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A Study of the Causal Factors of Animal Crimes in Malaysia

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ABSTRACT

This research paper investigates the numerous factors influencing the occurrence of animal crimes in Malaysia. Through a thorough examination of literature, the study aims to uncover the underlying causes behind the prevalent animal-related offenses in the country. The findings reveal that several key factors contribute to this issue, including a lack of awareness regarding animal welfare, inadequate enforcement of animal protection laws, and cultural attitudes that diminish the value of animals. To tackle this problem effectively, the study proposes a range of potential solutions. These include raising public awareness about animal welfare, enhancing the enforcement of existing animal protection laws, and fostering a cultural shift that recognizes and respects the intrinsic worth of animals. One crucial aspect of this study is its revelation that animal crimes are not haphazard acts, but rather, they are deeply rooted in social and cultural influences. By pinpointing these contributing factors and offering practical remedies, this research holds significant importance as it can guide policy-making and direct actions to mitigate animal crimes in Malaysia effectively.

Contribution/Originality: This study would be able to identify the causal factor of animal crimes in Malaysia and hence give light to authorities such as the Department of Veterinary Services and the Wildlife Department to suggest and create policies which would deter the causes from the root.

1. Introduction

A man in Malaysia was sentenced to two years in prison in September 2018 for killing a pregnant cat at a laundromat (New Straits Times, 2019). The following year, in August 2019, a dog was discovered dead with two arrows in its body (Bernama, 2019). In January 2020, a kitten was found with its legs and snout removed (Suzianah Nhazzla, 2022). In 2021, a man was caught on CCTV killing a dog with a bow and arrow, and the

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footage went viral (N. Trisha, 2021). In October 2022, a property manager was charged in the Magistrates' Court for flinging a cat to its death from the 15th floor of an apartment in Petaling Jaya (Bernama, 2022). Recently in March this year, a cat lover in Kuala Lumpur was found keeping numerous cat skeletons and carcasses in his condo unit and the discovery was made after complaints of a foul smell, leading to a police report (Bernama, 2023a). The Enforcement Division Director of the Department of Veterinary Services, Zaharinan Abd Aziz, reported that as of September 2021, 276 animal cruelty and neglect complaints had been filed, but only 39 of them were investigated and eight of those cases were brought to court under the Animal Welfare Act 2015 (The Star, 2021).

Stucki's (2020) states that animal rights can be understood as animals having claims against humans or the state, resulting in duties to avoid certain actions or provide certain goods or services. This structure of claim rights is suitable for animals as they are passive rights concerning the conduct of others and are enjoyed rather than exercised by the right holder (Stucki, 2020). This means animals have rights to refrain humans to do certain acts towards them. Therefore, in order to deter the occurrence of such crimes against animals the causal factor must be understood especially in Malaysia.

There is a problem in the Malaysian society because despite having legislations against animal crimes such as the Animal Welfare Act 2015, Section 428 of the Penal Code, and the Wildlife Conservation Act 2010 crimes against animals is still occurring. This problem has negatively impacted animals, animal lovers and Malaysia's Animal Protection Index (API) world ranking because of heinous crimes being committed all over Malaysia against defenceless animals. Perhaps a study which investigates the causal factors of animal crimes in Malaysia could remedy the situation.

2. Literature Review

2.1. Definition and scope of animal crime and animal welfare

Animal crime encompasses various acts of violence, cruelty, or neglect directed towards animals, such as domesticated animals, livestock, wildlife, and laboratory animals. Examples of animal crime include animal abuse, neglect, abandonment, animal fighting, and poaching. Such crimes not only cause harm, suffering, and death to animals but also pose risks to human health, safety, and overall well-being (Beirne & South, 2013).

While animal welfare refers to the moral and legal obligations humans bear to guarantee animals are treated with respect, compassion, and honour. It encompasses the physical and mental well-being of animals, ensuring they receive adequate food, water, shelter, veterinary attention, and compassionate treatment. Additionally, animal welfare involves safeguarding animals from harm, mistreatment, and negligence while advocating for policies and practices that prioritize their welfare (Baker, 2015).

According to the World Organisation for Animal Health under Chapter 7.1.1 of its Terrestrial Animal Health Code, animal welfare is defined as the physical and mental state of an animal in relation to the conditions in which it lives and dies (World Organization for Animal Health, 2021). Further stated under the same Chapter,

> *"An animal experiences good welfare if the animal is healthy, comfortable, well nourished, safe, is not suffering from unpleasant states*

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> *such as pain, fear and distress, and is able to express behaviours that are important for its physical and mental state.*
>
> *Good animal welfare requires disease prevention and appropriate veterinary care, shelter, management and nutrition, a stimulating and safe environment, humane handling and humane slaughter or killing. While animal welfare refers to the state of the animal, the treatment that an animal receives is covered by other terms such as animal care, animal husbandry, and humane treatment* (World Organization for Animal Health *1*, 2021)."

Animal welfare laws aim to minimize rather than completely ban lawful activities, such as slaughtering, while anti-cruelty statutes prohibit specific intentional actions that could harm animals, like kicking (Nurse, 2013).

Goal 3 of the Sustainable Development Goals (SDGs), one health approach involves a collaborative effort across diverse disciplines to achieve optimal health for humans, animals, and the environment. It acknowledges the interconnectedness of human, animal, and ecosystem health and welfare. By implementing effective animal welfare policies and ensuring their enforcement, we can effectively mitigate animal crimes (Otieno, 2020).

2.2. Causal factor of animal crime

The article by Nurse (2013) emphasizes a significant factor, which is the link between animal crime and other types of criminal activities. It suggests that animal abuse can serve as a sign or predictor of various forms of criminal behaviour, including domestic violence, child abuse, and serial homicide (Nurse, 2013). A research indicate that animal cruelty exhibits similar causal pathways and risk factors as observed in other forms of aggressive behaviours (Gullone, 2014). According to a study, individuals arrested for animal cruelty were also found to have a higher probability of prior domestic violence and drug-related offenses. This indicates that animal abuse might be an early warning sign of more severe criminal behaviours and could be linked to underlying issues like a lack of empathy or poor impulse control (Burchfield, 2018).

Certain authors propose that social and economic factors play a significant role in animal crime. Burchfield's research discovered that areas with higher poverty and unemployment rates had a greater prevalence of animal-related incidents. This might be attributed to limited access to resources, leading individuals to resort to criminal behaviour for survival. Additionally, the availability of resources like veterinary care and animal control services could influence the occurrence of animal crime, as mentioned in the article (Burchfield, 2016). Other authors also support this view, contending that neighbourhoods characterized by high poverty, unemployment, and crime rates are prone to experiencing issues with animal cruelty. These areas may lack the essential resources and infrastructure to ensure proper animal care, and residents might be more inclined to engage in abusive behaviour towards animals due to the burdens of economic and social stressors (Reese et al., 2020).

The article by Burchfield (2016) emphasizes another crucial aspect which is the impact of cultural norms and attitudes towards animals. The research revealed that individuals involved in animal-related crimes tend to perceive animals as mere property instead of

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sentient beings with rights. This perspective is often reinforced by cultural norms and can be influenced by factors like race, gender, and socioeconomic status (Burchfield, 2016). Additionally, certain authors propose that systemic factors, such as the industrialization of animal agriculture, can also play a role in animal abuse. The large-scale production of animals for food and other products can foster a culture of apathy towards animal suffering and may result in inhumane conditions and practices (Beirne & South, 2016).

Lastly, many studies found that ineffective law enforcement contribute to the rise of animal crimes. Burchfield's study also discovered that animal crimes were frequently not reported, and law enforcement agencies might face challenges due to inadequate resources and training to efficiently investigate and prosecute these offenses (Burchfield, 2016). Other studies strongly corroborated this claim, identifying the enforcement gap in animal laws as a primary causal factor leading to an increase in animal crimes, despite the presence of relevant legislations (Morton et al., 2020).

2.3. Animal crime in Malaysia

The Animal Welfare Act 2015 in Malaysia is designed to combat animal abuse and cruelty. It defines the rights and well-being of animals and enforces penalties for those who breach animal welfare laws. The law covers various animals, including domestic, livestock, and wildlife. It mandates animal owners to offer proper care, shelter, and food while banning practices like animal fighting and mutilation. The Department of Veterinary Services oversees enforcement and investigates complaints related to animal welfare (Animal Welfare Act, 2015).

Nevertheless, both the Department of Veterinary Services and members of the justice system have not made full use of the Animal Welfare Act 2015. Instead, offenders are often charged under the Penal Code, resulting in lesser penalties and diminished deterrence effect, consequently leading to recurring animal crimes (Zolkipli@Zulkifli, 2022). The authors argue that the current animal protection regime offers insufficient protection to stray animals, evident from the rising number of reported cases since the implementation of the Animal Welfare Act 2015 (Ahmad et al., 2021).

In the unreported case of *Mohd Nizam Bin Itam v Public Prosecutor (2021)*, the appellant threatened victims with a firearm and killed a dog with a firearm at their residence. However, the appellant was charged solely under the Firearms (Increased Penalties) Act 1971 and the penal code for criminal intimidation, neglecting section 30 of the Animal Welfare Act 2015, which forbids shooting certain animals without authorization. Additionally, the appellant had previously killed three young dogs without facing charges or conviction. The court recognized that the appellant committed severe offenses under the Animal Welfare Act 2015, and each offense could have led to fines or imprisonment. Nonetheless, the appellant was not charged under the Act (Mohd Nizam bin Itam v Public Prosecutor, 2021).

A research study was carried out to investigate the connection between childhood cruelty to animals and psychological adjustment in Malaysia. The study included 346 participants from various regions, and data was gathered through self-reported questionnaires. The survey assessed participants' encounters with childhood cruelty to animals, psychological well-being, and other factors like age, gender, and household income (Mellor et al., 2008). The study findings indicated a strong correlation between

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childhood cruelty to animals and poorer psychological adjustment in adulthood. It is found that individuals who reported engaging in animal cruelty during childhood were more prone to experiencing symptoms of depression, anxiety, and aggression later in life compared to those who did not engage in such behaviour and additionally, guilt and shame were identified as mediators in the relationship between childhood animal cruelty and psychological maladjustment (Mellor et al., 2008).

Moreover, certain authors contend that acknowledging animals as sentient beings is crucial to enhance animal welfare and decrease animal cruelty in Malaysia. They assert that the current legal framework in Malaysia concerning animal welfare is insufficient in safeguarding animals from harm (Jayabalan et al., 2021). This is in line with the previous study brought forward by Burchfield where individuals who engage in animal-related crimes often view animals as property rather than sentient beings with rights (Burchfield, 2016). Further according to Goal 1 of Animal Protection Index (API) 2020 on Recognition of animal sentience and prohibition of animal suffering, Malaysia rank 'C' in formally recognising animal sentience and the World Animal Protection believe that a formal recognition of animal sentience in the legislation may be able to underpin further animal welfare measures (World Animal Protection, 2020b).

3. Methodology

The doctrinal approach methodology employed in this paper examines the causal factors of animal crimes in Malaysia. The research aims to investigate the causes of animal crimes in Malaysia and propose measures to mitigate such crimes. Doctrinal approach is a suitable method as it enables the researcher to adapt the research to the local context by analyzing literature from other countries and modifying it to suit Malaysia's unique circumstances.

4. Discussion and Recommendation

The study highlighted in the literature review suggested several causal factors of animal crime and a strong association between childhood cruelty to animals and poor psychological adjustment in adulthood emphasizes the significance of addressing animal abuse as a potential early indicator of more severe criminal behaviors and the need to consider underlying factors like lack of empathy or impulse control. Further, social and economic factors are recognized as key contributors to animal crime where areas with higher poverty and unemployment rates are found to have a higher prevalence of animal-related incidents, possibly due to limited resources leading to criminal behavior for survival. Furthermore, cultural norms and attitudes towards animals play a role, as some individuals perceive animals merely as property, lacking the recognition of animals as sentient beings with rights. Lastly, the ineffective law enforcement is identified as a major contributing factor to the rise of animal crimes as underreporting of cases and the lack of resources and training in law enforcement agencies hinder effective investigation and prosecution, resulting in repeated animal crimes.

Therefore, we suggest that public awareness campaigns and educational programs should be conducted to promote animal welfare and humane treatment of animals especially in schools as this will foster a culture of empathy and compassion towards animals and discourage animal cruelty. Several efforts in other countries such as Indonesia has even come out with well-designed and age-appropriate educative media to impart knowledge on awareness (Pratiwinindya et al., 2021). The abovementioned

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efforts have proven to improve the ability of children to understand better on animal exploitation.

Moreover, efforts should be made to address poverty and unemployment issues in certain areas to reduce the likelihood of animal crimes arising from desperation and lack of resources. A study conducted on Malaysian children showed that family or parents in specifically plays a big part in determining a child behavior towards animals and this behavior towards animals can also indicate if the child may have future problems behaving badly or being violent (Mellor et al., 2008). Hence, a child that grow up in a happy environment would have better behavior towards animals than those deprived of such family settings.

Malaysia should also formally recognize animal sentience in legislation to underscore the importance of considering animals' ability to feel and experience suffering as suggested by World Animal Protection as it would support the cause for animal welfare measures and encourage a shift in societal attitudes towards animals. Country such as Colombia has formally recognized animals as sentient beings in their legislation and as a result all wild, feral, tamed and domestic animals, regardless of the condition in which they are kept receive special protection against suffering and pain and the authorities have the duty to take action within 24 hours of receiving a report on animal cruelty (World Animal Protection, 2020a).

Most importantly, The Department of Veterinary Services and the justice system should utilize the Animal Welfare Act 2015 more effectively to prosecute offenders. This is because a proper implementation of the Act would deter potential animal abusers and lead to more stringent penalties. Recent cases shows that there is actual light at the end of the tunnel when enforcement bodies other than the Department of Veterinary Services such as Police has started to properly charge perpetrators under the Animal Welfare Act 2015 instead of the Penal Code as seen in the March 2023 case where the court has sentenced the accused to two years of imprisonment RM50,000 in fine for starving his cats to death (Bernama, 2023b).

5. Conclusion

In conclusion, the many literature points out that one of the causes of animal crimes in Malaysia involves childhood cruelty to animals as a potential predictor of more severe criminal behaviors in adulthood. Many study also shows that factors such as social and economic issues, cultural attitudes, and ineffective law enforcement contribute to animal crimes. To combat animal crimes in Malaysia, we recommend actions include enhancing law enforcement, recognizing animals' sentient nature, increasing awareness and education, addressing social and economic challenges, improving reporting systems, and fostering collaborations with animal welfare organizations. By implementing these recommendations, Malaysia can promote animal welfare and reduce animal crimes, fostering a compassionate and responsible society towards animals. Prioritizing animal welfare will not only benefit animals but also nurture a healthier bond between humans and the natural world. A more empathetic stance on animal welfare will lead to a future where animals are treated with compassion, ensuring their well-being and coexistence with humans in harmony.

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Conflict of Interest

The author reported no conflicts of interest for this work and declare that there is no potential conflict of interest with respect to the research, authorship, or publication of this article.

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