

Animal Abuse Offences Against Unowned Animals: Comparative Analysis Latin America Vs. Common Law

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The purpose of the study was to compare the crime of mistreatment of unowned animals between Latin America and Common Law. To this end, a bibliographic review was carried out by implementing an exhaustive search strategy that combined terms in English and Spanish in the Scopus, Scielo and Web of Science databases, establishing inclusion and exclusion criteria, limiting the search to scientific journals published between 2020 and 2024 using the literature review method, to produce a literature review, which made it possible to obtain a total of 25 articles selected for analysis. The results show that Spain has the largest number of publications, representing 48% of the total. It was concluded that the offence of mistreatment of animals without owners is a complex issue and subject to debate at present, as the doctrinal and jurisprudential perspectives on this subject are still in constant evolution.

Keywords: Comparative legislation, ownerless animals, crime of animal abuse.

Resumen

El estudio tuvo como propósito comparar el delito de maltrato hacia los animales sin dueño entre Latinoamérica vs Common Law, para ello, se realizó una revisión bibliográfica implementándose una estrategia de búsqueda exhaustiva que combinó términos en inglés y en español, en las bases de datos Scopus, Scielo y Web of Science, estableciéndose criterios de inclusión y exclusión, limitándose la búsqueda a las revistas científicas publicadas entre los años 2020 y 2024 cumpliendo el método de revisión bibliográfica, para elaborar una revisión de literatura, que posibilitó obtener un total de 25 artículos seleccionados para su análisis. Los resultados reflejan que España posee la mayor cantidad de publicaciones representadas por el 48% del total. Se concluyó que el delito maltrato animal hacia animales sin dueño es un asunto complejo y sujeto a debate en la actualidad, pues las perspectivas tanto doctrinales como jurisprudenciales en torno a este tema aún se encuentran en constante evolución.

Palabras clave: Legislación comparada, animales sin dueño, delito de maltrato animal.

Introduction

The current global context reveals a correlation between the rise in animal abuse and significant economic losses. These losses are evident both directly, in the costs associated with veterinary care, and indirectly, through a decline in animal production and an associated negative environmental impact. Furthermore, the situation has been identified as a public health concern due to the transmission of zoonotic diseases and the increase in social violence, as evidenced by recent studies. In the strictest sense, animal abuse is defined as any action taken by a human being that results in the suffering, harm, or even death of an animal without any necessity. These behaviors have manifested and proliferated worldwide in multiple ways, including physical and psychological cruelty, neglect, abandonment, illegal trafficking, sexual exploitation, and even the use of animals for scientific experiments without adherence to ethical standards of care.

In consequence, a number of legal instruments for protection of animals have been established at international level with a view to preventing all forms of mistreatment of animals. Of particular significance are the Universal Declaration of Animal Rights (1978) and the European Convention for Protection of Companion Animals (1987). However, the implementation and enforcement of these instruments vary considerably from one country to another, with greater accentuation between one legal system and another (as in the case of Latin America and the common law).

A study conducted in the United States has indicated animal abuse frequently occurs concurrently with other forms of violence, particularly family violence. In the United Kingdom, studies have associated cruelty, animal abuse, and wildlife sport trapping with notions of masculinity and criminal violence. In Latin America, the prevalence of animal abuse is a matter of grave concern. The region is home to a great diversity of wildlife, which renders it a focal point for illicit trafficking and exploitation of animals. Furthermore, the mistreatment

of pets and unowned animals is a significant concern. These animals often endure deplorable conditions on the streets or become victims of extensive forms of violence.

One of the factors contributing to the prevalence of unowned animals is high number of births occurring in the wild, particularly in urban settings. Additionally, the rise in pet abandonment is a significant concern, as it further exacerbates the issue of animal overpopulation. Furthermore, the study indicated that mistreatment or violence against animals is closely associated with violence in humans, acting as a criminogenic factor requires attention. The significance of this study lies in necessity to provide adequate protection to all animals, as sentient beings, despite the controversial nature of this issue. There is a consensus in seeking legal protection for animals due to their importance in human social life and their role in maintaining an adequate ecological balance to ensure life on the planet for future generations.

Furthermore, the issue has generated considerable social interest due to relationship between animal abuse and interpersonal violence. This reflects a lack of empathy towards living beings and disrespect for life, which erodes the values of society and deteriorates peaceful coexistence. Moreover, the issue has a direct impact on animal welfare, society, ethics, and public health. To develop updated information and strengthen practical solutions to existing problems, it is necessary to make comparisons between different legal systems and consider the experiences of other regions. In light of these circumstances, the present study was designed with the objective of comparing crime of mistreatment of ownerless animals between Latin America and common law jurisdictions.

Methodology

This study employed a qualitative approach, comprising an exhaustive bibliographic and jurisprudential review. The selection of information was guided by dogmatic and scientific criteria established by researchers in the field of law. The hermeneutic design enabled a comprehensive analysis and interpretation of each bibliographic source, which contributed to the development of the article. In this regard, the research is situated within the interpretative and phenomenological paradigm, with the objective of comprehending and interpreting the subject matter in a context of mutual understanding and commitment. It is also noteworthy that a systematic and analytical method was employed. The initial step was to divide subject under examination into its constituent parts, after which a comprehensive and systematic analysis was conducted, resulting in the anticipated outcomes and responses.

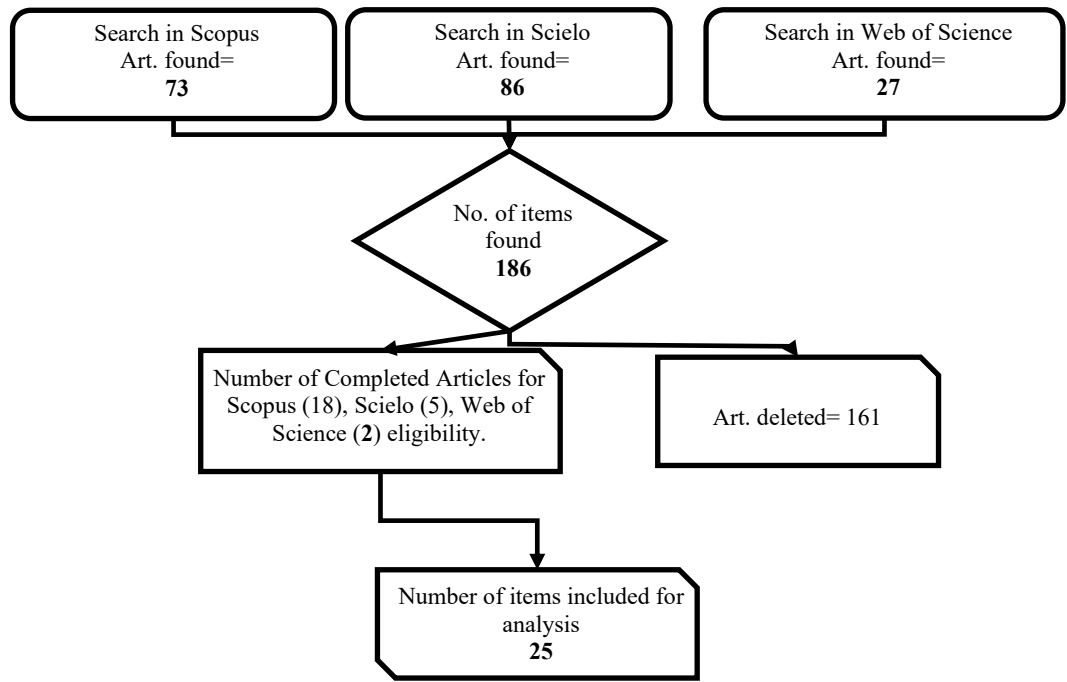
To comprehensively address the issue of ownerless animal abuse, an exhaustive search strategy was employed, combining the English terms "crime of animal abuse," "animal abuse," "ownerless animals," "common law," and in Spanish, "delito de maltrato animal," "maltrato animal," "animales sin dueño." In order to guarantee the precision and relevance of the results, Boolean operators (AND) were employed to combine these terms in a strategic manner. This allowed the generation of multiple search strings, including "animal" AND "abuse." To guarantee the replicability of the review, the research protocol was executed on multiple occasions with the use of diverse networks with Internet access. The bibliographic databases Scopus, Scielo, and Web of Science were consulted, and the selection was limited to studies published between 2020 and 2024.

The comprehensive search strategy and meticulous selection of bibliographic databases ensured thoroughness and breadth of the review, encompassing a vast array of pertinent research on unowned animal abuse within specified study period. To ensure the quality and relevance of the research, rigorous technical criteria were employed in the article selection process, including: The type of study was identified as follows: Only empirical studies that had undergone a rigorous peer-review process were included. Format: Works of a non-empirical nature, such as books, book chapters, and theses, were excluded from review. Instead, the focus was on original, peer-reviewed research and literature reviews. The search filters were as follows: To narrow down the results, search filters provided by online databases were used to focus on articles published between 2020 and 2024. Similarly, articles with access to the full text were included for an in-depth analysis. Additionally, language was considered, including articles in Spanish and English to cover a wide range of research.

Furthermore, in order to enhance analysis and augment the research, jurisprudence pertinent to the matter of crime of mistreatment of animals without owners was integrated. As with the articles, only jurisprudence met the established criteria was included in the analysis. This ensured only jurisprudence with a clear and direct connection to topic under study was included, thus ensuring its relevance to the research. Accordingly, the previously established inclusion and selection criteria were maintained to ensure the quality and consistency of the information collected. Consequently, the selected articles and jurisprudence centered on the examination of terminology and variables pertinent to the crime of mistreating animals without owners, offering invaluable insights into this matter of significant societal importance.

The preliminary search in the Scopus, SciELO, and Web of Science databases returned a set of results in both Spanish and English. However, as a consequence of automated algorithmic processes employed by these databases, the initial number of articles was reduced to 186. Subsequently, the inclusion and selection criteria established in Figure 1 were rigorously applied, resulting in the exclusion of 136 articles. The exclusion of articles was based on a comprehensive evaluation of their methodological approach, format, thematic alignment, language of publication, and accessibility of the full text. Following application of the aforementioned criteria, a final set of 25 articles was obtained that met all the established requirements.

Figure 1: Flowchart.



Source: own elaboration

The review of the selected studies included elements such as date of publication, the methodology used, the instruments applied, the results obtained, restrictions, ethical considerations and the prevalence and incidence of the cases analyzed. The procedure to search for, identify and select studies was carried out in four distinct stages:

Stage 1, initial data were collected from 25 studies meticulously selected using established search criteria. The information collected included the title of the study, author, date and country of publication and the database where they were located. Repeated studies and those not available in open access were also recognized.

Stage 2 identified those studies with full-text availability either in the corresponding database or through external sources.

Stage 3, 136 articles that did not meet the inclusion criteria were eliminated. Of the remaining 50 studies, a more detailed review was carried out, prioritizing those whose sample was related to the study.

Stage 4, of the 50 remaining studies, 25 were chosen as finalists for a complete reading, based mainly on whether the study was linked to the purpose of the research.

Results

The following is the result of the study of the selected journals within the period 2020-2024. It indicates there are few scientific articles published on crimes of mistreatment of ownerless animals. This suggests that there is not a very broad scientific contribution in this area during this period.

Table 1: Evidence identified:

Code	Citation	Title	Year
1	Domingo y García (2024)	Crimes of animal abuse after the reform of the Penal Code by Organic Law 3/2023, of March 28th.	2024
2	(S. F. Sánchez et al., 2022)	Animal abuse, vicarious violence and gender violence. The integration of animal resources in the integral intervention in gender violence in the couple or ex-partner environment.	2022
3	(F. Sánchez, 2024)	Animal welfare: policies and society	2024
4	(Ul et al., 2023)	Clicks and comments: Representation of wildlife crime in Pakistan in social media posts.	2023
5	(Morales et al., 2023)	Criteria for the legal protection of animals in legislation and comparative jurisprudence.	2023
6	(Miret, 2023)	Animal abuse and violence. Manifestation in childhood and preventive guidelines	2023
7	(Martínez, 2021)	The Crime of Animal Mistreatment	2021
8	(Solodov, 2021)	Crimes of animal cruelty in Poland: Case studies	2021
9	(Boiso, 2021)	Analysis of the crime of animal mistreatment (art. 337 CP)	2021
10	(Ramírez, 2021)	The principle of animal welfare protection: elements for its configuration in Chilean law.	2021
11	(Ortega et al., 2021)	Infringements, penalties and fines for animal abuse in Latin America.	2021
12	(Moradell, 2020)	Mistreatment of animals. Doctrine of the Supreme Court	2020
13	(Mustafa, 2018)	The Comparative Study of Animal Abuse in Iranian and the U.S. Criminal System	2018
14	(Yatsenko et al., 2020)	Animal Rights and Protection against Cruelty in Ukraine	2020
15	(Nurse, 2020), (2020)	Masculinities and Animal Harm	2020

Source: own elaboration

Table 1 presents the 14 scientific articles, selected from a total of 31, that underwent a comprehensive analysis using the PRISMA method.

Table 2: Country of origin of the sources of scientific evidence.

Country	Legal system	Continent	Cant.	Cant/tot al	%
España	Roman-Germanic	Europa	12	0,48	48%
México	Roman-Germanic	North America	3	0,12	12%
Reino Unido	Common Law	Europa	2	0,08	8%
Chile	Roman-Germanic	Latin America	1	0,04	4%
Cuba	Socialist system (civil law with Roman-Germanic and Marxist influences).	North America	1	0,04	4%
EEUU	Common law	North America	1	0,04	4%
Irán	Islamic law, civil law and common law.	Asia	1	0,04	4%
Pakistán	Common law	Asia	1	0,04	4%
Perú	Roman-Germanic.	Latin America	1	0,04	4%
Polonia	Roman-Germanic.	Europa	1	0,04	4%
Ucrania	Hybrid system combines elements of Civil Law and Common Law.	Europa	1	0,04	4%
Total			25	1	100%

Source: own elaboration

Table 2 presents the country of origin of each selected journal, delineating both the continent and the legal system that governs the nation. Spain is the most represented country, with 48% of the total publications, followed by Mexico with 12%, the United Kingdom with 8%, and then Chile, Cuba, USA, Iran, Pakistan, Peru, Poland, and Ukraine with 4% each.

Table 3: Main legal standards for animal protection in different countries.

Country	Legislation
España	The Political Constitution does not have an article that protects animals, it only includes them within the protection of the environment. However, in the Law N.032/2007 art. 2 literals a and b, prohibits the exploitation of animals for projects, scientific experimentation or teaching purposes. Organic Law 3/2023, incorporates animal abuse crimes to the penal code.

Chile	There is no article of Constitutional rank that protects animals directly, it only covers them within the protection of the environment. Law No. 20,380 imposes the obligation to protect and respect animals, prohibiting mistreatment, recognizing them as sentient beings. For its part, the Chilean Penal Code contains within the Crimes related to animal and plant health, the crime of acts of mistreatment or cruelty committed against animals (Article 291 bis). In addition, Law 19473 establishes a set of prohibitions related to animal hunting.
Cuba	The Political Constitution of Cuba does not expressly protect animals, but is contained within the duties of citizens to protect fauna and ensure the conservation of the environment, including responsibility for the protection and welfare of animals. There is only a Decree-Law No. 31 of Animal Welfare in force, which imposes administrative sanctions (fines).
Irán	It has the Animal Protection and Welfare Law No. 47, to protect and care for live animals by penalizing exposure to animals. As well as Law No. 239 of 27/5/1993, which modifies articles 762 and 763 of the Penal Code, punishing with a fine the mistreatment and exhaustion of a domestic and non-domestic animal.
Pakistán	It has the Prevention of Cruelty to Animals Act 1890, which imposes fine with a maximum of 100 to 500 rupees for hurting animals or even imprisonment from three months to two years. Similarly, Section 429 of the Pakistan Penal Code of 1860, which criminalizes the killing, poisoning, mutilation or delivery of an animal worth more than 50 rupees.
Perú	Animal protection is not expressly stated in the constitution and falls within the scope of protection of the environment and natural resources. In addition, Law No. 30407 of 2016, which considers animals as sentient beings and establishes penalties.
Polonia	Animal Welfare Law penalizes acts of cruelty to animals.
Reino Unido	UK Animal Welfare Act of 2006, protects companion animals by imposing the duty on their keepers; while it only gives protection to wild animals only when their welfare coincides with human welfare.
Ucrania	The Protection of Animals from Cruelty Act 2006 contains penalties for those who commit acts of animal cruelty.

As evidenced by the presented table, the absence of constitutional articles explicitly protecting animals is a common feature across the majority of countries. However, it is notable countries such as Spain, Chile, and Peru have developed more robust animal protection legislation. In these countries, animals are legally recognized as sentient beings, and their mistreatment is

subject to criminal penalties. With the exception of Cuba, all of countries under analysis have some form of legislation in place that protects animals. Poland, the United Kingdom, and Ukraine have enacted laws penalize cruelty to animals, with the United Kingdom's legislation extending protection to wild animals under certain conditions. This indicates that there is a considerable degree of variability in the legal recognition and protection of animals at international level, reflecting disparate approaches and levels of ethical consideration for animal welfare.

Table 4: Main methodological aspects of the studies analyzed.

Code	Research approach	Level	Method and techniques/supports
1	Qualitative	Descriptive	<p>It was through documentary analysis of books, jurisprudence and laws that they were able to indicate that the crime of animal abuse implies recognizing certain rights of animals, such as the right to life, integrity and dignity. However, some believe that, if animals are considered as victims, they should also be considered as responsible for other crimes. But contrary to this, the authors of the article argue that animals do not have the capacity to reason, so they cannot be held responsible for intentional or reckless acts. In general, most experts agree that Article 337 of the Spanish Penal Code protects the animals themselves, not their subjective rights.</p> <p>The hermeneutic interpretation of decision 186/2020 of May 20, 2020 (STS 186/2020) was used. The Supreme Court specified that article 337.4 of the Criminal Code uses the phrase "domestic animals or any other animals in shows not legally authorized". In order to indicate that the disjunctive conjunction "or" between domestic animals and other animals indicates a difference or alternative between them. However, it does not always imply exclusive options and often refers to indistinct or even compatible conditions. The specific meaning depends on the context. In short, the Penal Code establishes a different level of protection for domestic animals than for non-domestic animals.</p> <p>The interpretation made by the author indicates that, unlike other countries, the Spanish Constitution does not include a specific article on animal protection.</p>
2	Qualitative	Descriptive	
3	Qualitative	Descriptive	

4	Qualitative	Descriptive	<p>From the documentary analysis of the legal norms it is clear that the confrontation of animal mistreatment in the context of conducts that lead to animal mistreatment is included in the protection of criminal law. In fact, pain and suffering are the same as suffering, regardless of race, gender and type of existence of the victim. The hermeneutic interpretation and analysis conducted by the author showed that the crime of animal cruelty can be a challenge for law enforcement agencies due to the complexity of the evidentiary process, as well as the requirement to establish the defendant's intent to cause pain and suffering to the animal.</p>
5	Qualitative	Descriptive	<p>The dogmatic method, dialectics, legal and systemic analysis, as well as logical and grammatical analysis were used to indicate that animal cruelty is a crime against the morals of society, derived from its social nature, an extremely cruel, ruthless and socially dangerous act.</p>
6	Qualitative	Descriptive	<p>The collection of data from the web (Facebook posts) was used, applying observation as a technique, which made it possible to sustain that crimes against wildlife are any activity that goes against the legislation that protects wild animals and plants. These actions cause pain and suffering to individual animals, push species closer to extinction and may be related to other serious crimes, such as firearms offenses and organized crime.</p>
7	Qualitative	Descriptive	<p>Dogmatic legal interpretation made it possible to indicate that there is a new perspective on the crime of animal abuse, which holds that the legal good protected is animal welfare, not human feelings towards animals. The crime focuses on protecting the animal itself, specifically its welfare.</p>
8	Qualitative	Descriptive	<p>The hermeneutic analysis and interpretation allowed to indicate that the law can address the problem of animals the welfare approach, considering the capacity to feel pain and pleasure, or sentience, is a morally relevant criterion in itself. From this perspective, any act that causes</p>
9	Qualitative	Descriptive	

			unnecessary suffering to a sentient being is morally wrong, regardless of whether it is human or not.
10	Qualitative	Descriptive	<p>The documentary analysis of international and national norms and jurisprudence makes it possible to point out that the Hamburg Court dismissed a complaint for animal abuse against a laboratory where monkeys were chained and tortured in experiments. This case reflects the inadequacy of existing regulations. A case in India indicates that cetaceans (dolphins) cannot be held captive for entertainment and are considered non-human persons with specific rights. This implies a duty to protect their life, liberty and welfare.</p> <p>The analysis of the bibliographic review led to the conclusion that animal protection should be based on two pillars: negative rights because all beings with subjective experiences (including animals) have the right not to suffer, not to be killed and to avoid actions that cause them harm.</p>
11	Qualitative	Descriptive	<p>The interpretation and analysis of the documents indicates that there are criminal laws that typify animal abuse as crimes or misdemeanors; however, there are still limitations to the regulations because the traditional doctrine does not recognize animals as subjects of law; therefore, a cultural and educational change is required to recognize animals as sentient beings.</p>
12	Qualitative	Descriptive	<p>The analysis of the data made it possible to indicate that animal abuse is an increasingly present reality, with various forms ranging from silent abandonment to explicit violence. Therefore, prevention, education and sanction measures must be implemented to eradicate this problem.</p>
13	Qualitative	Descriptive	<p>The author's documentary research and analysis of wildlife and animal crime, as well as empirical research, made it possible to indicate that violence against animals reflects stereotypical male behavior patterns. Hunting, poaching and trafficking of wild animals can be seen as expressions of toxic masculinity and dominance over nature.</p>
14	Qualitative	Descriptive	

In accordance with the contribution made by each author, the crime of mistreatment of animals without owners is a complex problem with diverse legal, philosophical, social and psychological aspects, because, despite the existence of laws define it as a crime, its interpretation varies and a comprehensive approach is needed that includes stronger laws, social education, cultural change and addressing the psychological causes of mistreatment. It is essential to recognize all animals as sentient beings with moral value and to promote a culture of respect and empathy towards them. The fight against animal abuse requires a multidisciplinary effort involving society, authorities, scientists and media to create a more compassionate world for all species.

Table 5: Main aspects of the sentences reviewed.

Sentence:	Summary:
Judgment No. 940/2021, dated November 30, 2021, issued by the Criminal Chamber of the Spanish Supreme Court, Speaker: LLARENA CONDE, PABLO (Sentence 940/2021, 2021).	The crime of animal abuse in the Spanish Penal Code (CP) has evolved towards a comprehensive protection of animal welfare, understood as the state of physical and mental health that allows an animal to live free of unnecessary suffering. The doctrine and jurisprudence have consolidated a broad interpretation of article 337 CP, covering a wide range of conducts that inflict harm or suffering to animals. The unjustification of the mistreatment plays a crucial role in the classification of the crime.
Plurinational Constitutional Judgment of Bolivia No. 0912/2017-S1 dated August 28, 2017, related to file No. 19992-2017-40-AP, Speaker: Tata Efren Choque Capuma (Judgment 0912/2017-S1, 2017).	The violation of the rights to the environment, health, public space and education due to the overpopulation of dogs in the city of La Paz is denounced. The Plurinational Constitutional Court rejected the claim in its entirety. It argues that the defendant authorities have implemented public policies to address the situation of stray dogs, although these could be improved. It recognizes the existence of a problem of dog overpopulation in La Paz, but considers that the authorities have not incurred in an omission or illegal act that violates the rights invoked.

Constitutional Court of Peru. Case Horse Brown SAC v. Servicio de Parques de Lima (Serpar).

The Constitutional Court, in its interpretation, states that although the Constitution does not explicitly grant rights to animals, its interpretation is not limited to the literal text. The Constitution prioritizes the defense and dignity of the human person, distinguishing it from animals because of their complex moral capacities and the breadth of their interests. However, this does not exclude the possibility of extending constitutional protection to animals without distinction, because the Constitution is not limited to its literal text and the Constitutional Court has the power to interpret its values and principles to cover other areas. In this sense, although animals do not possess the same moral capacities as people, nor the same breadth of interests, this does not mean that they cannot be subjects of moral consideration or that they do not deserve protection against suffering.

Table 5 provides a summary of three distinct legal cases illustrate the evolution and present state of animal rights protection within the legal framework of Spain, Bolivia, and Peru. In essence, these cases share a common thread: they address the issue of animal rights and animal welfare within the context of their respective national legal frameworks. Each case represents an attempt to acknowledge and safeguard animals from maltreatment and distress, either through the interpretation of existing legislation or through enactment of public policies. Furthermore, all three cases illustrate a growing emphasis on the moral consideration of animals and their role in society and the environment. This does not negate the protection of animals that lack an owner, but rather recognizes them as part of the environment must be safeguarded.

Discussion

A review of the literature reveals animal abuse is a significant issue in Latin American countries, affecting both animals and humans. To address this problem, measures have been implemented to prevent, eliminate, and punish animal abuse, even in absence of ownership. These measures include laws that categorize offenses and establish penalties. However, the eradication of this practice hinges on collaboration of government and society. The abuse of animals can serve as a precursor to social violence and poses a threat to all species.

Furthermore, animal abuse is not only a cause of suffering for animals but can also be an indicator of more complex social issues. It is evident countries which are governed or influenced by the Camon Law system have developed comprehensive strategies to combat animal abuse. These include the criminalisation of physical abuse and neglect, the requirement for animal abuse reports by veterinarians or caretakers, the creation of a civil law field which enables the prosecution of perpetrators of animal abuse, the establishment of an animal defence fund, and the creation of specialised units within law enforcement agencies. Perpetrators of

animal abuse are evaluated and dealt with; however, it should be noted that not all cases of animal abuse are covered by the law.

Conclusions

The crime of animal abuse of ownerless animals is a widely controversial issue, due to different doctrinal and jurisprudential positions that are in evolution. It should be noted that the study carried out indicates that, in Latin America, most countries have specific laws criminalize animal abuse, including ownerless animals. These laws are usually framed within the scope of environmental protection or animal welfare. Whereas in common law countries, the legal protection of ownerless animals is less clear and depends largely on case law. In some cases, ownerless animals may be considered as property of the state or of an animal protection organization, which facilitates their legal protection.

On the other hand, one of the main challenges in Latin America is lack of effective enforcement of animal abuse laws, especially for those animals that do not have owners but are part of the environment surrounding human beings, and that more specialized preparation is required from entities responsible for protecting ownerless animals, because often, complaints are not properly investigated and those responsible are not punished, due to fact that the investigative bodies have great difficulty in identifying and determining responsibility for the act, thus generating impunity. While it can be observed that in Common Law countries, the main challenge is to reach a consensus on the legal protection of ownerless animals, which hinders the enforcement of laws and effective protection of these animals.

In short, the study carried out on crime of animal abuse of ownerless animals shows the need for a joint effort to combat this problem on different fronts. It is essential to strengthen laws, promote education and social awareness, and recognize animals as sentient beings with moral value. Collaboration between different social actors, including governments, civil organizations, academia and the media, is essential to build a more compassionate and respectful world for all living creatures.

Bibliographic references

1. Aznar, A., & Martin, F. (2024). Los delitos de maltrato animal tras la reforma del código penal por la ley orgánica 3/2023, de 28 de marzo. *Legalteca, La Ley Penal*, 166, 1–16. <https://aznar-abogados.com/maltrato-animal.pdf>
2. Bernuz, M. (2022). A gender perspective in the responseto (domestic) animal abuse. For or against restorative justice? *Palabras clave. Revista de Victimología*, 15, 25–56. <https://doi.org/10.12827/RVJV.15.02>
3. Boiso, M. (2021). Analysis of the animal abuse crime (art. 337 CP). *Derecho Animal*, 12(1), 82–111. <https://doi.org/10.5565/rev/da.519>
4. Castro, J., Arroyo, I., & Torres, D. (2023). Typification and maps of animal abuse from the Mexican regulations. An analysis from green criminology. *Revista Española de Investigacion Criminológica*, 21(2), 1–20. <https://doi.org/10.46381/reic.v21i2.822>
5. Ellefsen, R., & Busher, J. (2020). The Dynamics of Restraint in the Stop Huntingdon Animal Cruelty Campaign. *Source: Perspectives on Terrorism*, 14(6), 165–179. <https://doi.org/10.2307/26964733>

6. Fuentes, M. (2023). Animal abuse as a violent instrument in contexts of gender and domestic violence. a study following the introduction of the aggravating circumstance of letter g) of art. 340 bis, second section cp. *Revista Catalana de Dret Ambiental*, 14(2), 1–31. <https://doi.org/10.17345/rcda3702>
7. Hava, E. (2023). ¿Hacia dónde va la política criminal española sobre maltrato animal? *Revista Electrónica de Ciencia Penal y Criminología*, 25 N° 22, 1–45. <http://criminet.ugr.es/recpc/25/recpc25-23.pdf>
8. Lameda, H. (2023). Cada vez son más los animales abandonados que no encuentran hogar. *Bioguia*. https://www.bioguia.com/tendencias/son-cada-vez-mas-animales-abandonados-no-encuentran-hogar_117621749.html
9. Martínez, E. (2021). El delito de maltrato animal. *Ciencia Jurídica & Sostenibilidad*. *Revista Audiovisual de Investigación*, 4, 1–15. <https://www.journal.alliancefordailyjustice.org/index.php/cienciajuridicaysostenibilidad/article/view/30/48>
10. Miret, N. (2023). Maltrato animal y violencia. manifestación en la infancia y pautas preventivas. *Revista Iberoamericana de Derecho, Cultura y Ambiente*, 3, 1–19. <https://www.researchgate.net/publication/372528996>
11. Montoya, R. A. (2022). Legal analysis of the contribution of cruelty to animal abuse crime. *Derecho Animal*, 13(1), 6–18. <https://doi.org/10.5565/rev/da.595>
12. Moradell, J. (2020). Malos tratos a los animales. *Doctrina del Tribunal Supremo*. *Intercids*. *Boletín Intercids De Derecho Animal*, 20, 1–12. https://intercids.org/files/BIDA_AOL-20-G4_Jorge_Moradell.pdf
13. Morales, G., Gutiérrez, N., Solorzano, T., & Chipana, F. (2023). Criteria for the legal protection of animals in the legislation and comparative jurisprudence. *Revista de Investigaciones Veterinarias Del Peru*, 34(2). <https://doi.org/10.15381/rivep.v34i2.22992>
14. Mota, D., Monsalve, S., Lezama, K., Mora, P., Domínguez, A., Ramírez, R., & Garcia, R. (2022). Animal Abuse as an Indicator of Domestic Violence: One Health, One Welfare Approach. In *Animals* (Vol. 12, Issue 8). MDPI. <https://doi.org/10.3390/ani12080977>
15. Mustafa, S. (2018). Un estudio comparativo de la crueldad animal en el sistema penal de Irán y los Estados Unidos de América. *Investigación de Derecho Penal Trimestral*, 8 n° 29, 171–202. https://jclr.atu.ac.ir/article_10804.html
16. Nurse, A. (2020). Masculinities and Animal Harm. *Men and Masculinities*, 23(5), 908–926. <https://doi.org/10.1177/1097184X20965458>
17. Ortega, S., Maldonado, M., Bejarano, L., & Freire, V. (2021). Infracciones, penas y multas por maltrato animal en América Latina. *Socialium*, 5(1), 226–241. <https://doi.org/10.26490/uncp.sl.2021.5.1.815>
18. Ramírez, A. H. (2021). Animal Welfare Protection Principle: Elements for its configuration in Chilean Law. *Revista de Bioética y Derecho*, 53, 235–252. <https://doi.org/10.1344/rbd2021.53.33084>
19. Rebollada, A., Bárcena, C., Barreno, L., Pizarro, M., Domínguez, L., & Rodríguez, A. (2022). Animal abuse in Spanish-breed fighting cocks (*Gallus gallus domesticus*). *Forensic Science International: Animals and Environments*, 2, 1–4. <https://doi.org/10.1016/j.fsiae.2022.100050>
20. Reese, L. A., Vertalka, J. J., & Richard, C. (2020). Animal cruelty and neighborhood conditions. *Animals*, 10(11), 1–12. <https://doi.org/10.3390/ani10112095>
21. Sánchez, F. (2024). Animal Welfare: policies and society. *Anduli Revista Andaluza de Ciencias Sociales*, 26, 21–41. <https://doi.org/10.12795/anduli.2024.i26.02>
22. Sánchez, S. F., Casado, C. M., & Ángel, I. T. (2022). Animal abuse, vicarious violence and gender violence. The integration of animal resources in the integral intervention in gender violence in the

intimate partner or ex-partner environment. VISUAL Review. International Visual Culture Review / Revista Internacional de Cultura, 9. <https://doi.org/10.37467/revvisual.v9.3722>

23. Solodov, D. (2021). Crimes of animal cruelty in Poland: Case studies. Forensic Science International: Animals and Environments, 1. <https://doi.org/10.1016/j.fsiae.2021.100010>
24. Ul, R., Abdulabad, A., Asghar, S., & Szabo, J. K. (2023). Clicks and comments: Representation of wildlife crime in Pakistan in social media posts. Global Ecology and Conservation, 43, 1–16. <https://doi.org/10.1016/j.gecco.2023.e02473>
25. Yatsenko, I., Zapara, S., Zon, G., Ivanovskaya, L., & Klochko, A. M. (2020). Animal Rights and Protection against Cruelty in Ukraine. Journal of Environmental Management and Tourism, XI(1 (41)), 1–18.