



# Analysis of Law Enforcement of Dog Smuggling Crime in Kulon Progo Regency: Case Study on Decision Number 95/Pid.Sus/2021/PT YYK

Kiki Novita Sawitri<sup>1</sup>, Ariesta Wibisono Anditya<sup>2</sup>

<sup>1,2</sup> Fakultas Ekonomi dan Sosial, Universitas Jenderal Achmad Yani Yogyakarta, Indonesia.

**Abstract:** This research analyzes the law enforcement of dog smuggling in Kulon Progo Regency with a case study of Decision Number 95/Pid.Sus/2021/PT YYK. Dog smuggling not only violates the law, but also poses a public health risk, especially related to the spread of rabies. The research method used is normative-empirical juridical with the approach of legislation, case studies, and systematic literature review. The results show that there is a discrepancy in the application of criminal sanctions by judges with the special minimum provisions in Article 89 paragraph (2) of Law No. 41/2014. In addition, the DIY Agriculture and Food Security Office has a strategic role, but faces resource constraints and regulatory gaps. This research emphasizes the importance of synergy between agencies, strengthening local policies, and increasing public awareness as an effort to prevent animal smuggling. The findings are expected to be an academic contribution and input for the formulation of more effective law enforcement policies against animal smuggling crimes, especially dogs.

**Keywords:** Animal smuggling, Decision Number 95/Pid.Sus/2021/PT YYK, Dogs, Law enforcement

## 1. Introduction

Animal smuggling has become a multidimensional issue encompassing legal, public health, environmental and ethical aspects at both national and international levels. International organizations such as the World Organisation for Animal Health (WOAH) and the World Health Organization (WHO) confirm that the illegal traffic in animals, including dogs, contributes to the spread of zoonotic diseases, posing a serious threat to global health and ecosystem balance. WOAH notes that the illegal trade in animals, including dogs, has a global economic value of billions of dollars each year, while facilitating the circulation of deadly diseases such as rabies, avian influenza and other zoonotic diseases. In Southeast Asia, especially Indonesia, dog smuggling is characterized not only by economic interests, but also by a culture of dog meat consumption rooted in social traditions in some regions (Binambuni, 2023). In some areas such as North Sulawesi, East Nusa Tenggara, and parts of Central Java, the consumption of dog meat is still considered normal and even part of traditional feasts, while in other areas it is seen as a cruel practice and against human values (Lestari, 2017). International and local animal protection organizations, such as Animal Defenders International and Animal Defenders Indonesia, have consistently condemned this practice, especially as many smuggled animals are wild-caught, transported in cruel conditions, without health certificates, and often suffer greatly during the shipping process (Wardhana, 2022). This practice not only violates animal welfare principles, but also poses a serious risk to public health, as these animals often carry dangerous diseases, including rabies, which is one of the Strategic Communicable Animal Diseases (PHMS) in Indonesia (Pratama, 2020).

In the national context, Indonesia faces a major challenge in controlling the smuggling of domestic animals, especially dogs. Based on data from the Ministry of Agriculture, rabies was still detected in 26 provinces in Indonesia in 2023, with the number of human cases reaching more than 600 rabies-positive dog bites a year, although not all resulted in death (Syahfitri, 2023). The Special Region of Yogyakarta (DIY), which has

### Correspondence:

Name: Kiki Novita Sawitri

Email: novitakiki149@gmail.com

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been declared a rabies-free province since 1997 through Decree of the Minister of Agriculture No. 892/Kpts/TN.560/9/1997, faces a great risk if animal traffic such as dogs is not closely monitored. The smuggling of dogs without valid health documents into DIY poses a real threat to its rabies-free status and raises concerns of a re-emergence of rabies outbreaks that could have fatal economic and public health consequences (Wardhana, 2022). In Indonesia's positive legal system, animal smuggling is regulated in Law No. 41/2014 on the Amendment to Law No. 18/2009 on Animal Husbandry and Animal Health, which in Article 89 paragraph (2) states a maximum penalty of one year imprisonment for perpetrators of animal smuggling without health documents. However, the implementation of this law in the field is often inconsistent.

In the framework of substantive justice, the provision of minimum sanctions is seen not merely as a means of retaliation against perpetrators of criminal acts, but rather as a preventive instrument aimed at protecting the public interest, particularly from zoonotic threats such as rabies that can spread through animal smuggling. This provision reflects real legal protection of the public's basic rights to health and safety. In this case, the state shows a firm stance that violations of the law that potentially endanger public health cannot be treated lightly. In addition, the provision of minimum sanctions has an important role as a means of prevention (deterrent) both in general (general prevention) and specifically (special prevention), namely preventing similar violations committed by the community at large and by individual perpetrators in the future (Hamzah, 2008).

Furthermore, the establishment of minimum sanctions also avoids inequality in law enforcement due to abuse of discretion by law enforcement officials, so that the principles of equality and substantive justice can be better realized. In the context of zoonoses related to environmental protection and public health, the existence of minimum sanctions is in line with the precautionary principle that demands preventive action despite scientific uncertainty related to potential hazards. Thus, the provision of minimum sanctions in the criminal act of animal smuggling does not only aim to punish, but also to ensure the achievement of collective protection and fulfillment of the right to health within the framework of substantive justice and oriented towards concrete protection (Rahardjo, 2000).

One of the highlighted cases was Decision Number 95/Pid.Sus/2021/PT YYK, which sentenced the defendant to 10 months in prison for smuggling 78 dogs into Yogyakarta without health certificates. This verdict is lower than the minimum sentence stipulated in the law, raising serious questions about the principle of legal certainty (Hiariej, 2019), substantive justice, and the effectiveness of law enforcement in providing a deterrent effect to the perpetrators. Some previous studies, such as Wardhana (2022), Suja (2023), have indeed addressed the issue of animal smuggling, but tend to focus on protected wildlife or on aspects of animal protection in general, rather than specifically examining domestic dog smuggling and the application of specific criminal minimums in the context of Indonesian positive law.

Thus, there is still a significant research gap, namely the absence of an in-depth analysis related to the application of special minimums in domestic dog smuggling cases, and the role of technical institutions such as the DIY Agriculture and Food Security Office in tackling domestic animal smuggling, both from the aspects of policy, technical operations, and cross-sector coordination. This study aims to fill this gap by critically examining how law enforcement against the crime of dog smuggling is carried out in Kulon Progo Regency based on Decision No. 95/Pid.Sus/2021/PT YYK, including analyzing the extent to which the judge's verdict is consistent with the minimum criminal provisions stipulated in the law. In addition, this research also aims to analyze the role and obstacles faced by the Department of Agriculture and Food Security of Yogyakarta in efforts to prevent and handle dog smuggling, as well as identify strategic steps in both penal and non-penal policy frameworks. This research is expected to not only provide an academic contribution to the environmental and animal health criminal law literature, but also serve as a practical policy recommendation for law enforcement agencies, technical agencies, and other stakeholders in order to strengthen law enforcement and supervision

of animal traffic in Indonesia. In addition, this research is expected to increase public awareness of the importance of animal smuggling not only as a violation of the law, but also as a real threat to public health, animal welfare, and public trust in the criminal justice system.

## 2. Materials and Methods

This research uses a normative-empirical juridical approach to understand dog smuggling both in terms of written law and practices in the field. The normative approach is carried out through the analysis of Law No. 41/2014 and its derivative regulations, legal doctrines, and court decisions, with a special focus on Decision No. 95/Pid.Sus/2021/PT YYK to examine legal construction, judges' considerations, and the suitability of the verdict with the minimum penalty.

An empirical approach was applied with semi-structured interviews with officials from the Yogyakarta Agriculture and Food Security Office, as well as law enforcement officers at the Wates District Attorney's Office and the Wates District Court, to explore constraints, strategies, and legal interpretations in handling animal smuggling, especially dogs. In addition, the research utilized secondary data from public documents, case data in the SIPP of the Wates District Court, agency reports, online news, and NGO publications, which showed that only one animal smuggling case was recorded at the Wates District Court, namely case Number 99/Pid.Sus/2021/PN Wates which was upheld at the appeal level.

The research also applied the Systematic Literature Review (SLR) technique with keywords related to law enforcement and animal smuggling, to find research gaps, compare empirical data with theory, and strengthen the conclusion analysis. Data analysis was conducted qualitatively through content analysis and thematic analysis, by categorizing findings into main themes, resulting in comprehensive, relevant and contextualized conclusions.

## 3. Results and Discussion

### 3.1. Regional Conditions, Dog Smuggling Patterns, and Regulatory Aspects

Kulon Progo Regency is located in the western part of the Special Region of Yogyakarta (DIY), directly adjacent to Central Java. Geographically, this district has a very strategic position because it is traversed by the Yogyakarta-Purworejo-Magelang-Semarang national route, which is one of the main interprovincial traffic routes on Java Island. In addition to the main route, the Kulon Progo region also has many alternative routes or rat routes that are often used to avoid officer checks. The varied geography, ranging from the southern coastal areas to the hilly areas in the north (Menoreh Mountains), creates its own challenges in animal traffic control. The region also has many forest areas, plantations, and remote villages that are difficult for officers to access, thus providing opportunities for smugglers to carry out illegal activities undetected. (Badan Pusat Statistik Kabupaten Kulon Progo, 2024). The economic potential of Kulon Progo Regency is largely supported by the agriculture, plantation and livestock sectors. Many local people depend on livestock and animal trading, including dogs. Market demand for dogs, both as pets and for meat consumption, is quite high. In some parts of Indonesia, dog meat consumption is still considered a cultural tradition, for example in North Sulawesi, parts of Central Java, and Bali (Widiari, 2025). Although dog meat consumption in Yogyakarta is not as high as in other regions, the Kulon Progo region is often used as a transit route for the distribution of dogs from areas of origin (e.g. West Java) to markets in Central or East Java. This creates a complicated dynamic, as the economic activities of the community often clash with legal and public health aspects (Sudarmadji, 2013).

Dog smuggling is generally carried out by networks of perpetrators who have been operating for a long time. They take advantage of gaps in surveillance, both in terms of the lack of officers in the field and weak local regulations. Modes used include loading dogs in closed vehicles, wrapping them in sacks, or hiding them in hidden spaces of

vehicles. Transportation is done mainly at night or early morning to avoid raids. The animals are often treated cruelly: crammed into sacks, denied food and water, and forced to travel long distances under severe stress. It is not uncommon for dogs to suffer injuries, broken bones, dehydration or even die before arriving at their destination. This smuggling practice not only undermines animal welfare, but also increases the risk of transmission of zoonotic diseases that endanger public health, such as rabies. (Herzalia & Maya, 2020). In terms of regulation, Law No. 41/2014 jo. Law No. 18/2009 on Animal Husbandry and Animal Health is the main legal basis that regulates animal traffic. Article 89 paragraph (2) states that any person who intentionally imports or distributes animals without an animal health document is sentenced to a minimum of one year in prison. In addition, Law No. 21/2019 on Quarantine of Animals, Fish and Plants strengthens the mandatory quarantine regulation for any inter-regional animal traffic. Unfortunately, implementation in the field is often hampered because Kulon Progo Regency does not yet have a specific Regional Regulation (Perda) that regulates in detail the supervision of animal traffic, including dogs. In the absence of this local regulation, law enforcement officials only rely on national regulations, while the socio-cultural and economic conditions of the region are not specifically accommodated. This creates a loophole for smugglers to take advantage of the weak legal situation.

At the community level, understanding of the obligation to carry documents such as the Animal Health Certificate (SKKH) is still very low. Many livestock businesses consider the SKKH only adds to operational costs, without realizing the importance of public health aspects. In fact, dogs without a valid health check are at risk of carrying the rabies virus to rabies-free areas such as DIY (Wiyono, 2019). This is ironic considering DIY has been declared a rabies-free province since 1997. However, without strict supervision, the rabies-free status could be jeopardized at any time. Therefore, Kulon Progo's geographical condition, increasingly sophisticated smuggling patterns, and weak local regulations are a combination of serious problems that demand more attention in law enforcement and public health protection.

### ***3.2. Law Enforcement of Case Decision No. 95/Pid.Sus/2021/PT YYK: Process, Legal Considerations, and Juridical Analysis***

The dog smuggling case recorded in Decision No. 95/Pid.Sus/2021/PT YYK is an important highlight because it is one of the animal smuggling cases that has been successfully processed up to the appeal level. The incident began on May 6, 2021 when the police conducted a Mudik Blocking Operation in the Temon area, Kulon Progo. The pickup truck driven by the defendant was stopped by officers because it looked suspicious. Upon inspection, 78 dogs were found being transported in a crowded condition and without official documents. The animals came from Garut and were going to Solo to be sold. Of the 78 dogs, only 62 were rescued alive, while the rest died due to the poor transportation conditions. Law enforcement then continued with the investigation process by the police, the preparation of case files by the prosecutor's office, and the trial at the Wates District Court. At the first level, the defendant was sentenced to 10 months imprisonment and a fine of Rp150 million in lieu of one month's imprisonment. The panel of judges at the Wates District Court considered several mitigating circumstances, including the defendant's cooperative attitude during the trial, his admission of guilt, and that he had never been convicted before. However, many consider this sentence to be too lenient, considering the minimum sentence of one year as stipulated in Article 89 paragraph (2) of Law No. 41/2014.

The Yogyakarta Court of Appeal through Decision No. 95/Pid.Sus/2021/PT YYK then corrected the first instance decision by emphasizing that the minimum penalty must be applied consistently. The Court of Appeal considered that the defendant's actions fulfilled all elements of the crime, both objectively and subjectively. The objective element was proven by the act of bringing a dog from a rabies infected area to a rabies free area without valid documents, while the subjective element was proven by the confession of the defendant who was aware of the requirement to carry SKKH documents but deliberately avoided it. The juridical analysis shows that the crime of dog

smuggling falls into the category of formal offense, which means that proof is sufficient by proving unlawful acts without the need for concrete consequences such as disease outbreaks to appear. This is in line with the preventive principle in criminal law, which aims to protect the public from the risk of zoonotic diseases (Prawira, 2024). The Court of Appeal emphasized that violating the obligation to carry health documents is a serious offense that can threaten the health of the general public.

However, this decision still leaves criticism. The 10-month prison sentence, although corrected at the appeal level, is considered not to reflect the principle of legal certainty, and has not been maximized in providing a deterrent effect (general prevention) and preventing the perpetrator from repeating the act (special prevention) (Moeljatno, 2008). John Rawls' theory of justice emphasizes the importance of laws protecting the most vulnerable, including animals and communities from the risk of disease (Harefa, 2020). From a utilitarianism point of view, a sentence that is too lenient may lead to the perception that animal smuggling is not a serious crime, thus not creating a deterrent effect (Banjo, 2025). Therefore, consistency in the application of the minimum penalty is crucial so that law enforcement is not only symbolic, but truly effective as an instrument of public protection and animal welfare.

### ***3.3. The Role of the DIY Agriculture Office and the Challenges of Animal Smuggling Law Enforcement***

The Department of Agriculture and Food Security of Yogyakarta, especially the Livestock and Animal Health Division, has a big responsibility in monitoring animal traffic, including countering dog smuggling (Pangan, n.d.). One of the important steps taken is socialization and education to the public, livestock traders, and animal lover communities about the importance of animal health documents such as SKKH. This socialization is not only done face-to-face, but also through social media, brochures, and cooperation with non-governmental organizations (Eleonora, 2019). The office is trying to instill awareness that health documents are not just an administrative obligation, but an important instrument to protect the public from the risk of zoonotic diseases such as rabies. In addition to preventive efforts, the Agency also conducts technical supervision in the field. Every animal that will be transshipped is examined for health, both physically and laboratory, before being given an SKKH. The office also establishes monitoring posts on vulnerable routes, such as the DIY-Jateng border. However, big challenges arise due to the limited number of personnel, while animal crossing routes in Yogyakarta are numerous and scattered, including rat routes that are difficult to monitor. In fact, some smugglers have mastered the patrol patterns of officers so they always look for loopholes to pass undetected.

The agency also plays a role in handling confiscated animals. Confiscated animals, such as in the case of Decision No. 95/Pid.Sus/2021/PT YYK, are placed in shelters to undergo quarantine, health checks, and intensive care. However, the cost of care is a big problem. The cost of vaccinations, food, and medical treatment is high, while local government budgets are limited. In the case of confiscated dogs, cooperation with the animal lovers' community is crucial to help finance and handle the animals so that they are not left to die or returned to the illegal trade. Another challenge is low public awareness. Many perpetrators consider carrying undocumented dogs to be harmless, despite the high risk of rabies transmission. Public ignorance or deliberate avoidance of legal obligations shows that animal smuggling is not only a law enforcement issue, but also a socio-cultural issue that requires an educative approach (Suwandi, 2021). The agency considers it important to have a multi-stakeholder approach, involving the government, law enforcement officials, NGOs, and the wider community to create a common awareness that animal smuggling is a serious and dangerous criminal offense (Hewan, 2021).

For the future, policy strengthening is needed in the form of local regulations that regulate animal traffic control in more detail and according to the local context. In addition, regular training for officers, capacity building of veterinary laboratories, and

increased cross-sectoral cooperation are important strategies. Handling animal smuggling should not stop at repressive measures, but must be accompanied by sustainable preventive policies. Protection of animals, public health, and ecosystem stability should be the main orientation of law enforcement policies in domestic animal traffic. The results of this study indicate that law enforcement against the crime of dog smuggling in Kulon Progo Regency, especially through Decision No. 95/Pid.Sus/2021/PT YYK, still faces challenges in applying the minimum criminal sanctions in accordance with the law. This finding is in line with previous research, such as Wardhana (Wardhana, 2022), who highlighted the lack of law enforcement in the trade of dogs without health documents, and Suja (Suja, 2023) which found lenient sentences in protected animal smuggling cases. However, this research enriches the legal discourse as it specifically examines the application of the criminal minimum in the context of domestic animal smuggling and identifies the practical obstacles faced by technical agencies such as the DIY Department of Agriculture and Food Security, especially in the field of animal husbandry and animal health.

From a hypothetical perspective, this finding supports the notion that sentences below the minimum penalty may weaken the deterrent effect and create the perception that animal smuggling is not a serious crime. Law enforcement is not only relevant in the context of animal protection, but also as an important instrument to safeguard public health, given the risk of rabies that accompanies smuggling dogs into rabies-free areas such as DIY. Therefore, law enforcement in animal smuggling cases should be viewed as an effort to protect public health, ecosystems, and principles of legal justice.

The implications of this research are wide-ranging, both for criminal law, health policy and animal protection. Strengthening local policies through special regulations, increasing the capacity of officers, and educating the public are needed to increase awareness of the dangers of animal smuggling. In the future, further research needs to examine in more depth the socio-cultural factors that encourage smuggling, the comparison of domestic and wildlife smuggling convictions, and the quantitative economic and public health impacts. Thus, animal smuggling law enforcement can be formulated more comprehensively, measurably, and effectively in preventing similar crimes in the future.

#### 4. Conclusions

Law enforcement against the crime of animal smuggling in Kulon Progo Regency as reflected in Decision Number 95/Pid.Sus/2021/PT YYK has been carried out in accordance with the provisions of Article 89 paragraph (2) jo Article 46 paragraph (5) of Law Number 41 of 2014 concerning Animal Husbandry and Animal Health. The defendant's act of importing dogs without official documents was proven to fulfill the criminal elements and the verdict reflects the proper application of the law in protecting the public from the risk of spreading animal diseases and maintaining order in animal traffic between regions. However, the sanction imposed is still relatively lenient so that it has not provided an optimal deterrent effect. Therefore, law enforcement needs to be strengthened through the application of stricter and more equitable sanctions. In addition, increasing the capacity of law enforcement officers in understanding the special provisions on animal husbandry and animal health is important to ensure more professional and responsive handling of cases. Judicial transparency also needs to be encouraged through increased publication of court decisions as a form of accountability and evaluation material to prevent the recurrence of similar cases in the future.

Meanwhile, the Yogyakarta Agriculture and Food Security Agency has made various efforts in handling animal smuggling, especially dogs, through socialization of regulations, issuance of Animal Health Certificates (SKHH), supervision of distribution channels, case handling, and recovery of animals in shelters. However, a number of obstacles are still faced, such as limited personnel, low public awareness, weak inter-agency coordination, and suboptimal legal sanctions. To address these challenges, it is recommended that the Agriculture Office improve animal traffic control by increasing personnel in the

field, expanding public education, and strengthening cross-sector synergies with related agencies such as the police, quarantine center, and BKSDA. In addition, local governments should also consider establishing local regulations such as Regional Regulations (Perda) or Governor Regulations (Pergub) that specifically regulate the protection of domestic animals and handling of distribution violations. The provision of more adequate shelter facilities also needs to be optimized to ensure the welfare of confiscated animals in accordance with applicable standards.

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