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Animals as Criminal Evidence in the Perspective of Criminal Procedure Law

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Abstract: This study aims to determine the conception of living things as evidence in a criminal offense based on existing legal regulations in Indonesia; the method used in this research is a normative method with a statutory approach, and the data used is secondary data, in the form of primary legal materials consisting of Law Number 8 of 1981 concerning Criminal Procedure (KUHAP) and the Draft Criminal Procedure Code (RKUHAP). The results of this study found that living things can be used as evidence if they meet several leading indicators, one of which is that these living things must be directly related to a criminal case; the novelty of this research regards the wetting and comparison of animals as evidence from the perspective of the Criminal Procedure Code and Draft Criminal Procedure Code.

Keywords: Animals; Crime; Evidence

INTRODUCTION

Roscoe Pound considers law as a tool of social engineering, meaning that norms and rules are needed to maintain an organized, systematic, and orderly society.¹ Law is divided into many unique aspects to handle certain aspects of a country's legal system, such as criminal law, civil law, state administrative law, and other laws that regulate humans in various aspects of life. The existence of law cannot be separated from violations of the law itself. If a breach has occurred, including in the realm of criminal law, then mandatory proof is needed to prove the presence or absence of unlawful acts. The obligation can only be carried out based on the existence of evidence as a means of proof.

Evidence in enforcing the examination of criminal cases, its position is critical and necessary to find out what, why, and how a criminal offense occurred.² The definition of

¹ Harpani Matnuh, "Law as a Tool of Social Engineering," in *Proceedings of the 1st International Conference on Social Sciences Education - "Multicultural Transformation in Education, Social Sciences and Wetland Environment" (ICSSE 2017)* (Paris, France: Atlantis Press, 2018), 118–20, <https://doi.org/10.2991/icsse-17.2018.28>.

² Marcelino Imanuel Makalew, Ruddy R. Watulingas, and Diana R. Pangemanan, "Substansi Barang Bukti Dalam Hukum Pembuktian Pada Peradilan Pidana," *Lex Privatum IX*, no. 8 (2021): 100–109.

evidence itself, according to Andi Hamzah, evidence in criminal cases is evidence regarding where the offense is committed (the object of the offense) and the goods with which the offense is committed (the tools used to achieve the offense), including goods that are the result of an offense. Evidence is one of the vital elements as a basis for deciding criminal cases. Generally, evidence is things that are in the form of goods or inanimate objects, such as knives in murder cases. Still, evidence can also take the form of living things or animate objects such as animals, both in their position as victims and as a means of committing crimes.

One example of a case that used animals as evidence was in a general criminal case with case number 72/pid.c/2023/PN. Padang, which presented a cat in the trial process. The case stems from three adult women who committed acts of mistreatment against a cat by forcing the cat to drink alcohol. The three perpetrators underwent a misdemeanor trial in which the judges sentenced them to two months' imprisonment with four months' probation.³

Such cases are common, such as mistreating abandoned animals like street dogs or cats. In addition, many cases utilize animals during the commission of criminal acts. This shows that animals have a role before the law, especially in proving the validity of a criminal act.

Other researchers have conducted several studies related to animals as evidence, one of which is a study conducted by Yonggi Oktavianus, where in his research, he discusses the decision on the crime of illegal animal trade, which makes cats as evidence.⁴ Ningsi Eato, in her research, discusses that valid evidence is evidence that meets the qualifications based on statutory rules and can be used as evidence.⁵ These two studies further strengthen animals' position in proving a criminal offense.

Based on the explanation above, the author is interested in further reviewing animals to prove a criminal offense according to Law Number 9 of 1981 concerning Criminal Procedure Law (KUHP) and the Draft Criminal Procedure Law (RKUHP). The author wants to know how and to what extent the conception of animals is evidence. This is important to understand how the law regulates the role of animals in proving criminal acts.

RESEARCH METHODS

The research method used in this research is the normative method, which uses

³ Bahana, "Buntut Viral Kucing Dicekoki Miras, Tiga Wanita Di Padang Resmi Divonis 2 Bulan Penjara," Jawa Pos, 2023, <https://radarjogja.jawapos.com/hukum-kriminal/652945846/buntut-viral-kucing-dicekoki-miras-tiga-wanita-di-padang-resmi-divonis-2-bulan-penjara>.

⁴ Yonggi Oktavianus and Erdianto Effendi, "TINJAUAN YURIDIS TERHADAP PUTUSAN HAKIM DALAM PERKARA NOMOR 1.513/PID. B/2014/PN. MDN TENTANG TINDAK PIDANA PERDAGANGAN ILLEGAL SATWA LIAR YANG DILINDUNGI DIKAITKAN DENGAN PRINSIP KEADILAN," *Jurnal Online Mahasiswa (JOM) Bidang Ilmu Hukum* 2, no. 1 (2015): 1–15.

⁵ Yurina Ningsi Eato, "Keabsahan Alat Bukti Dan Barang Bukti Pada Perkara Pidana," *Lex Crimen* 6, no. 2 (2017).

secondary data, namely legal norms, with a statutory approach.⁶ The data used in this research is secondary data consisting of primary legal materials and secondary legal materials.⁷ The primary legal materials used are Law Number 8 of 1981 concerning Criminal Procedure (KUHAP) and the Draft Criminal Procedure Code (RKUHAP). Meanwhile, secondary legal materials are obtained from books, journals, articles, and other literacies relevant to the topic raised. Then, the data is analyzed deductively and presented descriptively qualitatively to produce research results that can be accounted for.

RESULT AND DISCUSSION

Evidence in the Criminal Procedure Code (KUHP) and Draft Criminal Procedure Code (RKUHAP)

An act cannot be considered a criminal offense unless it is by the provisions formulated in the Criminal Code (KUHP), and some things can prove it. This is because not all legal events have criminal elements in them unless there is preliminary evidence that leads to the possibility of a criminal offense.⁸ The existence of evidence and other evidence in a criminal case is essential during the legal process from the investigation stage to the trial stage, considering that the decision to be handed down by the panel of judges depends on how the evidence during the trial process.⁹

Subekti believes that proof is an effort to convince the judge of the truth of the arguments or arguments put forward in a dispute.¹⁰ Meanwhile, Sudikno Mertokusumo has a different opinion, namely, what is referred to in the juridical sense of the context of proof is an effort to provide sufficient grounds for the judge examining the case concerned to provide certainty about the truth of the legal events submitted.¹¹ This explains that judges' decisions in sentencing defendants in criminal cases must be based on valid evidence.

The existence of evidence has been regulated in the provisions of Article 183 of the Criminal Procedure Law (KUHAP), which reads, "The judge may not impose a sentence on a person unless, with at least two valid means of evidence, he is convinced that a criminal offense has occurred and the defendant is guilty of committing it."¹² Whereas in the Draft

⁶ Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum: Normatif Dan Empiris* (Depok: Prenada Media Group, 2018).

⁷ Soekanto Soerjono and Sri Mamudji, "Penelitian Hukum Normatif," *Jakarta: Raja Grafindo Persada*, 2006.

⁸ Lelly Muridi Zham-Zham, Ferika Nurfransiskaa, and Cahya Andika, "PEMIKIRAN BARU DALAM PENGATURAN ALAT BUKTI DAN PEMBUKTIAN DALAM RUU KUHAP BESERTA POLITIK HUKUMNYA," *JURNAL LAWNESIA (Jurnal Hukum Negara Indonesia)* 1, no. 1 (2022): 5–11.

⁹ Richard Lokas, "Barang Bukti Dan Alat Bukti Dalam Kitab Undang-Undang Hukum Acara Pidana," *Lex Et Societatis* 3, no. 9 (2015).

¹⁰ Dendi Ari Galuh Pasiwi, "Keabsahan Tanda Tangan Elektronik Dalam Polis Elektronik Serta Kekuatan Pembuktiannya Dalam Perspektif Hukum Pembuktian," *Juris and Society: Jurnal Ilmiah Sosial Dan Humaniora* 1, no. 1 (2021): 131–42.

¹¹ Abdul Manan, "Penemuan Hukum Oleh Hakim Dalam Praktek Hukum Acara Di Peradilan Agama," *Jurnal Hukum Dan Peradilan* 2, no. 2 (2013): 189–202.

¹² Emil Khaira S. and Mohd. Din Dahlan, "Penetapan Barang Bukti Dalam Penyelidikan Dan Penyidikan Tindak Pidana," *Jurnal Ilmu Hukum Pascasarjana Universitas Syiah Kuala* 2, no. 1 (2016): 72–86.

Criminal Procedure Code (RKUHAP), this provision is regulated in Article 174, which reads, "Judges are prohibited from punishing the defendant unless the judge is convinced by at least 2 (two) valid evidence that a criminal offense occurred and the defendant is the one guilty of committing it." So, in determining whether a defendant is guilty of a criminal offense, his guilt must be proven with at least two pieces of evidence.¹³

According to Kartini's quote from Sudikno Mertokusumo, evidence is defined as a written document that includes all forms of written symbols intended to express one's heart or convey one's thoughts and is used as a means of proof.¹⁴ Evidence means everything that has a relationship with an act so that the existence of evidence can be used as evidentiary material in the realm of justice to generate and bring up the judge's confidence in a criminal act committed by the defendant.¹⁵ Evidence is everything that has to do with an act where the evidence can be submitted as a reinforcement or alleviation of claims in the law of evidence. As for the scope of civil law, evidence in writing is the most prioritized evidence than other evidence.¹⁶ In the criminal realm, several pieces of evidence are interrelated. Both KUHAP and RKUHAP regulate evidence. Evidence in the Criminal Procedure Law (KUHAP) is held in Article 184 paragraph (1) and is formulated into 5 (five) categories consisting of:¹⁷

- a. Witness testimony;
- b. Expert testimony;
- c. Letter;
- d. Clues;
- e. Statement of the defendant.

Meanwhile, evidence in the Draft Criminal Procedure Code (RKUHAP) is regulated in Article 175 paragraph (1), which includes:¹⁸

- a. evidence;
- b. letters;
- c. electronic evidence
- d. testimony of an expert
- e. testimony of a witness
- f. testimony of the defendant and
- g. judge's observation.

Based on the two articles, it is revealed that in the Criminal Procedure Code (KUHAP),

¹³ Rezy Januar Wilyana, Imam Budi Santoso, and Oci Senjaya, "Pembuktian Bukti Elektronik Di Persidangan," *Singaperbangsa Law Review (SILREV)* 1, no. 1 (2020): 164–83.

¹⁴ Kartini Siahaan, "Kedudukan Hukum Akta Notaris Sebagai Alat Bukti Pada Tindak Pidana Pemalsuan Surat Dalam Proses Peradilan Pidana," *Recital Review* 1, no. 2 (2019): 72–88.

¹⁵ Insan Pribadi, "Legalitas Alat Bukti Elektronik Dalam Sistem Peradilan Pidana," *Lex Renaissance* 3, no. 1 (2018): 4.

¹⁶ Lisa Suwandi, "Keabsahan Akta Pengakuan Dan Kuasa Yang Dibuat Oleh Notaris Dengan Menjamin Hak Atas Tanah Yang Dianggap Jual Beli Analisis Putusan Negeri Nomor 23/PDT. G/2016/PN MRS.," *Indonesian Notary* 3, no. 3 (2021): 25.

¹⁷ *KUHP & KUHAP* (Jakarta: Bhuana Ilmu Populer, 2017), <https://books.google.co.id/books?id=QFRJDwAAQBAJ>.

¹⁸ Rancangan Undang-Undang Kitab Undang-Undang Hukum Acara Pidana.

there are additions and changes in evidence, which initially consisted of only five categories of evidence. Still, in the Draft Criminal Procedure Code (RKUHAP), the number increased to 7 categories. The most significant difference in the provisions of evidence in the Criminal Procedure Code (KUHP) and the Draft Criminal Procedure Code (RKUHAP) is the addition of proof consisting of electronic evidence and observations of judges, as well as the disappearance of clues which are then replaced by evidence.

The Criminal Procedure Code (KUHP) considers evidence different from evidence because it cannot stand alone and is only additional evidence to other evidence. Evidence has its function in the implementation of criminal trials.¹⁹ The function of evidence is to strengthen the position of valid evidence and seek and find material truths about criminal acts being processed in a criminal trial. Then, after the evidence becomes supporting good evidence, the evidence can strengthen the judge's belief in the guilt charged by the prosecutor.²⁰

The Criminal Procedure Code does not mention the description of evidence, but the definition of evidence is similar to the description of confiscated goods.²¹ These provisions are contained in Article 39, paragraph 1 of the Criminal Procedure Code, which explains what items can be confiscated or can also be interpreted as provisions, as well as explanatory information of what is included as evidence, namely:²²

- a. *Objects or bills of the suspect or defendant which are wholly or partially suspected to have been obtained from criminal acts or as a result of criminal acts;*
- b. *Objects that have been used directly to commit a criminal offense or to prepare for it;*
- c. *Objects used to obstruct the investigation of a criminal offense;*
- d. *Objects specifically made or intended to commit a criminal offense;*
- e. *Other objects that have a direct relationship with the criminal offense committed.*

From this article, it can be seen that confiscated goods are identical to evidence in a criminal offense. All objects included in the five elements can be used as evidence. However, there is a more specific category, namely the characteristics of evidence. The characteristics of the evidence are: a). In the form of material objects, b). Speaking for yourself, c). It is the most valuable means of proof compared to other evidence means. d). The goods must be identified in advance with the testimony of witnesses and testimony from the defendant himself.²³

¹⁹ Darus Harizona, "Kekuatan Bukti Elektronik Sebagai Bukti Di Pengadilan Menurut Hukum Acara Pidana Dan Hukum Islam (Penggunaan Rekaman Gambar Closed Circuit Television)," *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 7, no. 1 (2018): 81–98.

²⁰ Laurentus Hermanuel Lbn Gaol and Redyanto Sidi, "Analisis Normatif Terhadap Kedudukan Alat Bukti Dalam Tindak Pidana Penganiayaan Ringan," *Innovative: Journal Of Social Science Research* 3, no. 5 (2023): 76–89.

²¹ Rachmad Abduh, "Kajian Hukum Rekam Medis Sebagai Alat Bukti Malapraktik Medis," *De Lega Lata: Jurnal Ilmu Hukum* 6, no. 1 (2021): 221–34.

²² *KUHP & KUHP.*

²³ Nurul Widhanita Y Badilla, "IMPLEMENTASI PASAL 184 KUHP TERHADAP PENANGANAN TINDAK PIDANA PENGANIAYAAN YANG SULIT DITEMUKAN BARANG BUKTI (STUDI KASUS DI KEPOLISIAN RESORT MERAUKE)," *Jurnal Komunikasi Hukum (JKH)* 8, no. 2 (2022): 559–69.

In contrast to the Criminal Procedure Code (KUHP), the Draft Criminal Procedure Code (RKUHP) recognizes evidence as legal evidence. The definition of evidence, as explained in Article 176 of the Draft Criminal Procedure Code (RKUHP), includes various tools or means used in committing a criminal offense, whether it is the object of a criminal offense, the result of a criminal offense, or even physical or material evidence that can prove the occurrence of a criminal offense. This assertion indicates a shift and expansion of the concept of evidence in the context of criminal procedure law.

Along with recognizing the position of evidence in the Draft Criminal Procedure Code (RKUHP), evidence now has a firmer position in the legal process. This helps clarify the role and position of evidence during the legal process. More apparent arrangements regarding evidence in the Draft Criminal Procedure Code (RKUHP) provide a more comprehensive legal framework and confidence that evidence has a significant role in proving criminal acts during the legal process.

Animals as Non-Criminal Evidence under the Criminal Procedure Code

Animals are entities that fall into the category of living things like humans and plants. Humans, animals, and plants, both creations of God, live side by side and need each other so that the intertwined relationships eventually give birth to many attachments or symbiosis. Animals can be a source of economic income for humans, for example, by raising livestock, or they can be a source of stress relief or psychological pressure by keeping pets that are docile and friendly to humans. Animals can be used for consumption, as a source of livelihood, or as guard animals with special functions, such as military or police dogs used as tracking devices.²⁴

Animals have a very significant role and relationship in life. One condition that is very likely to occur is where animals may become victims of crimes, such as persecution, exploitation, poaching, forest burning, illegal animal trade, and inhumane killings. These actions are prohibited by law and regulations. Animals are an integral part of this earth, so every country should have special rules governing the protection of animals and other living things besides humans.²⁵

Animals are not always victims of crime. Nowadays, many criminals utilize and take the role of animals as an integral part of their crime. This phenomenon creates a new dimension in the dynamics of crime, using animals to achieve specific criminal goals. Crimes involving animals should not be underestimated and dealt with under criminal law, even though some experts consider punishment the last resort in solving cases.²⁶ A person has

²⁴ Alya Maharani, "Tinjauan Yuridis Tentang Penerapan Hukuman Terhadap Pelaku Tindak Pidana Penganiayaan Hewan Yang Menyebabkan Kematian," in *National Conference on Law Studies (NCOLS)*, vol. 2, 2020, 675–86.

²⁵ Arba Arba, Any Suryani, and Galang Asmara, "Sistem Pendaftaran Tanah Yang Berlaku Di Indonesia," *Prosiding PEPADU 3* (2021): 395–401.

²⁶ Lies Sulistiani and Efa Laela Fakhriah, "The Effect of Extra Judicial Settlement in Criminal Cases Based on the Principle of *Ultimum Remedium*," *PADJADJARAN JURNAL ILMU HUKUM (JOURNAL OF LAW)* 10, no. 3 (2023): 300–320.

human rights over himself and also other people.²⁷ However, this does not prevent us from treating other living beings morally.²⁸ So, suppose someone utilizes the existence of animals for negative things. In that case, a compelling law needs to be enforced against him, considering that crimes against animals have been regulated in the law.²⁹

For example, a group of unscrupulous individuals may use pet dogs that have been inhumanely trained to be tools of intimidation. These dogs may be used in extortion or threats against specific individuals. The use of animals in such criminal schemes creates discomfort and anxiety among people who should feel safe. In addition, there are exotic animals that are also very likely to be used by illegal trade syndicates to smuggle illicit goods. These animals, such as birds or reptiles, are chosen for their ability to adapt and be challenging to detect by authorities. In this way, the animals act as a tool to hide the traces of crime. In some cases, domestic animals such as cats or seagulls can be turned into messengers or prohibited items in the criminal underworld. This creates a scenario where animals that should live in freedom and balance in the ecosystem are instead drawn into the dark world of crime.

In certain situations, animals can also help solve a crime. Animals' natural sensitivity to their surroundings, exceptional smell and hearing abilities, and keen instincts can be valuable sources of information for law enforcement. Sniffer dogs, for example, have become invaluable partners in uncovering the whereabouts or identifying criminals' tracks. With their excellent olfactory abilities, sniffer dogs can assist in locating evidence and missing victims or even recognize the hidden location of a crime. Birds of prey, such as hawks or owls, can also contribute to security surveillance. They can help detect suspicious activities or track unusual movements in a particular area. The presence of these animals often provides unique and unexpected perspectives that are difficult to achieve with traditional technologies or methods.

In addition, some animal species, such as dolphins or seals, are also trained to assist in rescuing and recovering essential objects associated with crimes on the water. Their navigation and detection skills can help save teams locate evidence or victims of crimes at sea. The existence of animals as aids in disclosing criminal acts shows that their involvement is not always associated with negative aspects. Instead, it illustrates animals' unique potential to support law enforcement efforts and community safety. Therefore, recognizing the positive role of animals in this context can bring significant benefits in crime disclosure and prevention.

Several provisions regulate criminal offenses involving animals. One example is found in Law No.18 of 2009 on Animal Husbandry and Health, Law No.1 of 1946 on Criminal Law

²⁷ Ken M P Setiawan, "Struggling for Justice in Post-Authoritarian States: Human Rights Protest in Indonesia," *The International Journal of Human Rights* 26, no. 3 (2022): 541–65.

²⁸ Muhammad Bahrul Ulum and Ari Wirya Dinata, "Navigating Human Rights in Indonesia and Beyond," *Lentera Hukum* 10, no. 1 (2023): i–viii.

²⁹ Dewi Asri Puanandini, "Penegakan Hukum Tindak Pidana Perdagangan Orang Pekerja Migran Indonesia," *Dalam Adliya: Jurnal Hukum Dan Kemanusiaan* 14 (2020).

(Old Criminal Code), and Law No.1 of 2023 (New Criminal Code) where in this Law, the act of mistreatment of animals is explained in the sixth section on Criminal Acts of Animal Husbandry, Carelessness, Maintenance, and Mistreatment of Animals Articles 336-338. Article 338, paragraph (1) of the New Criminal Code reads as follows:³⁰

"Shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of category II, any person who: a. uses and utilizes animals beyond their natural ability that can damage health, threaten safety, or cause death of animals; b. administers materials or drugs that can endanger animal health; or c. utilizes body parts or organs of animals for improper purposes."

Based on the explanation above, it can be understood that in the process of solving criminal acts before the law, animals can act as victims of crimes directed at the animals themselves, animals serve as supporting actors used by criminals in carrying out their actions, and animals can act as parties that help reveal criminal acts. So, the existence of animals has a vital position in proving criminal acts, especially crimes involving or utilizing the role of animals.

The fact that animals can be used as evidence in criminal acts against living beings is not rare. This is because animals can be victims of crime. However, animals can also be used as evidence in other criminal offenses if they are directly related to the crime. The existence of animals can be used as evidence not mentioned in gambling through written narratives in both the Criminal Procedure Code (KUHP) and the Draft Criminal Procedure Code (RKUHAP). Although Article 39, paragraph (1) of the Criminal Procedure Code (KUHP) states that "other objects that have a direct relationship with the criminal offense committed" can be used as evidence, there is no specific explanation regarding the inclusion of animals in this category.³¹ Likewise, the Draft Criminal Procedure Code (RKUHAP) only mentions a general phrase in Article 176 using "tools or means."

Generally, in criminal cases, evidence is taken from confiscated goods, usually inanimate objects and not living things such as animals and other living things other than humans. These confiscated items are taken from the defendant's belongings, which are considered to be used or related to the criminal offense charged to the defendant. These will later be drawn into evidence and used for the judge's consideration.³² However, not every criminal offense that is in the stage of confiscating goods suspected of being used or related to the criminal offense committed by the defendant is usually inanimate objects or goods.³³

In some cases, confiscated goods withdrawn into evidence can be in the form of living things or objects. Some instances in court present living things as evidence because the goods that are directly related to the criminal offense committed by the defendant are

³⁰ Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana.

³¹ KUHP & KUHP.

³² Atik Unasikah, "Hukum Pinjam Pakai Barang Bukti Hasil Tindak Pidana Pencurian," *Al-Jinayah: Jurnal Hukum Pidana Islam* 1, no. 1 (2015): 200–223.

³³ Sudaryono Sudaryono and Natangsa Surbakti, *Hukum Pidana Dasar-Dasar Hukum Pidana Berdasarkan KUHP Dan RUU KUHP* (Surakarta: Muhammadiyah University Press, 2017).

these living things, such as animal abuse and so on, because the criminal offense committed by the defendant is related to living things, so it does not exclude the possibility that the evidence presented is in the form of living things or animals concerned. So, animals can be used or categorized as evidence as long as the animal is directly related to the crime that occurred. This evidence is, of course, obtained first in the act of confiscation and then obtaining evidence which, after being investigated, has a direct relationship with the criminal act, including animals as evidence in the form of living things.

The mention of the phrase "other objects that have a direct relationship with the criminal offense committed" in the Criminal Procedure Code (KHAP) and "*tools or means used to commit a criminal offense or the object of a criminal offense or the result or physical or material evidence that can be used as evidence of a criminal offense*" in the Draft Criminal Procedure Code (RKUHAP) can at least be interpreted that animals can be considered as evidence as regulated in the Hetterziene in Landcsh Regerment ("HIR"), especially in Article 42 HIR if:

- a. Is an item that is used as a tool to commit a criminal offense;
In this situation, animals that could be categorized as items used as tools to commit criminal offenses are sniffer dogs trained to engage in illegal activities, such as dogs used in drug trafficking or extortion practices.
- b. Assisting in the commission of a criminal act;
Animals that assist in committing a criminal act may include owls used to convey forbidden messages or falcons trained to rob particular objects, providing unauthorized assistance in a criminal act.
- c. Being the purpose of the crime; or
The purpose of the crime may relate to poaching cases where certain animals are targeted for illegal trade or to profit from rare animal parts.
- d. Resulting from the commission of a criminal offense.
Animals resulting from the commission of a crime may include animals that are illegally kept or traded, for example, as a result of the trade in animals protected by law or as a result of cruel practices such as dogfighting or illegal hunting.

Suppose one or more of the four categories are included in the indicators of an animal obtained during the seizure of a criminal offense. In that case, the animal can be used as evidence. This also means that the animal can be presented, presented, and shown to a panel of judges in a criminal trial for the judges to obtain material evidence for the case being handled or examined.

If the animal is the result of or intended for a criminal offense, then the animal has the status of a victim and can also be used as evidence. If the animal is an item used as a tool or to commit a criminal offense, then the animal is considered evidence in the trial. While the existence of animals that act as assistants, for example, in the case of finding a dead body in a murder case, the KUHAP and RKUHAP view the position of the animal as only considered as technical assistance for investigators during crime scene processing, so that it

can lead to other evidence that supports the crime.³⁴

Overall, the role of animals as evidence in proving crimes demonstrates the complexity of criminal procedure law. The existence of animals as potential helpers or witnesses can contribute to the disclosure of some instances. However, even though animals can be used as evidence, the rights of animals must also be fulfilled, namely by avoiding animals from things that can hurt and hurt them.³⁵ Clarification and more detailed guidance in the criminal procedure law are needed to ensure that the use of animals as evidence is done fairly and by the principles of justice. Because of this, it is essential for the government further to review the Criminal Procedure Code (RKUHAP) to accommodate interests that are not regulated in the Criminal Procedure Code (KUHAP).

CONCLUSION

Evidence has a very crucial position in the continuity of the trial of a criminal offense. The presence of evidence is not only a complementary element but also significantly impacts determining the severity of the sentence imposed on the defendant. In the RKUHAP, evidence is recognized as evidence, marking a significant difference from the KUHAP, which does not explicitly mention evidence as separate evidence. Although there are differences in the recognition of evidence, both KUHAP and RKUHAP do not expressly state that animals can be submitted as evidence; through a deeper interpretation of the provisions contained in the two laws, it can be concluded that the existence of animals can still be used as evidence as long as their position is related to the criminal offense that occurred. To avoid confusion in the procedural law, further review is needed to produce comprehensive legislation.

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³⁴ Randi Jumantri, "PENGUNAAN ANJING PELACAK DALAM MENGUNGKAP TINDAK PIDANA PENGANIAYAAN YANG MENYEBABKAN MATINYA ORANG DI WILAYAH HUKUM POLRES SOLOK SELATAN (Studi Tentang Koordinasi Antara Penyidik Polres Solok Selatan Dengan Direktorat Samapta Polda Sumatera Barat Dala," *UNES Law Review* 3, no. 4 (2021): 321–31.

³⁵ Myrna Asnawati Safitri and Firman Firman, "Animal Welfare and Covid-19 in Indonesia: A Neglected Legal Issue," *Hasanuddin Law Review* 7, no. 1 (2021): 1–11.

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