

Implications of Fulfilling Animal Welfare and Animal Protection Due to Speciesist and Anthropocentric Beliefs

(IMPLIKASI PEMENUHAN KESEJAHTERAAN HEWAN DAN PERLINDUNGAN HEWAN AKIBAT Pandangan Spesiesist dan Antroposentris)

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Abstract

Every year, billions of animals are slaughtered on industrial agricultures and animals whose status does not include under the category of protected animals and stray dogs or cats are subjected to various kinds of abusive behavior by human as a result of the moral exclusion of animals of certain species. The idea of speciesism and anthropocentrism causes suffering on a massive scale that people may find hard to fathom. This paper discusses the definition of speciesism, anthropocentrism and its impact on advocacy for farm animals, stray animals and wild animals that are not protected by law, which begins with an explanation of how animals stand before the law and how society practices the concept of speciesism and anthropocentrism which has an impact on animal welfare. Then, identify how speciesism and anthropocentrism affects the protection of animals classified in certain species as a result of unfavorable protection or treatment for the animals. The position of animals that are still categorized as property by the law makes it difficult to apply animal protection for certain species of animals and for them who do not have owners. This condition occurs because the definitions of animals included in various existing laws are not in line with the clauses in the articles that should protect certain animal species as stated in the definitions in the regulations. In addition, there is a strong belief that certain species of animals such as the wildlife animals which are legally protected, companion animals (i.e. dogs and cats) and animals whose owned by people are more deserving of protection than other animal species and for non-owned animals. At the end of writing, this paper examines how the concepts of speciesism and anthropocentrism, which are unfavorable treatment or consideration towards those who are not categorized as the human and towards certain animal species which often become victims of speciesist and anthropocentric ideas have an impact on animal law protection.

Keywords: Advocacy; animal welfare; anthropocentrism; law; speciesism.

This article was presented at the Animal Welfare Indonesia 1st Conference 2022 seminar organized by JAAN supported by FOUR PAWS on December 14 2022, and has passed selection and review by the seminar editorial team. Buletin Veteriner Udayana published this article under a cooperation contract between Udayana University and JAAN.

INTRODUCTION

Every year, billions of animals are slaughtered on industrial agricultures (Orzechowski, 2022). The practice causes animal suffering on a massive scale that up to recently small amount of people are understood. Not merely farm animals that are often forgotten that they are able to feel pain and suffering for how they are being

treated and how their welfare is fulfilled by humans, however akin thing also happens to wild animals whose status is not legally protected.

Based on Bas Sanders' statement (2018), who has explored more than 50 years of animal slaughter trends, claims that there are 5 species of farm animals that are slaughtered the most globally, that are

cows, chickens, goats, pigs and sheeps based on the data from Food Agriculture Organization (FAO, 2022). Data for 1961-2020 shows that chickens are the most land animals to be slaughtered throughout the world, followed by pigs, sheep and cows (FAO, 2022).

Various forms of suffering that occur in wild animals, stray dogs and cats and farm animals pose various kinds of threats to human life, such as conflicts between humans and animals due to damaged natural habitats so that they have difficulty finding food, emergence of zoonoses caused by pain and stress experienced by animals due to living close to humans or because animal welfare is not fulfilled.

RESEARCH METHODS

Research Time Period

The research was conducted based on the idea of speciesism and anthropocentrism that occur in a society which has an impact on the protection of certain animal species. The period of time conducting research was carried out from November to December 2022.

Data Collection and Analysis

The research was conducted using the empirical legal research method, which is a legal research method that aims to be able to see the law in a real sense and examine how the law works in a society. Because in this empirical legal research is researching people in the relationship of life in society, the empirical legal research method can also be said to be sociological legal research.

The author collected information sourced from scientific articles by previous researchers, and various reports from foundations, organizations, and institutions working in the field of animal protection. A collection of information obtained from scientific articles and reports serves as supporting information to obtain specific descriptions of the treatment of government institutions and society in their

participation in protecting certain animal species.

A general and specific information which are collected then studied and reviewed according to the author's background, that is law. The author then performs an analysis with an exploratory descriptive method. This method is used to explain the circumstances or phenomena that occur based on the discussion. Through this method, the author attempts to analyze the Implications of fulfilling animal welfare and animal protection due to speciesist and anthropocentric beliefs. The author then presents the results of the research and provides appropriate considerations.

RESULT AND DISCUSSION

Speciesism Toward Animals

Discrimination towards certain animal species has become normalized things done by humans. A number of philosophers have observed the way humans treat animals, describing a form of discrimination referred to as speciesist as a deliberate attempt to express equality in other forms of unjustified discrimination such as racism and sexism (Horta, 2010; Ryder, 2017; Singer, 1975, 2009). Speciesism is a form of discrimination that occurs when other individuals are given lower moral considerations than others or are treated worse for some reasons that cannot be justified (Animal Ethics, 2022). Discrimination also occurs toward humans based on gender, skin color, sexual preference, and for many other reasons (Kopnina et al, 2018). Meanwhile, non-owned animals, farm animals and wild animals that are not legally protected are groups of animals that often-become victims of speciesism.

Speciesism is a term used in philosophy regarding how one treats individuals of different species (Ryder, 2010). This term comes from Richard D. Ryder's argument in 1970 to protest animal experimentation. Then in 1975, this term was popularized by Peter Singer in his book *Animal Liberation* (Zihao, 2021). Philosopher Peter Singer

defines speciesism as “a prejudice or bias that favors the interests of members of one's own species and against those of members of other species.” But it is also speciesist to treat a species of animal as more valuable than another (Singer, 1975).

According to the article ‘What is Speciesism?’ (Horta, 2010) there are three statements of speciesism, which are; Statement 1: Speciesism is the unjustified disadvantageous consideration or treatment of those who are not classified as belonging to one or more particular species; Statement 2: Speciesism is the unjustified disadvantageous consideration or treatment of those who are not classified as belonging to one or more particular species for reasons that do not have to do with the individual capacities they have; and Statement 3: Speciesism is the unjustified disadvantageous consideration or treatment of those that are not classified as belonging to one or more particular species on the basis of species membership alone.

There was a special term used to oppose the idea of speciesism which is called anti-speciesism. Anti-speciesism is a notion that suffering of any animals is considered equal, regardless of the individual species involved (Effective Altruism, 2020). Furthermore, anti-speciesism is an opposition to discrimination based on species membership. This is an attitude of resistance to various abusive activities that have long been normalized to use, eat or ignore certain animal species (Center for Reducing Suffering, 2022). Anti-speciesism does not require humans to treat all animal species equally, but only requires that humans consider the interests of all animal species in social relations, freedom in expressing their natural behavior, and physical and psychological suffering, regardless of their species (Center for Reducing Suffering, 2022).

Even though Indonesian law stipulates generally declared on how farm animals and wild animal welfare must be fulfilled, the belief in speciesism and anthropocentrism that is deeply rooted in

the society. Hence, it poses humans concerning more to fulfilled the welfare of certain animal species such as dogs, and cats, owned animals or animals whose population is already threatened with extinction rather than fulfill the welfare of farm animals such as chickens, cows, pigs, goats, fish, etc.

Anthropocentrism Toward Animals

The justification why there is still much debate about the importance of fulfilling animal welfare apart from the belief in speciesism is because humans have a strong understanding of anthropocentrism. Anthropocentrism literally means human-centered, but in its most relevant philosophical form is the belief that only humans have intrinsic value. In contrast, all other creatures have value only in their ability to serve humans, or in their instrumental value (Goralnik and Nelson, 2012). People with strong anthropocentric beliefs tend to see humans as separate from nature or as part of nature but at the top of the species hierarchy (Goralnik and Nelson, 2012).

If traced in religious traditions, such as Judeo-Christianity, and ancient Greek philosophy. The word anthropocentrism comes from the Greek *anthrōpos* which means human and *kéntron* which means center (Coffey, 2022). From an anthropocentric perspective, all creatures and objects are only useful in so far as they contribute to human survival and enjoyment (Goralnik and Nelson, 2012). Humans believe that although humans exploit nature and all other living beings in it, they claim that they protect it for human life and therefore benefit indirectly through human protection.

Animal Welfare and Animal Law Protection

In accordance to Indonesian law, the definition of animal welfare stated in the Act of Husbandry and Animal Health and Government Regulation Number 95 of 2012 concerning Public Veterinary Health and Animal Welfare. Whereas, in another

regulation which contains the protection of wild animals, which is Act Number 5 of 1990 regarding the Conservation of Natural Resources and Its Ecosystems, there is no elucidation of animal welfare standards for wild animals. However, this act only covers protection or prohibition for: catch, injure, kill, store, possess, nurture, transport, and trade-in protected animals in alive condition; store, possess, nurture, transport, and trade-in protected animals in dead condition; take out any protected animals from a place in Indonesia to other places inside or outside Indonesia; trade-in, store or possess leather, body or other parts of protected animals or goods made of parts of the animals or take the out from a place in Indonesia to other places inside or outside Indonesia; and take, damage, abolish, trade-in, store or possess eggs and/or nests of protected animals

However, this regulation is not covered for animals whose status is unprotected. Therefore, how their welfare should be fulfilled is not stipulated in this law. This condition resulted on how the law enforcer and society consider have no obligation to protect unprotected animal. Everyone has a legal obligation to ensure the welfare of animals under their control, such as ensuring that animals are free from hunger, thirst and malnutrition; freedom from fear and depression; free from physical suffering; pain free; injuries and illnesses; and freely express their natural behavior.

Based on Article 66 paragraph 1, Act number 41 of 2014 amendment to Law Number 18 of 2009 concerning Husbandry and Animal Health, the definition of animal welfare is: “all matters relating to animal physical and mental conditions based on the natural behavior of animal that needs to be applied and enforced for animal protection from any unreasonable action of any person against the animal that is beneficial to human being.”

The principle of animal welfare must be upheld by all people who care for animals or anyone who is responsible for animals. Furthermore, in Act Number 41 number 41

of 2014, is stated in more detail regarding what aspects must be considered in fulfilling animal welfare, including in terms of all measures that shall be taken that relate to catching and handling, placement and multiplication, care, transportation, slaughtering and killing, as well as reasonable treatment and tender care of the animal. Furthermore, in Article 66 paragraph 2 of this law it is explained in detail how to implement it. This law applies to all vertebrates and several of invertebrates' animals and can feel pain.

If we examine more deeply how government institutions, companies, and societies contribute to fulfilling animal welfare, it is still far from what is mandated by the law. A speciesist, anthropocentric, or discriminatory perspective on fulfilling animal welfare for certain animal species, namely farm animals and wild animals that are not protected as covered in those two acts, is unacceptable. On the other hand, the fulfillment of animal welfare for all animal species, including animals that are not included in the list of endangered animals, has the right to obtain legal protection because they both have the ability to get freedom, feel pain and live without interference from humans. Thus, the fulfillment of animal welfare should not be judged only on the basis of its species.

Speciesism in Society's Everyday Life Towards Farm Animals

Generally, in many developing countries, the concept of animal welfare depends more on the religious and ethical background of people than on the legislation itself. Based on data from the Department of Primary Industry Australia in 2005 as described in Figure 1, it is stated that Indonesia is a country that has a considerably low level of concern for animal welfare compared to 16 other countries (Satya, 2005). In Figure 2, it is also explained about how the percentage of public awareness in Indonesia compared to other countries for the condition of the farm animals' enclosures, how to handle animals and their transportation process which is

shown in Figure 3. It is also reported that Indonesia has appalling level of concern (Satya, 2005).

Each day, scenes of how farm animals are treated improperly and far from animal welfare standards are often normalized. How the animal welfare standard is met on the farms so that farm animals can live in prosperity and express their natural behavior is still far from expectancy. Based on the data presented at the Workshop on Strengthening Animal Welfare Laws taken from the Department of Primary Industry Australia "Beyond Price and Quality" public awareness of animal welfare issues is also at a dejected level (Satya, 2005). Furthermore, a considerably low percentage is also shown in the graph regarding consumer concern about the condition of the cattle barn and how consumers care about how livestock is transported and handled (Satya, 2005).

An illustration of speciesism is that some species of animals are commonly used as food, cloth, laboratory test subjects, etc., while others are not. As a result of the speciesism idea that is still believed by many people, certain animal species experience various abusive activities such as how farmer raise farm animals that are far from encounter the minimum standards of animal welfare, how farm animals are being transported from one place to another without provided with food and drink as a basic thing that must be fulfilled as stated at husbandry and animal health act, 2014, it is commonly found how farm animal is being slaughtered which is not in accordance with the procedure for slaughtering animals based on guidance from World Organization for Animal Health or from the ministry of agriculture. Supposedly, justification should not be made based on what species they are and all mistreatment of all species of animals should be reduced and eliminated. Therefore, anti-speciesism is a possible thing and requires people not to treat certain species of animals with miserable implementation animal welfare standard for animals which used as a food,

objects or products. Their own well-being and interests must be properly considered and protected like any other species.

The Legal Status of Animals Based on Indonesian Law

In accordance of Indonesian law, animals are still categorized as property or objects and are considered as something that can be owned either by a person, legal entity (company, institution), or by the state. Animals are often seen as abundant resources, designed to be used, useful/valued only for human purposes or enjoyment. Ownership of an animal does not always mean that it is cared for responsibly because the 'owner' can manage all aspects of the animal's life.

The position of animals in legal terms which are still considered as property creates problems, for instance how society allows various kinds of exploitative actions towards animals that have become habits. The laws and legal systems of most Western countries have been a major cause in facilitating the exploitation of animals (Francione, 1996). Common-law and civil-law legal systems are dualistic in that there are two main normative entities in these systems: people and things. Animals are treated as an object, and, more specifically, as the property of people (Francione, 1996). The status of animals as property has severely limited the legal protections that states provide to animals (Francione, 1996). Any significant improvement in compliance with animal welfare will be extremely difficult to achieve as long as animals are considered property by law.

Farm animal ownership is legally attached to the farmer, in addition to wild animals whose ownership status is protected is attached to the state or to a legal entity. Meanwhile, other animal species, for instance wild animals that are not included in the list of protected animals, stray dogs and cats, are animals that are not attached to their ownership. This is can be observed by how laws, government institutions, legal entities and society treat other animal species outside of the category of

ownership of those animals. This is a common example of how speciesism beliefs occur that have a major impact on the fulfillment of animal welfare and its protection. If law is aim to be a valuable instrument for animals' freedom from the arbitrary treatment by humans, animal protection law reform must be directed at the status of animals which are not anymore as a property.

Article 1368 Indonesian Civil Code confirms the ownership of animals, namely: "The owner of an animal, or an individual who uses one, as long as the animal remains under his usage, is responsible for any damage caused by the animal, whether the animal is under his/her supervision and in his/her custody, or whether it is lost or has escaped".

Whereas in Article 490 paragraph 2 of the Penal Code, it is also stated regarding crime by the animal "owners" who neglect to look after their animals: "any person who does not restrain an animal under his care, when it assaults a man or an animal being ridden, put before a carriage or a transport vehicle or carrying a load;"

Although by the Indonesian law in general, animals are still considered goods or property, there is a definition of an animal that does not differentiate between species, namely: Government Regulation Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare. Article 1 paragraph 4: "Animals are those who's whole or part of their life cycle is on land, water, and/or air, either reared or in their habitat".

Act number 5 of 1990 concerning Conservation of The Living Natural, Resources and Its Ecosystems. Article 1 paragraph 5: "Animals are all kinds of animal natural resources that live on land and/or in the water, and/or in the air".

Meanwhile, in the several act there are definitions that describe certain categorized of animals, such as: Farm Animals Article 101 of the Criminal Code: Farm Animals are all animals with one hoof, ruminants and pigs

Companion Animals: Act No. 41 of 2014 concerning Amendments to Act Number 18 of 2009 concerning Husbandry and Animal Health, pets are defined as: Animals whose lives are partly or wholly dependent on humans for specific purposes

Wildlife: Act No. 5 of 1990 concerning Conservation and Natural Resources and Their Ecosystems: Wildlife are all animals that live on land, and/or in the water, and/or in the air that still have wild characteristics, whether free-living or kept by humans.

Although there are differences in the definitions of farm animals, pets and wildlife, in general, animals that have "ownership" status, especially pets (e.g. dogs, cats), are given more animal welfare consideration by humans than stray dogs and cats. Meanwhile, wildlife that is protected by law and "belongs" to the state is more concerned about its protection than wildlife that is not categorized as protected animals. However, although farm animals are commonly owned by somebody it does not have a crucial impact on the fulfillment of their welfare.

Gary L Francione, a Rutgers University Law Professor, argues that animals only need one right, which is the right not to be considered property (Francione and Garner, 2010). Francione also argues that we need to rethink our relationship with animals. Animals deserve equal consideration. Furthermore, animals are not a property and their presence in human life is essential. All living beings can feel pain and suffering and all have an interest in avoiding pain, suffering and death.

CONCLUSION

Rejecting the notion of speciesism also means looking objectively at our personal choices and changing choices that hurt animals. It's time to realize that all living beings deserve to be treated with kindness. We can reject speciesism and act with integrity and consistency towards all living beings, and the first step is to recognize that every animal has the right to live free from any human exploitation. Therefore, the

view of anti-speciesism is considered appropriately to be able to realize law reforms for the betterment animal protection. Anti-speciesism leads to equality of animals and requires everyone to treat animals equally, not discrimination based on their species. Dogs and cows should not be treated differently on the basis of their species. All living beings must be considered for their own inherent importance, no matter what species they are. Fulfillment of animal welfare is not only aimed at the animals themselves but also has a positive impact on human welfare and the environment. Accordingly it is crucial to have anti-speciesism idea that there is no increase in the emergence of new diseases that infect humans in the coming years since the UN Environment Program report states that 75% of new diseases that infect humans in the last 10 years are caused by pathogens originating from animals (United Nation Environment Programme. 2020).

Law reforms based on anti-speciesism may increase the welfare and legal protection for the animals themselves. Amendment in animal protection law can be achieved by eliminating the notions of speciesism and anthropocentrism within society and the government, thereby animal welfare and animal protection can be fulfilled. Make amendments toward animal protection laws that are just for all animal by adopting the idea of anti-speciesism is a crucial thing that can be done, as a result the fulfillment of animal welfare and protection can be applied for all species of animal including farm animals, non-owned animals, and wild animals whose status is not legally protected. Creating a new law which still rooted on speciesism and anthropocentrism will not fully benefit animal health, social development, poverty and hunger reduction, conflict management and environmental sustainability.

ACKNOWLEDGEMENT

The author would like to express her gratitude for the support from colleagues,

family, lecturers, as well as researchers and institutions whose findings have contributed to this research. The author also wants to apologize if there is an errancy in the preparation of this research. The author hopes that this research can be useful and able to become the basis for further research.

CONFLICT OF INTEREST

I certify that there is no conflict of interest with any financial, personal, or other relationships with other people or organization related to the material discussed in the manuscript.

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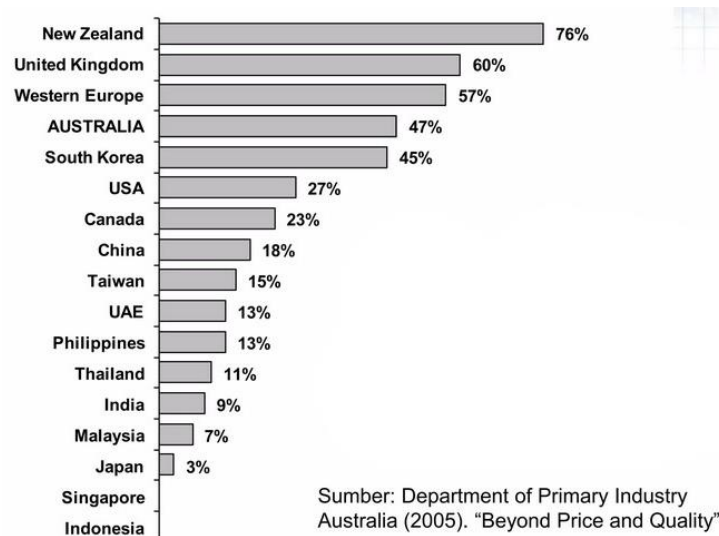


Figure 1. Public awareness level of animal welfare issues

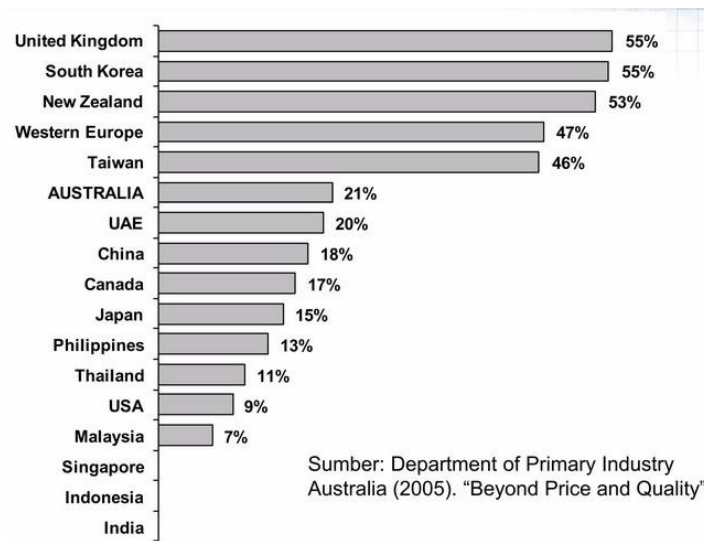


Figure 2. Consumers' concern for the condition of farm animals enclosures

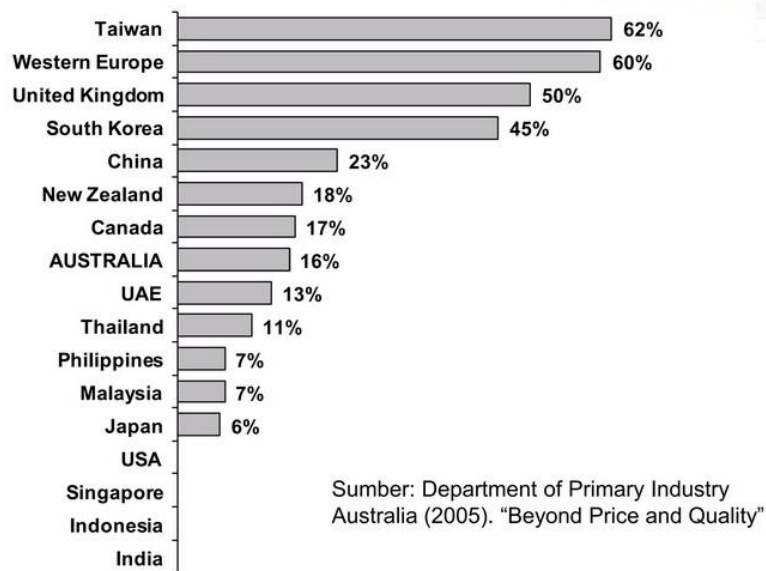


Figure 3. Consumers' concern for the interests of farm animals' transportation and handling