⁵⁶ Mabel Chandra, Nitin Nishad, and Mahesh A Tripathi, "Bestiality: A Cruelty Towards Animal," *Indian Journal of Forensic Medicine & Toxicology* 15, no. 3 (2021): 3415.

⁵⁷ Beatrice Dedaa Okyere-Manu, "Shifting Intimate Sexual Relations from Humans to Machines: An African Indigenous Ethical Perspective," in *African Values, Ethics, and Technology: Questions, Issues, and Approaches*, ed. Beatrice Dedaa Okyere-Manu (Cham: Springer International Publishing, 2021), 112, https://doi.org/10.1007/978-3-030-70550-3_7.

⁵⁸ Ria Safitri et al., "Edukasi Hukum Melalui Media Sosial Bagi Generasi Z," *Jurnal Citizenship Virtues* 2, no. 2 (2022): 380.

Legal education for the community can be done with various approaches according to the conditions of the community.⁵⁹ For example, through legal counseling in the community, it can involve law enforcers, Legal Aid Institutions, academics, researchers, religious leaders and community leaders.⁶⁰ In addition, a public campaign will make legal education more effective. This campaign can use effective methods, such as mass media, social media, and community activities such as community meetings, youth organizations and so on to provide educational messages about the understanding of the bestiality law.⁶¹ It is also important to provide criminal sanctions regulated in the Criminal Code. The public also needs to be educated about the importance of reporting these actions to law enforcement officials so that these actions can be processed in accordance with applicable regulations because law enforcement sources its actions from reports from the public.⁶² Apart from the legal side, it is also necessary to understand that bestiality is immoral, cruel and does not reflect humanity because this act violates the principles of protecting animals created by God Almighty. It also emphasizes the effects of such acts which have adverse effects on the health of animals and humans.

Law enforcers, including police, prosecutors and judges also need a comprehensive and in-depth understanding of the various technical and substantive aspects of handling bestiality cases.⁶³ Legal training and seminars can be a way to provide capacity building for law enforcers in handling bestiality cases.⁶⁴ One of the main focuses of legal education is a comprehensive and in-depth understanding of forensic evidence of crimes involving animals. Of course, this needs good coordination with veterinary experts to handle the case, because law enforcement needs knowledge and expert testimony to handle bestiality cases. Veterinarians can be involved as expert witnesses to provide testimony based on their expertise in forensic examination of animals that are victims of bestiality.

Law enforcement also needs to be trained in the application of chain of custody principles in the management of physical evidence. The chain of custody is crucial for preserving the integrity and authenticity of evidence throughout criminal proceedings. It minimizes the risk of damage or contamination and ensures a clear documentation trail to

⁵⁹ Anthon Fathanudien, "Penyuluhan Hukum Dalam Rangka Pencegahan Tindak Pidana Narkotika Bagi Masyarakat Di Kelurahan Windusengkahan," *Inisiatif: Jurnal Dedikasi Pengabdian Masyarakat* 3, no. 2 (December 25, 2024): 119, <https://doi.org/10.61227/inisiatif.v3i2.192>.

⁶⁰ Ni Wayan Eka Sumartini, "Penyuluhan Hukum Di Era Digital," in *Digitalisasi Pendidikan Sekolah Dasar* (Webinar Hari Pendidikan Nasional, Palangkaraya: Institut Agama Hindu Negeri Tampung Penyang Palangka Raya, 2021), 135, <https://doi.org/10.33363/sn.v0i3.101>.

⁶¹ Fuadi Isnawan, "Kesadaran Dan Ketaatan Hukum Masyarakat Untuk Memakai Masker Selama Pandemi Covid-19," *Bedah Hukum* 5, no. 1 (2021): 41, <https://doi.org/10.36596/jbh.v5i1.493>.

⁶² Nadya Eka Amalia Al'Azza, Kurnia Fajar Suryani, and Sigmawati Widyaningrum, "Analisis Yuridis Penggunaan Sertifikat Vaksinasi Sebagai Syarat Pelaporan Dugaan Tindak Pidana," *Jurnal Suara Hukum* 4, no. 1 (2022): 10, <https://doi.org/10.26740/jsh.v4n1.p1-21>.

⁶³ Gilbert Singletary, "Law Enforcement Education and Training: A Review of Literature and Critical Analysis," *Education in the Health Professions* 2, no. 1 (2019): 12, https://journals.lww.com/ehpf/fulltext/2019/02010/law_enforcement_education_and_training__a_review.3.aspx.

⁶⁴ Natalia Tsumarieva et al., "The Model of Training Law Enforcement Officers' Readiness For Professional Self-Fulfillment," *Amazonia Investiga* 12, no. 63 (April 30, 2023): 278, <https://doi.org/10.34069/AI/2023.63.03.26>.

validate the evidence's reliability. This process enables swift identification of individuals responsible for handling the evidence, who may testify in court to uphold its credibility.⁶⁵ In bestiality cases, however, law enforcement faces unique challenges. The atypical nature of evidence, such as biological samples from animals from crime scenes, requires specialized expertise and handling protocols that are often lacking. Without proper training or established guidelines, the risk of evidence mishandling increases, potentially compromising the chain of custody.⁶⁶ Addressing these challenges necessitates targeted education and resources for investigators to ensure evidence in such cases is managed with precision and admissibility in legal proceedings is maintained

4. CONCLUSION

The criminalization of bestiality in Indonesia in the new Criminal Code is justified by referring to the nation's basic values reflected in Pancasila and the morality of Indonesian society. This study directly answers the research objectives by analyzing how the principles of Pancasila such as divinity, humanity, social justice, and moral integrity have a role as a philosophical foundation for the criminalization of the crime, explaining if bestiality philosophically violates the values of Pancasila which explains that bestiality is an act of exploiting animals, contrary to social norms, and poses a public health risk. The findings of this research contribute to an in-depth and philosophical understanding of Pancasila values by showing that the criminalization of bestiality is not only a moral imperative, but also a practical necessity to protect human dignity, animal welfare, and public health. The novelty of this research lies in the holistic integration of philosophical, ethical, and public health perspectives into the Indonesian legal framework, which fills a gap in previous research where most of the previous research relied on a doctrinal or comparative legal approach. This research places emphasis on the practical application of criminalizing bestiality by highlighting how the law can function as a preventative measure to address the wider social risks associated with the deviant behaviour of bestiality perpetrators.

The enforcement of Article 337 of the Indonesian Criminal Code, which criminalizes bestiality, faces significant challenges due to the clandestine nature of the crime, the absence of witnesses, and the inability of animal victims to provide testimony. The evidentiary standard in Indonesia, requiring valid evidence to support judicial belief, further complicates prosecutions. Veterinary expertise is essential in such cases, with forensic techniques like DNA analysis and histopathology providing critical evidence. However, limited forensic training among veterinarians and law enforcement hinders

⁶⁵ Usha Sisodia, "Chain of Custody: Scaling the Investigation to the Event," in *Crime Scene Management within Forensic Science: Forensic Techniques for Criminal Investigations*, ed. Jaskaran Singh and Neeta Raj Sharma (Singapore: Springer Singapore, 2022), 415, https://doi.org/10.1007/978-981-16-6683-4_16.

⁶⁶ R. Touroo et al., "Minimum Standards and Best Practices for the Clinical Veterinary Forensic Examination of the Suspected Abused Animal," *Forensic Science International: Reports* 2 (December 1, 2020): 5, <https://doi.org/10.1016/j.fsir.2020.100150>.

effective case handling. Public awareness remains low due to societal taboos and insufficient education, emphasizing the need for comprehensive legal education and public campaigns to promote understanding of bestiality's legal, moral, and health implications. Strengthening law enforcement capabilities through training on forensic evidence handling, chain of custody principles, and collaboration with veterinary experts is vital for ensuring justice and advancing animal welfare.

BIBLIOGRAPHY

- A. Ahsin Thohari. "The Manifestation Of The Rechtsidee Of Pancasila In Regulating The Constitutional Rights In Indonesia." *Petita* 4, no. 2 (2019).
- Al'Azza, Nadya Eka Amalia, Kurnia Fajar Suryani, and Sigmawati Widyaningrum. "Analisis Yuridis Penggunaan Sertifikat Vaksinasi Sebagai Syarat Pelaporan Dugaan Tindak Pidana." *Jurnal Suara Hukum* 4, no. 1 (2022): 1–21. <https://doi.org/10.26740/jsh.v4n1.p1-21>.
- 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).
- Andrianova, Anastasiya. "Can the Animal Consent? Zoophilia and the Limits of Logocentrism." In *Gender and Sexuality in Critical Animal Studies*, edited by Amber e. George. London: Lexington Books, 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).
- Arini, Khafifah Nuzia, and Herman Sujarwo. "Kedudukan Saksi Ahli Dalam Persidangan Perkara Pidana." *Syariat: Jurnal Studi Al-Qur'an Dan Hukum* 7, no. 2 (2021): 245–56.
- Aristo Evandy A.Barlihan 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.
- Bassano, Giuditte. "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>.
- 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>.

- 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>.
- Darwis, Sri Astuti Ana, Abdul Wahid Haddade, and Andi Muhammad Akmal. "Sexual Deviation of Animals Between Law and Sharia; a Comparative Analysis." *Mazahibuna: Jurnal Perbandingan Mazhab* 3, no. 2 (2021): 118–29.
- Dion Valerian. "Kriteria Kriminalisasi: Analisis Pemikiran Moeljatno, Sudarto, Theo De Roos, Dan Iris Haenen." *Veritas et Justitia* 8, no. 2 (2022).
- Elsaftawy, Enas A, Asmaa Mohammad Moawad, Ahmed Hamdy Badr, Mostafa Elnakib, and Fatma Nada Khalifa. "Bestiality: A Crossing Point for The Emergence and Renaissance of Zoonosis." *Zagazig Journal of Forensic Medicine* 22, no. 1 (2024): 104–26.
- Enny Nurcahyawati, Catur Sunu Wijayanto, and Apipudin. "Implementasi Nilai Religi Pada Sila Pertama Untuk Ketahanan Nasional Yang Unggul." *Jagaddhita* 2, no. 2 (2023).
- Fathanudien, Anthon. "Penyuluhan Hukum Dalam Rangka Pencegahan Tindak Pidana Narkotika Bagi Masyarakat Di Kelurahan Windusengkahan." *Inisiatif: Jurnal Dedikasi Pengabdian Masyarakat* 3, no. 2 (December 25, 2024): 116–25. <https://doi.org/10.61227/inisiatif.v3i2.192>.
- 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>.
- Fuadi Isnawan. "Kesadaran Dan Ketaatan Hukum Masyarakat Untuk Memakai Masker Selama Pandemi Covid-19." *Bedah Hukum* 5, no. 1 (2021). <https://doi.org/10.36596/jbh.v5i1.493>.
- Hariyanto. "Pembangunan Hukum Nasional Berdasarkan Nilai-Nilai Pancasila." *Volkgeist* 1, no. 1 (2018).
- 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>.
- Isima, Nurlaila. "Kedudukan Alat Bukti Elektronik Dalam Pembuktian Perkara Pidana." *Gorontalo Law Review* 5, no. 1 (2022): 179–89.
- Isnawan, Fuadi. "Analysis of the Indonesian Criminal Code's Respect for Animals." *Jurnal Hukum Magnum Opus* 8, no. 1 (2025): 39–74.
- 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>.
- Kompas.com. "Kisah Pilu Pony, Orangutan Yang Dijadikan Pelacur Di Kalimantan Dan Kondisinya Kini." August 14, 2023. <https://www.kompas.com/tren/read/2023/08/14/170000465/kisah-pilu-pony-orangutan-yang-dijadikan-pelacur-di-kalimantan-dan?page=all>.
- Kulnides, Narong, and Athip Lorsirigool. "The Role of Veterinarians in Forensic Science: A Review." *World's Veterinary Journal*, no. 3 (2023): 452–58. <https://dx.doi.org/10.54203/scil.2023.wvj49>.

- 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).
- 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 Fitrono. "Implementasi Nilai-Nilai Pancasila Dalam Kehidupan Sehari-Hari." *Jurnal Gema Keadilan* 9, no. II (2022).
- Marsya Razita Nur Sabrina, Mira Aurelita, Syanaya Karina Hanum, Marsha Aulia Dwimahendra, Audrey Azka Bilqis, Melian Sahara, and Mulyadi Mulyadi. "Partisipasi Masyarakat Dalam Penegakan Hukum Terkait Perlindungan Satwa Di Indonesia." *Khirani: Jurnal Pendidikan Anak Usia Dini* 1, no. 2 (June 6, 2023): 95–105. <https://doi.org/10.47861/khirani.v1i2.223>.
- Ni Wayan Eka Sumartini. "Penyuluhan Hukum Di Era Digital." In *Digitalisasi Pendidikan Sekolah Dasar*. Palangkaraya: Institut Agama Hindu Negeri Tampung Penyang Palangka Raya, 2021. <https://doi.org/10.33363/sn.v0i3.101>.
- Okyere-Manu, Beatrice Dedaa. "Shifting Intimate Sexual Relations from Humans to Machines: An African Indigenous Ethical Perspective." In *African Values, Ethics, and Technology: Questions, Issues, and Approaches*, edited by Beatrice Dedaa Okyere-Manu, 105–21. Cham: Springer International Publishing, 2021. https://doi.org/10.1007/978-3-030-70550-3_7.
- Prawitasari, Nining Yurista. "Analisis Yuridis Pertanggungjawaban Pidana Terhadap Pelaku Eksploitasi Seksual Pony Si Orangutan." *Iuris Studia: Jurnal Kajian Hukum* 5, no. 2 (2024): 266–73.
- Prayudi, Rian. "Perbandingan Pasal KUHP Lama Dan KUHP Baru Tentang Pertanggungjawaban Terhadap Pelaku Tindak Pidana Pembunuhan Hewan." *Jurnal Review Pendidikan Dan Pengajaran (JRPP)* 7, no. 3 (2024): 11467–78.
- Puji Ayu Handayani and Dinie Anggraeni D. "Implementasi Pancasila Sebagai Dasar Negara." *Jurnal Kewarganegaraan* 5, no. 1 (2021).
- Rahmah, Ghina Annisa, Diana Haiti, and Anang S Tornado. "Objektivitas Keterangan Ahli Dalam Persidangan Perkara Pidana Menurut KUHP." *Jurnal Ilmu Hukum Prima* 6, no. 2 (2023): 275–86.
- 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).
- Riky Sembiring. "Keadilan Pancasila Dalam Persepektif Teori Keadilan Aristotele." *Jurnal Aktual Justice* 3, no. 2 (2018).
- Risnanda, Azhara Devica and Handar Subhandi Bakhtiar. "Perlindungan Hukum Dalam Klasifikasi Bentuk Kekerasan Terhadap Hewan Di Indonesia." *Res Nullius Law Journal* 5, no. 2 (2023): 123–34. <https://doi.org/10.34010/rnlj.v5i2.9789>.
- Ritisha Choudary. "Beastly Nature of Mankind." *International Journal of Law Management & Humanities* V, no. 3 (2021).

- Safitri, Ria, Andjela Lenora Kelmaskouw, Ahmad Deing, Bonin Bonin, and Bambang Agus Haryanto. "Edukasi Hukum Melalui Media Sosial Bagi Generasi Z." *Jurnal Citizenship Virtues* 2, no. 2 (2022): 377–85.
- 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 Uly Marshinta. "Kajian Moralitas Dan Etika Terhadap Pelaksanaan Hukum Media Di Indonesia." *JURNAL HUKUM, POLITIK DAN ILMU SOSIAL (JHPIS)* 2, no. 1 (2023).
- Singletary, Gilbert. "Law Enforcement Education and Training: A Review of Literature and Critical Analysis." *Education in the Health Professions* 2, no. 1 (2019). https://journals.lww.com/ehpf/fulltext/2019/02010/law_enforcement_education_and_training__a_review.3.aspx.
- Sisodia, Usha. "Chain of Custody: Scaling the Investigation to the Event." In *Crime Scene Management within Forensic Science: Forensic Techniques for Criminal Investigations*, edited by Jaskaran Singh and Neeta Raj Sharma, 407–18. Singapore: Springer Singapore, 2022. https://doi.org/10.1007/978-981-16-6683-4_16.
- Solikin, Nur. *Pengantar Metodologi Penelitian Hukum*. Pasuruan: Qiara Media, 2021.
- Supriyedi Syamsuri. "Politik Hukum Pemerintah Terhadap Kebijakan Remisi." *Sol Justicia* 4, no. 2 (2021).
- Szilvia Vetter, Anita Boros, and László Ózsvári. "Penal Sanctioning of Zoophilia in Light of the Legal Status of Animals—A Comparative Analysis of Fifteen European Countries." *Animals* 10 (2020). <http://dx.doi.org/10.3390/ani10061024>.
- Tobias Kardiman. "Sila Ketiga Pancasila Fondasi Dalam Menyukseskan Demokrasi Inklusif (Sebagai Upaya Menangkal Politik Identitas)." *Sovereignty: Jurnal Demokrasi Dan Ketahanan Nasional* 3, no. 1 (2024).
- Touroo, R., K. Baucom, M. Kessler, and M. Smith-Blackmore. "Minimum Standards and Best Practices for the Clinical Veterinary Forensic Examination of the Suspected Abused Animal." *Forensic Science International: Reports* 2 (December 1, 2020): 100150. <https://doi.org/10.1016/j.fsir.2020.100150>.
- Tsumarieva, Natalia, Maksym Hryshchenko, Stanislav Merdov, Volodymyr Hospodarenko, and Dmytro Kyslenko. "The Model of Training Law Enforcement Officers' Readiness For Professional Self-Fulfillment." *Amazonia Investiga* 12, no. 63 (April 30, 2023): 277–88. <https://doi.org/10.34069/AI/2023.63.03.26>.
- 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>.

- 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).
- 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>.
- Željko, Bjelajac, and Merdović Boro. "Internet in The Function of Promotion of Bestiality: Profiling Zoophiles." *International Journal of Cognitive Research in Science, Engineering and Education* 11, no. 1 (2023): 153–64.
- Zulfikriyah, Mei Ayu, Arini Mayang Fauni, Aufa Maulida Zakiyah, Aulia Rizki Sabila, and Muhamad Irsyad Hanafi. "Keabsahan Pernikahan Manusia Dengan Hewan Perspektif Hukum Islam Dan Positif." *Humani* 1, no. 1 (2024).

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