

# THE STATE OF MODERN SOUTH KOREAN ANIMAL CRUELTY LAW: AN OVERVIEW WITH COMPARISON TO RELEVANT UNITED STATES AND SWISS LAW AND THE FUTURE

## INTRODUCTION

On April 21, 2012 a picture surfaced on the internet showing a beagle dog tied to the back of a Hyundai Equus.<sup>1</sup> The dog was disemboweled, having died from being dragged behind the car at high speeds along a highway in Seoul, South Korea.<sup>2</sup> Upon investigation, the owner claimed that the dog's death was an accident,<sup>3</sup> and police did not press charges due to insufficient evidence of intentional harm.<sup>4</sup> Many South Koreans were outraged at the lack of repercussions for the car owner,<sup>5</sup> and the event caused heated discussion on the effectivity of the Animal Cruelty Provision of the Animal Protection Act.<sup>6</sup>

The 'Devil's Equus' incident, as it became known, would not be the first or last time this happened in South Korea. 'Devil's Equus 2',<sup>7</sup> '3',<sup>8</sup>

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1 Han Sang Hyeok, 'Gae Rul Cha E Medal Go...' *Netijeun Kyeongak Sikin Akma Ekusu Sageon* ('개를 차에 매달고...' 네티즌 경악시킨 '악마 에쿠스' 사건), CHOSUN (Apr. 22, 2012), [http://news.chosun.com/site/data/html\\_dir/2012/04/22/2012042201444.html](http://news.chosun.com/site/data/html_dir/2012/04/22/2012042201444.html).

2 *Id.*

3 The car owner reportedly did not want to dirty the inside of his car, and so tied the dog in the trunk leaving it slightly ajar for it to breathe. Hong Youngseon, 'Akma Ekuseu Sageon', Nuga Keureul Akmaro Mandeureoseulkka (악마 에쿠스 사건, 누가 그를 악마로 만들었을까), NOCUT NEWS (Apr. 25, 2012), <https://www.nocutnews.co.kr/news/4254271>. The dog jumped out at some point and was dragged to death. The owner told police he did not realize what had happened before it was too late. *Id.*

4 Alenka Pieterova, *Live Dog Tied to Back of Car, Dragged to Death on Seoul Highway*, KOREABANG (Apr. 27, 2012), <https://www.koreabang.com/2012/pictures/live-dog-tied-to-back-of-car-dragged-to-death-on-seoul-highway.html>. The language in Article 8 of the South Korean Animal Protection Act does not cover cruelty caused by negligence. Animal Protection Act, Act. No. 5153, Aug. 8, 1996, art. 8 (S. Kor.) *translated in* Animal Legal & Historical Center, <https://www.animallaw.info/statute/kr-cruelty-animal-protection-act>.

5 Alenka Pieterova, *Live Dog Tied to Back of Car Again, Netizens Demand Law Change*, KOREABANG (May 1, 2012), <https://www.koreabang.com/2012/stories/live-dog-tied-to-back-of-car-again-netizens-demand-law-change.html>.

6 'Akma Ekusu' Ieo 'Akma Biseuto' Dongmool Hakdae Jeboro Online Momsal (악마 에쿠스' 이어 '악마 비스토'... 동물학대 제보로 온라인 몸살), DONGA ILBO (Apr. 30, 2012), <http://news.donga.com/Society/3/03/20120430/45900248/1>.

7 SangJi Hong (홍상지 기자), [*Sageon Pail*] *Nam Ui Jib Gae Cha E Medal Go Jiljuhan Namja...Je 2 Ui 'Akma Ekusu' Sageon* (사건파일] 남의 집 개 차에 매달고 질주한 남자...제2의 '악마 에쿠스' 사건), JOONGANG DAILY (Feb. 18, 2016), <http://news.joins.com/article/19591889>. This dog dragging incident occurred in the province of Jeonbuk. *Id.* After finding his dog covered in wounds in the

and ‘Devil’s Truck’<sup>9</sup> are just a few more examples of similar incidents following the original, that all ended with similar results. Acts of animal cruelty including hoarding, physical abuse, and neglect often go unpunished in South Korea due to a combination of the vague language of the law and a lack of officials willing to enforce it.<sup>10</sup> Numerous viral incidents of animal cruelty<sup>11</sup> have caused wide outrage and criticism of the state of current animal protection law in South Korea and in particular its enforcement.

South Korean animal cruelty laws have also faced criticism internationally. Puppy mills and the dog and cat meat trade in particular have caused South Korean animal cruelty law to incur intense global scrutiny.<sup>12</sup> Recently, a United States-based international animal rights welfare organization, World Animal Protection,<sup>13</sup> ranked South Korean

possession of a neighbor, the owner found surveillance footage of his dog being dragged behind the neighbor’s white truck. South Korean animal rights activist group Coexistence of Animal Rights on Earth (“CARE”), or CARE, reported the neighbor to the police. *Id.*

8 Kil Yong Yoo (유길용 기자), *Kangaji Medal Go Sisok 80km Ro...Dongmul Hakdaehyeom Ui Susa Chaksu* (강아지 매달고 시속80km로...동물학대혐의 수사 착수), JOONGANG DAILY (Sept. 4, 2016), <http://news.joins.com/article/20548647>. South Korean animal rights activist group CARE brought attention to this third ‘Devil’s Equus’ incident online urging a change to the Animal Protection Act to address animal transportation in relation to cars. *Id.*

9 Ryan, *Korean Driver Ties Dog to Truck, Drags it to Death*, KOREABANG (July 6, 2012), <https://www.koreabang.com/2012/pictures/korean-driver-ties-dog-to-truck-draws-it-to-death.html>.

10 See Eileen Cahill, *From Apathy to Empathy*, GROOVE MAG. KOREA, Oct. 2015, at 30-31. Former CARE director of investigations AJ Garcia explained that animal hoarding cases “are especially difficult to address under the current legal framework.” *Id.* at 32. The current law fails to explicitly address animal hoarding, how it should be handled by law enforcement, or prevent people from continuing to hoard. *Id.*

11 See Saraitnun Kokaspeaniel ‘Sseuregi Jongryangje Bongtoo’ E Dama Beorin Dongmool Hakdae Beop (살아있는 코카스페니엘 ‘쓰레기 종량제 봉투’에 담아 버린 동물 학대범), INSIGHT (Jan. 29, 2018), <http://www.insight.co.kr/news/137664>. A pet dog was discovered sealed in a box thrown away with the garbage by law enforcement after a report by neighbors. *Id.* Additionally, a dog that was on hold for its prospective owner was euthanized by the shelter when the owner was 15 minutes late to pick him up, despite having informed them that he would arrive late. See Bae Tae Hyun (배다현 기자) “Gidaryeodalahaetmunde”...Ibyangja 15 boon Neutja Yoogigyeon Anraksa Sikin Byeongwon (“기다려달라했는데”...입양자15분 늦자 유기견 안락사 병원), INSIGHT (Feb. 2, 2018) <http://www.insight.co.kr/news/138330> (last visited Feb. 11, 2018). Both of the above instances led to significant media coverage and were met with widespread outcry online similar to the “Equus” incidents.

12 Minjoo Oh & Jeffrey Jackson, *Animal Rights vs. Cultural Rights: Exploring the Dog Meat Debate in South Korea from a World Polity Perspective*, 32 J. OF INTERCULTURAL STUD. 31, 32 (2011). The South Korea 1988 Olympic Games and 2002 World Cup brought global attention to the dog meat industry in Korea and many believe this led to amendments in the Animal Protection Acts that prevent using cruel methods to slaughter animals. *Id.* See also Animal Protection Act, art. 8 (S. Kor.).

13 See WORLD ANIMAL PROTECTION, <https://www.worldanimalprotection.us.org/> (last visited Nov. 4, 2017). World Animal Protection, formerly known as World Society for the Protection of

animal cruelty protection law as an overall D on their A to G scale.<sup>14</sup> The organization noted that while South Korea's Animal Protection Act offers anti-cruelty protections and enforcement mechanisms in the form of fines and imprisonment, only some animals are classified as "protected" and there is a lack of strong deterrents.<sup>15</sup>

Incidents such as these make clear that while South Korea has made efforts to combat animal cruelty through its Animal Protection Act, there remains a need for enhanced protections and more effective enforcement.

This note is primarily focused on an examination of South Korea's Animal Protection Act and its limitations in preventing animal cruelty. To that end, the note will briefly discuss the history of South Korea, its legal system, and the development of the first animal cruelty law. For purposes of comparison, an overview of United States and Swiss animal protection legislation will be provided followed by a comparison of their enforcement tactics. Following the international comparisons, there will be an examination of the effect of South Korean media sources, animal activism and public opinion on its animal cruelty law. Finally, the note will discuss proposed changes and recommendations for stronger animal cruelty legislation and enforcement.

## I. HISTORY OF KOREAN ANIMAL LAW

### A. *A Brief History of Korea*

A basic understanding of the history of South Korea is important in examining the development of its animal law. The Korean peninsula has been inhabited since approximately 10,000 BCE.<sup>16</sup> 57 BCE saw the

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Animals, has been involved in campaigning for animal protection since 1950. They have regional hubs in five continents and are the "only animal protection organization to regularly address the UN." *Our History*, WORLD ANIMAL PROTECTION, <https://api.worldanimalprotection.org/about> (last visited Nov. 4, 2017). The organization has compiled an Animal Protection Index which includes 50 countries and their animal protection legislation and "commitment[] to protect animals." *About the Animal Protection Index*, WORLD ANIMAL PROTECTION, <https://api.worldanimalprotection.org/about> (last visited Nov. 4, 2017).

<sup>14</sup> World Animal Protection's Animal Protection Index assigns each country an overall grade and specific grades on particular indicators from A to G, with A being the highest mark. South Korea received a D ranking in the indicator of the country's "animal protection laws that prohibit causing animal suffering either by a deliberate act of cruelty or by a failure to act." *Methodology*, WORLD ANIMAL PROTECTION, <https://www.worldanimalprotection.us.org/> (last visited Nov. 4, 2017).

<sup>15</sup> *Id.*

<sup>16</sup> See Mark Cartwright, *Ancient Korea*, ANCIENT HIST. ENCYCLOPEDIA (Oct. 21, 2016), <https://www.ancient.eu/Korea/>. See also PATRICIA BUCKLEY EBREY, PRE-MODERN EAST ASIA (Wadsworth Publishing 2013).

formation of the kingdom system, which led to the dynasty system in 668 CE<sup>17</sup> which would last until Japanese Colonial Rule in 1910.<sup>18</sup> Historically, the peninsula was ruled by a monarch who was assisted by government appointed “administrative officials.”<sup>19</sup> These officials would govern the provinces “with the aid of local tribe leaders.”<sup>20</sup> As will be discussed later in the note, this framework of governance would influence and shape that of the modern Republic of Korea.

The Korean system of government was dissolved and the territory was annexed as a colony of Japan from the years 1910 to 1945.<sup>21</sup> In mere decades, the area known as the hermit kingdom became the second most industrialized region in Asia following Japan.<sup>22</sup> Following the defeat of the Japanese in World War II in 1945, Korea was split into a USSR-backed north and United States-backed south along the 38th parallel.<sup>23</sup> The North’s invasion of the South in 1950 started the three-year-long Korean War which would end in the formation of a divided North and South Korea.<sup>24</sup>

Following the destructive Korean War, which decimated the infrastructure and economy, industrialization rapidly took place over a miraculously short period of time from 1960 to 1985, comparatively much later than the majority of the West.<sup>25</sup> South Korea quickly modernized under the authoritarian state-led industrialization methods of regimes lead by Park Chung-Hee and later Chun Doo-Hwan.<sup>26</sup> In contrast, the United States and Swiss periods of industrialization and rise to global economic powerhouse status occurred decades earlier. The U.S. “underwent [its] . . .

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17 See Mark Cartwright, *Three Kingdoms Period in Korea*, ANCIENT HIST. ENCYCLOPEDIA (Oct. 06, 2016.), [https://www.ancient.eu/Three\\_Kingdoms\\_Period\\_in\\_Korea](https://www.ancient.eu/Three_Kingdoms_Period_in_Korea); Mark Cartwright, *Unified Silla Kingdom*, ANCIENT HIST. ENCYCLOPEDIA (Oct. 06, 2016.), [https://www.ancient.eu/Unified\\_Silla\\_Kingdom/](https://www.ancient.eu/Unified_Silla_Kingdom/).

18 *Korea as a Colony of Japan, 1940-1945*, ASIA FOR EDUCATORS (2009), [http://afe.easia.columbia.edu/main\\_pop/kpct/kp\\_korea imperialism.htm](http://afe.easia.columbia.edu/main_pop/kpct/kp_korea imperialism.htm) (last visited Nov. 4, 2017).

19 See Cartwright, *Three Kingdoms Period in Korea*, *supra* note 17.

20 See Cartwright, *Three Kingdoms Period in Korea*, *supra* note 17.

21 *Korea Under Japanese Rule in* FED. RESEARCH DIV. OF THE LIBRARY OF CONG., SOUTH KOREA: A COUNTRY STUDY (Andrea Matles Savada & William Shaw eds., 1990), *available at* <http://countrystudies.us/south-korea/7.htm>.

22 *Korean History and Political Geography*, ASIA SOC’Y, <https://asiasociety.org/education/korean-history-and-political-geography> (last visited Feb. 28, 2019).

23 *Korean War*, HISTORY.COM (Nov. 9, 2009), <http://www.history.com/topics/korean-war>.

24 *Id.*

25 Loria-Mae Heywood, *Why Did South Korea Grow Rich, c.1960-1985?*, E-INT’L REL. (Mar. 16, 2013), <http://www.e-ir.info/2013/03/16/why-did-south-korea-grow-rich-c-1960-1985/>.

26 *Id.*

[industrial] transformation” in the late 19th century,<sup>27</sup> becoming an economic world-powerhouse by the year 1890.<sup>28</sup> Switzerland industrialized even earlier than the United States, with factories and machines becoming widespread by the early 19th century,<sup>29</sup> and by the year “1850 [the country] had become the second most industrialized country in Europe after Great Britain.”<sup>30</sup> The Korea of today is a democratic nation “with a booming economy thriving on electronic products, machinery and transport equipment.”<sup>31</sup>

### *B. Perception of Animals in Korean History*

Like many other countries around the globe, animals have played both a utilitarian and cultural role in Korean history. Since ancient times, Koreans have held traditional beliefs associated with animals, believing that the appearance of certain animals brought about good fortune, protection, and happiness.<sup>32</sup> Animals also played recurring roles in Korean folklore,<sup>33</sup> with the most prominent example being the King Dangun creation myth.<sup>34</sup>

In part due to their mystical beliefs about them, in Korea animals were traditionally not seen as pets or companions, but rather for their utilitarian purpose as farm commodities, being “workers or food.”<sup>35</sup> Up until the late 20th century, dogs were viewed as farm utilities for their roles in

27 *The Development of Industrial United States*, SMITHSONIAN NAT'L MUSEUM OF AM. HIST., [http://americanhistory.si.edu/presidency/timeline/pres\\_era/3\\_657.html](http://americanhistory.si.edu/presidency/timeline/pres_era/3_657.html) (last visited Nov. 5, 2017).

28 *The United States Becomes a World Power*, DIGITAL HIST., [http://www.digitalhistory.uh.edu/disp\\_textbook.cfm?smtid=2&psid=3158](http://www.digitalhistory.uh.edu/disp_textbook.cfm?smtid=2&psid=3158) (last visited Nov. 4, 2017).

29 *Switzerland's Industrialisation*, HIST. OF SWITZ. (2004), <http://history-switzerland.geschichte-schweiz.ch/industrialization-switzerland.html>.

30 *History of Switzerland*, ONE WORLD NATIONS ONLINE, <http://www.nationsonline.org/oneworld/History/Switzerland-history.htm> (last visited Nov. 4, 2017).

31 See Heywood, *supra* note 25.

32 See generally *Animals, LIFE IN KOREA*, <http://www.lifeinkorea.com/culture/patterns/patterns.cfm?Subject=Animals> (last visited Nov. 4, 2017) (Examples of animals with their associated cultural beliefs). See also John M. Roberts & Chong Pil Choe, *Korean Animal Entities with Supernatural Attributes: A Study in Expressive Belief*, 21 ARTIC ANTHROPOLOGY 109, 112 (1984).

33 *Animal Tale*, ENCYCLOPEDIA OF KOREAN FOLK CULTURE, <http://folkency.nfm.go.kr/en/topic/detail/5791> (last updated Feb. 12, 2019).

34 *The Legendary Founder of Korea, Dangun Wanggeom*, ANCIENT ORIGINS (Feb. 17, 2016, 3:55 AM), <http://www.ancient-origins.net/history-famous-people/legendary-founder-korea-dangun-wanggeom-005363>. King Dangun is the mythical founder of Korea. According to the legend, King Dangun's father was a god-turned-human and his mother was a bear-turned-human. *Id.*

35 *Animals and Pets Culture in Korea*, KOREA 4 EXPATS, <http://www.korea4expats.com/article-pet-culture.html> (last updated July 5, 2011).

household protection and vermin extermination.<sup>36</sup> Cats and other animals were sometimes seen as bad omens and treated as pests.<sup>37</sup>

The late introduction of the First World concept of animals as sentient beings can be attributed to the comparatively recent globalization of Korea in the early 20th century. With Japanese Colonization, World War II, the Korean War and subsequent impoverishment, animals were understandably not at the forefront of Korean minds during this period. Economic and political instability which led to prioritizing human survival and development coupled with traditional views of animals as commodities,<sup>38</sup> made it so the idea of animals as living creatures in need of protection or owning them as pets is a relatively new phenomenon in South Korea.<sup>39</sup> However, the changes in the country's economic and political situation of the mid-to-late 20<sup>th</sup> century has brought with it a change in views on owning pets and animal rights activism.<sup>40</sup> In 2015, the South Korean Farm Ministry reported the number of pet owners in the country reached 4.57 million, representing "21.8 percent of . . . total households[.]"<sup>41</sup> Another government report in 2017 showed that one in five South Koreans own pets.<sup>42</sup>

### *C. The Development of Modern Korean Lawmaking*

Before the period of Japanese Colonial Rule, Korean law took the form of a penal state law model.<sup>43</sup> Korea "had a highly advanced and comprehensive codified legal system" and state codes including "penal proscriptions and administrative regulations."<sup>44</sup> In contrast with early western law which consisted of "civil law rules enforced through adjudication", the Korean legal system did not have the concept of private

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> Lorraine Murray, *The South Korean Animal Welfare Movement Takes Root*, ADVOC. FOR ANIMALS (Nov. 10, 2008), <http://advocacy.britannica.com/blog/advocacy/2008/11/712/>.

<sup>39</sup> Ula Yang, *The Life of a Dog Owner: Owning a Pet in South Korea*, SEOUL SYNC YOUR LINK TO KOREA, <http://seoulsync.com/lifestyle/owning-a-pet-in-korea> (last visited on Nov. 5, 2017).

<sup>40</sup> *Id.*

<sup>41</sup> *1 in 5 South Koreans have pets*, YONHAP NEWS AGENCY (Feb. 19, 2017, 11:03 AM), <http://english.yonhapnews.co.kr/national/2017/02/19/0302000000AEN20170219001300320.html>.

<sup>42</sup> *Id.*

<sup>43</sup> MARIE SEONG-HAK KIM, *LAW AND CUSTOM IN KOREA: COMPARATIVE LEGAL HISTORY 3* (Cambridge Univ. Press 2012).

<sup>44</sup> *Id.* at 4.

law, and was “created and imposed by the king” and then enforced by the states.<sup>45</sup>

Following colonization by Japan, Korea was forced to adopt Japan’s colonial legal system.<sup>46</sup> This was Korea’s first experience with the concept of codified custom and a civil law system.<sup>47</sup> Following the defeat of the Japanese in World War II, the Republic of Korea established its first Constitution in 1948 and the legal system was “institutionalized.”<sup>48</sup> Influenced by Japan and the United States, the modern South Korean “legal system absorbed and modified . . . features of the European civil law system, Anglo-American law system, and Korean customary laws.”<sup>49</sup>

South Korea has three court classifications: the Supreme Court, High Courts, and District Courts.<sup>50</sup> Written law is the main source of modern Korean law and is made primarily through three different sources: statutes or acts passed by the legislature, presidential decrees, and regulations or rules passed by government and local agencies.<sup>51</sup> Although the Supreme Court of Korea can create decisions with some precedential value, court decisions are not normally considered binding in the law.<sup>52</sup> Unlike the United States, case law or precedent is a secondary resource as opposed to primary, but the lower courts tend to follow the Supreme Court’s decisions.<sup>53</sup> The South Korean Animal Protection Act was promulgated by one of its government agencies, the Ministry of Agriculture, Food, and Rural Affairs.<sup>54</sup>

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45 *Id.*

46 See Marie Seong-Hak Kim, *Introduction: Searching for the Spirit of Korean Law*, in *THE SPIRIT OF KOREAN LAW: KOREAN LEGAL HISTORY IN CONTEXT* 1, 2, 6 (Marie Seong-Hak Kim ed. 2015).

47 *Id.* at 12.

48 Kipyo Kim, *Overview*, in *INTRODUCTION TO KOREAN LAW: OVERVIEW* 5-6 (Korea Legis. Res. Inst. ed. 2013).

49 *Id.* at 6.

50 Hyeon-Cheol Kim & Inyoung Cho, *South Korean Law Research on the Internet*, Hauser Global L. Sch. Program (Apr. 2017), [http://www.nyulawglobal.org/globalex/South\\_Korea1.html](http://www.nyulawglobal.org/globalex/South_Korea1.html).

51 *Id.*

52 *Id.*

53 *Id.*

54 See generally Animal Protection Act 2017, Act No.14651, Mar. 21, 2017, (S. Kor.), translated in Statutes of the Republic of Korea, KOR. LEGIS. RES. INST., [https://elaw.klri.re.kr/eng\\_service/lawView.do?hseq=42743&lang=ENG](https://elaw.klri.re.kr/eng_service/lawView.do?hseq=42743&lang=ENG).

*D. History of Development of South Korean Animal Law with Comparison to US and Swiss Law*

The history of animal law in South Korea is admittedly brief, as the perception of animal rights did not even begin until after the forced opening of its gates through Japanese colonization and subsequent rapid industrialization.<sup>55</sup> Many believe that the impetus for the creation of Korean animal cruelty law came in the form of the 1988 Seoul Summer Olympics.<sup>56</sup> The Olympics being held in Seoul brought international attention to the cruelties of the South Korean dog and cat meat market.<sup>57</sup> Activists asked the global community for support to combat the markets and to bring attention to the lack of “general legislation in South Korea regarding cruelty to animals.”<sup>58</sup> Just as the dog and cat meat market had been banned in the years up to the Olympics,<sup>59</sup> this international pressure presumably influenced South Korea’s first animal cruelty legislation in the form of the Animal Protection Act.

In contrast to South Korea, in the United States the origin of animal cruelty law traces its roots back to the 17<sup>th</sup> century. Early American colonists adopted laws against animal cruelty in the form of farm practice, with the earliest legislation being passed in the year 1641 in Massachusetts.<sup>60</sup> Some scholars attribute the colonists’ Puritan beliefs about animals as creatures of God as the impetus for the formation of such laws.<sup>61</sup>

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<sup>55</sup> See generally Murray, *supra* note 38.

<sup>56</sup> Roger Crabb, *Olympic Athletes Asked to Help End Slaughter of Dogs, Cats for Food in South Korea*, L.A. TIMES (July 17, 1988), [http://articles.latimes.com/1988-07-17/news/mn-9685\\_1\\_south-korea](http://articles.latimes.com/1988-07-17/news/mn-9685_1_south-korea); *Pyeongchang’s project to hide the Dog Meat Restaurants from Olympic visitors!*, KOREANDOGS.ORG (Mar. 3, 2017), <http://koreandogs.org/pc2018-sign-project/>.

<sup>57</sup> *Id.* While the consumption of dog and cat meat was banned in 1984, to this day the market persists, albeit in smaller numbers. Many believe that the motivation behind the ban was the fear of tarnishing its image in preparation for the Olympics, rather than a sincere desire to stop consumption of the animals. See generally *Boycott The 2018 Winter Olympics to Save Dogs From Dinner Plates*, THE ANIMAL RESCUE SITE, <http://theanimalrescuesite.greatertogood.com/clickToGive/ars/petition/pyeongchang-boycott> (last visited Nov. 4, 2017).

<sup>58</sup> See Crabb, *supra* note 56.

<sup>59</sup> *Id.*

<sup>60</sup> Belden C. Lane, *A Passionate Green Calvinism*, HUFFINGTON POST (May 16, 2011), [https://www.huffingtonpost.com/belden-c-lane/christian-environmentalism\\_b\\_861747.html](https://www.huffingtonpost.com/belden-c-lane/christian-environmentalism_b_861747.html) (last updated July 16, 2011). See also BELDEN C. LANE, *RAVISHED BY BEAUTY: THE SURPRISING LEGACY OF REFORMED SPIRITUALITY* 33 (2011).

<sup>61</sup> See LANE, *supra* note 60, at 32. George Hughes, a Puritan vicar of Plymouth in the late 17<sup>th</sup> century is known to have said that “man’s dominion . . . over animals was ‘subordinate and stewardly [sic]’” and not without limit. The Puritan code of laws contained language that condemned “Ttiranny

Along with religious influence, American perception on the need for animal cruelty law was heavily influenced by European animal advocacy movements.<sup>62</sup> The individual states went on to develop their own animal cruelty laws, with the earliest state laws being formed in the 19th century.<sup>63</sup> The first American animal rights activist organization, the American Society for the Prevention of Cruelty to Animals (“ASPCA”), was also formed in 1866 with the goal of “provid[ing] [an] effective means for the prevention of cruelty to animals throughout the United States.”<sup>64</sup> The New York State legislature vested power in the ASPCA, and the movement leaders drafted what would become the model anti-cruelty legislation for many states.<sup>65</sup> The remaining states adopted animal cruelty laws in various years until all had anti-cruelty legislation by the year 1907.<sup>66</sup> The United States lacks any federal anti-cruelty law, and the only federal law discussing the treatment of animals refers to the “minimum treatment standards” for animals in research and exhibition.<sup>67</sup>

Animal law in Switzerland developed even earlier than in the United States and to a much greater extent. Swiss cantons had adopted anti-cruelty laws by the mid-19<sup>th</sup> century.<sup>68</sup> Swiss Animal Protection, or SAP, was Switzerland’s first animal rights advocacy group established in

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[sic] or Crueltie [sic] towards any brute [sic] Creature which are usuallie [sic] kept for man’s use . . . .” It is clear that religious beliefs on the nature and role of animals were an early influence on American animal cruelty laws. *See generally Id.* at 33 (Examples of Puritan beliefs).

62 DIANE L. BEERS, *FOR THE PREVENTION OF CRUELTY: THE HISTORY AND LEGACY OF ANIMAL RIGHTS ACTIVISM IN THE UNITED STATES 2* (2006). The Royal Society for the Prevention of Cruelty to Animals, or RSPCA, was a British animal rights organization which began in the mid-19th century and “served as an inspiration and model for American reformers” such as the ASPCA. *Id.* Scholars Charles Darwin’s *Origin of the Species* and *The Descent of Man* are also believed to have changed public perception on “human superiority” and facilitated the animal rights movement in America. *Id.*

63 *Id.*

64 *About Us*, THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, <https://www.aspc.org/about-us> (last visited Nov. 4, 2017). The ASPCA is an internationally recognized humane society headquartered in New York City. *Id.*

65 Janet M. Davis, *The History of Animal Protection in the United States*, THE AMERICAN HISTORIAN, <http://tah.oah.org/november-2015/the-history-of-animal-protection-in-the-united-states/> (last visited Nov. 5, 2017). Henry Bergh and other members of the ASPCA were influential in the creation of state anticruelty law. The law provided an expanded view of animal rights, defining cruelty towards an animal as a crime regardless of ownership. *Id.*

66 *Id.* *See also* LAWRENCE FINSEN & SUSAN FINSEN, *THE ANIMAL RIGHTS MOVEMENT: FROM COMPASSION TO RESPECT* (1994).

67 *Animal Welfare Act*, USDA NATIONAL AGRICULTURAL LIBRARY, <https://www.nal.usda.gov/awic/animal-welfare-act> (last visited Nov. 5, 2017).

68 Ignaz Bloch, *Tierethik im 19. Jahrhundert und schweizerisches Tierschutzrecht [Animal Ethics in the 19th Century and Swiss Animal Protection Law]*, 160 *Schweizerische Vereinigung für Geschichte der Veterinärmedizin* 51, 54 (2018).

1861.<sup>69</sup> In addition to canton anti-cruelty laws, aspects of animal welfare such as humane slaughtering were protected on a national level since 1892.<sup>70</sup> Switzerland passed its first national anti-cruelty act in 1942, which criminalized acts of cruelty towards animals.<sup>71</sup> The country subsequently passed its national Animal Welfare Act in 1978, with the purpose of “[promoting the] well-being of animals . . . [by] prohibiting both cruelty to animals and disrespect of their dignity.”<sup>72</sup> The Act was notable for its strict penalties and detailed provisions on prohibited acts and enforcement.<sup>73</sup>

In 1992, Switzerland became the first country to constitutionally recognize the protection of animals nationwide.<sup>74</sup> The declaration “explicitly conced[es] esteem to all nonhuman living beings . . . at the highest legal level.”<sup>75</sup> In 2003, the Civil Code was revised to state that animals were not to be classified as objects in line with the “dignity of animals” declaration.<sup>76</sup> The Animal Welfare Act was also subsequently amended in 2008 to reflect the constitutional change in status of animals.<sup>77</sup>

## II. THE ANIMAL PROTECTION ACT

### A. *The Formation of the Korean Animal Protection Act*

The Republic of Korea’s first animal-cruelty legislation, the Animal Protection Act, was enacted on May 31, 1991 by the South Korean legislature.<sup>78</sup> The ratification of the Act was a historical first step for animal rights in South Korea, and would open the doors for other animal-related legislation to be enacted in its wake.<sup>79</sup> The original Act called for

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69 *Swiss Animal Protection SAP*, [http://www.animal-protection.net/sites/index\\_sts.html](http://www.animal-protection.net/sites/index_sts.html) (last visited Nov. 5, 2017). SAP is the largest animal protection organization in Switzerland and is recognized globally for its promotion of the human treatment of animals. *Id.*

70 Vanessa Gerritson, *Animal Welfare in Switzerland – Constitutional Aim, Social Commitment, and a Major Challenge*, GLOBAL J. ANIMAL L., Jan. 2013, at 1.

71 *Id.* at 2.

72 *Id.* at 3.

73 *Id.*

74 Margot Michel & Eveline Schneider Kayasseh, *The Legal Situation of Animals in Switzerland: Two Steps Forward, One Step Back – Many Steps to Go*, 7 J. ANIMAL L. 1, 3 (2012).

75 Gerritson, *supra* note 70, at 2.

76 Michel & Kayasseh, *supra* note 74, at 1.

77 *Id.*

78 Animal Protection Act, Act. No. 5153, Aug. 8, 1996, art. 1 (S. Kor.) *translated in* Animal Legal & Historical Center, <https://www.animallaw.info/statute/kr-cruelty-animal-protection-act>.

79 One example of the country’s increasing interest in animal rights is the South Korean government’s accession to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1993. *List of Contracting Parties*, CONVENTION ON INT’L TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA,

the protection of animal life by outlining and regulating their ideal treatment in various situations and circumstances.

The Animal Protection Act of 1991 contained several articles which addressed the range of protections encompassed within the law. The Act's purpose was outlined in Article I, with the goal being "to promote the protection of the lives, safety, and welfare of animals and to promote the emotional development of people so as to respect the lives of animals by providing for matters necessary to prevent cruelty to animals and to protect and manage animals appropriately."<sup>80</sup> Article II defined the term "animals" as "cattle, horses, pigs, dogs, cats, rabbits, fowl, ducks, goats, sheep, deer, foxes, mink and other animals prescribed by the Ordinance of the Ministry of Agriculture and Forestry."<sup>81</sup> Article III outlined taking reasonable efforts to allow animals to live in their "natural habitats", and Article IV discussed the Minister of Agriculture and Forestry's role in encouraging animal rights movements and activism.<sup>82</sup> Article V's purpose was to impose administrative conditions on animal breeding.<sup>83</sup> Articles VII, VIII, IX, and X dealt with abandoned animals, the method for animal butchering, surgical operations on animals, and experimentation on animals respectively.<sup>84</sup>

Of particular importance to this note is Article VI, the anti-cruelty provision of the Animal Protection Act of 1991.<sup>85</sup> This was the first legislative step taken by the Republic of Korea to address and limit the killing and inflicting of pain. The first subsection of Article VI prohibited the killing of animals "without rational cause, with cruelty, or with a method that gives other people a sense of aversion."<sup>86</sup> Likewise, the second subsection prohibited the infliction of "pain or injury" without "rational cause."<sup>87</sup> Article VI's anti-cruelty provisions were limited by Article XI, which stated that the anti-cruelty provisions did not apply to

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<https://www.cites.org/eng/disc/parties/chronolo.php> (last visited on Feb. 22, 2019). CITES is an international agreement made with the goal to regulate the global animal and plant trade and promote conservation. *What is Cites*, CONVENTION ON INT'L TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA, <https://www.cites.org/eng/disc/what.php> (last visited on Jan. 10, 2018). For comparison, the United States and Switzerland were ratifying countries of the CITES in 1974, demonstrating the countries earlier realization of the need for conservation. *List of Contracting Parties, supra*.

<sup>80</sup> See *Korea, WORLD ANIMAL PROTECTION*, <https://api.worldanimalprotection.org/country/korea> (last visited Feb. 22, 2019).

<sup>81</sup> See Animal Protection Act (2014) art. 2.

<sup>82</sup> *Id.* art. III, IV.

<sup>83</sup> *Id.* art. V.

<sup>84</sup> *Id.* art. VII, VIII, IX, X.

<sup>85</sup> *Id.* art. VI

<sup>86</sup> *Id.* art. VI (1).

<sup>87</sup> *Id.* art. VI (2).

hunting, for collection of animal properties for medicinal or industrial use, and protection of property and human life.<sup>88</sup> Finally, Article XII laid out punitive measures for animal cruelty in the form of a maximum of “200,000 won fine, penal detention, or a minor fine.”<sup>89</sup> In the years following its enactment, South Korean legislators would put forth revisions to the Act in order to better meet its goals.

### *B. Animal Protection Act Revisions*

Since its inception in 1991, the language of the Animal Protection Act has been revised several times, most notably in 1996, 1998, 2005, 2008, 2010, 2012, 2014, and as recently as 2015.<sup>90</sup> The extent and scale of the changes differed from year to year, but the revisions all generally sought to clarify definitions and terms, prevent additional specified acts, and increase the possible penalties and punishments for violations.<sup>91</sup> The 2008 revision of the Act, for example, was accompanied by the Ministry for Agriculture, Food and Rural Affairs’ explanation that certain changes were aimed at better identifying when a violation was committed.<sup>92</sup>

In the years following the initial enactment, legislators made the first changes to the Act mainly focused on clarifying and editing the language of the Act for comprehension. The 1996 revision changed the wording of Article III to better explain the goal of promoting national awareness for animal protection, and include more of the organizations in which the Minister of Agriculture and Forestry can do so.<sup>93</sup> It also clarified the wording in Article XI adding that if any of the underlined instances occurred, then the anti-cruelty rule in Article VI did not apply.<sup>94</sup>

The following amendment in 1998 further edited the same wording in Article XI on limitations and added the catch-all language, “and other matters concerning [animal] protection shall be stipulated”, in Article VII

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88 *Id.* art. XI.

89 *Id.* art. XII.

90 *Animal Protection Act*, NAT’L L. INFO. CTR., <http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=animal&x=0&y=0#liBgcolor12> (last visited Jan. 10, 2017).

91 Claire Czajkowski, *Dog Meat Trade in South Korea: A Report on the Current State of the Trade and Efforts to Eliminate It*, 21 *ANIMAL L.* 29, 43 (2014)

92 *Id.*

93 *Animal Protection Act 1996*, NAT’L L. INFO. CTR., <http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=animal&x=0&y=0#liBgcolor20> (last visited Jan. 10, 2017).

94 *Id.*

on abandoned animals.<sup>95</sup> The 2005 amendment also made changes to the Article XI limitations wording on cases in which the animal-cruelty protections did not apply.<sup>96</sup> The changes following the initial enactment of the Act being mostly aimed at attempting to clarify when animal cruelty protections did or did not apply seemed to indicate a flaw in determining these cases.

In 2007, the legislature undertook a more significant restructuring of the Act and added several additional articles.<sup>97</sup> The 2008 amendment increased the reporting and registration requirements for animal owners and further specified animal owners' responsibilities of control over their animals, such as keeping them on a leash in public and breeding restrictions.<sup>98</sup> The revision also added proper standards for the transportation of animals, animal facilities and animal businesses, as well as established an animal experiment ethics committee and governmental keeping and maintenance of animal-related data and statistics.<sup>99</sup>

The 2008 amendment added important expansions to the animal cruelty provision by targeting specific practices and acts and adding additional articles outlining new penal provisions and fines for negligence.<sup>100</sup> The animal cruelty protections article number was changed from VI to VII, and the two-sentence 1991 iteration of the animal cruelty provision increased to four subparagraphs with accompanying descriptions.<sup>101</sup> The new subparagraphs described with much more specificity the methods of

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95 Animal Protection Act 1998, Act No.5454, Dec. 13, 1997, *amended by* Other Act, (S. Kor.), *translated in* National Law Information Center online database, <http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=animal&x=0&y=0#liBgcolor19>.

96 Animal Protection Act 2005, Act No.7167, Feb. 9 2004, *amended by* Other Act, art. 11(6), (S. Kor.), *translated in* National Law Information Center online database, <http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=animal&x=0&y=0#liBgcolor18>.

97 *See generally* South Korea's Animal Protection Laws, INT'L AID FOR KOREAN ANIMALS, <http://koreananimals.org/south-koreas-animal-protection-laws/> (last visited Jan. 10, 2017).

98 *See generally* Animal Protection Act 2008, Act No.8852, Feb. 29, 2008, *amended by* Other Act, (S. Kor.), *translated in* National Law Information Center online database, <http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=animal&x=0&y=0#liBgcolor17>. The additional articles added in 2008 are: Article V concerning animal registration, Article VI on breeding and control, Article VIII on transportation standards, Article X concerning animal facilities, Article XIV on the Animal Experimentation Ethics Committee, Articles XV, XVI, and XVII on animal-related businesses and their owners, Article XIX on the Animal Guardian position, Article XX on access and inspections, Article XXI and XXII concerning animal business cancellation and fees, Article XXIII on delegation of authority, and Article XXIV on the standards for governmental animal data upkeep. *Id.* art. 5-7, 10, 14-17, and 19-24.

99 *See generally* *Id.* art. 7,10, 14,15, 16, 17 and 24.

100 *See generally* *Id.* art. 26.

101 *See generally* *Id.* art. 7.

prohibited animal killing such as by hanging and in public places.<sup>102</sup> Restrictions against the use of tools or drugs to inflict injury, collecting animal products while the animal is alive, and the infliction of pain for gambling, pleasure, or advertisement were also added to this new article.<sup>103</sup> Additionally, a new Animal Guardian position was established to act in an administrative role to enforce the law and prevent acts of animal cruelty and other violations.<sup>104</sup> The maximum fines for brutal animal killings prohibited under the new animal cruelty protections provided in Article VII increased to 5,000,000 won, approximately \$4,700 USD, and the fines for animal abandonment increased to 500,000 won, or approximately \$470.<sup>105</sup>

The subsequent 2010 amendment included only small changes in comparison,<sup>106</sup> but the 2012 and 2014 amendments were more substantial expansions of the law. Both these revisions sought to further outline the proper treatment and care of animals,<sup>107</sup> as well as define the precise meaning of the terms included throughout the Animal Protection Act's provisions.<sup>108</sup> The 2012 amendment added a new Article III provision that enumerated "Basic Principles for [the] Protection of Animals", which are basic standards for animal owners in treating their animals such as ensuring proper nutrition and being free from stress, fear, or harm.<sup>109</sup> A new Article VII outlined owners' responsibility to ensure their animals have adequate food, water, medicine, sleep, and exercise.<sup>110</sup> Article XIV enumerated the powers of local government to rescue and protect animals

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<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.* art. 19.

<sup>105</sup> *Id.* art. 25-26.

<sup>106</sup> See generally Animal Protection Act 2010, Act No.10310, May 25, 2010, amended by Other Act, (S. Kor.), translated in National Law Information Center online database, <http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=animal&x=0&y=0#liBgcolor16>. In 2010, the Animal Protection Act was amended to specify minimal-pain methods for butchering or slaughtering animals. *Id.* at art. 11.

<sup>107</sup> See generally Animal Protection Act 2012, Act No.10995, Aug. 4, 2011, (S. Kor.), translated in National Law Information Center online database, <http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=animal&x=0&y=0#liBgcolor15>.

<sup>108</sup> See generally Animal Protection Act 2014, Act No.12512, Mar. 24, 2014, (S. Kor.), translated in National Law Information Center online database, <http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=animal&x=0&y=0#liBgcolor22>.

<sup>109</sup> The 2012 amendment includes five basic principles of animal care that owners must ensure their animals receive. These are to ensure that an animal: "maintains natural behavior and original shape to live an ordinary life", is free from hunger, thirst or malnutrition, is able to express its "natural behavior without experiencing discomfort", be "free from pain, injury, or disease", and be "free from fear and distress." Animal Protection Act 2012, art. 3.

<sup>110</sup> *Id.* art. 7(1)-(3).

that are found in the situations prohibited in other sections, and Article XVI described the process for ordinary people to report these situations. Finally, the 2012 amendment further increased the fines and punishments under Articles XLVI and XLVII, punishing violators of the animal cruelty Article VIII provisions with up to a year of imprisonment or prison labor and 10,000,000 won, or approximately \$9,400 USD.<sup>111</sup>

The 2014 Animal Protection Act amendment sought to provide clear definitions of the term “animal” and “animal cruelty.” The term “animal” was more specifically defined to mean mammals and birds, and encompass certain reptiles, amphibia, and fish to be defined by a later presidential decree.<sup>112</sup> The amendment also added a definition for animal abuse, describing it as an “act of inflicting unnecessary and avoidable physical distress or stress on animals without justifiable grounds, or neglecting or failing to take appropriate measures against its hunger, diseases, etc.”<sup>113</sup> The terms animal owners and keepers were defined, as well as animal experimentation and registration.<sup>114</sup>

The most recent revision of the Animal Protection Act came by way of Executive decree in 2017 and further extended the term “animal” to include reptiles, amphibians, and fish as had been previously mentioned in the 2014 amendment.<sup>115</sup>

### *C. Comparisons to US and Swiss Animal Cruelty Laws*

The United States does not have a federal animal cruelty law, and animal cruelty laws are enacted and enforced by the states individually.<sup>116</sup>

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<sup>111</sup> *Id.* art. 46.

<sup>112</sup> Animal Protection Act 2014, art. 2(1)

<sup>113</sup> *Id.*

<sup>114</sup> *Id.* 2(2)-(5). The 2015 Animal Protection Act revisions are not of particular relevance to this note as they concern slight changes in animal registration management and animal business procedure under Articles XIII and XXXIII respectively. *See generally* Animal Protection Act 2015, Act No.13023, Jan. 20, 2015, art. 13 & 33, (S. Kor.) *translated in* National Law Information Center online database, <http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=animal&x=0&y=0#liBgcolor13>.

<sup>115</sup> Presidential Decree No. 28211, Jul. 26, 2017, *amended by* Other Act, art. 2, (S. Kor.), *translated in* National Law Information Center online database, <http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=Animal+Protection+Decree&x=0&y=0#liBgcolor1>.

<sup>116</sup> *Federal Anti-Cruelty Laws*, NAT'L ANTI-VIVISECTION SOC'Y (2012), <https://www.navs.org/what-we-do/keep-you-informed/legal-arena/companion-animal-issues/federal-anti-cruelty-laws> (last visited Jan. 10, 2017). Although the United States does not have a federal animal cruelty law, animal abuse videos and animal fighting are prohibited federally under the Commerce Clause of the U.S. Constitution. *Id.* In addition, “[i]n 2016, the FBI’s National Incident-Based Reporting System added an animal cruelty offense category” with subcategories such as torture,

Like South Korea, the United States animal protection law was also given an overall D ranking by the World Animal Protection Organization, although their animal cruelty laws were ranked higher at a C.<sup>117</sup> Although each of the 50 states have their own unique animal cruelty laws, there are overarching similarities among the language and prohibitions of their laws. Generally, all of the states' definitions of animal cruelty include prohibitions on the infliction of harm, torture, killing, and abandonment.<sup>118</sup> The language used by the states in defining the perpetrator's state of mind in committing acts of animal cruelty share many commonalities, including the use of words such as "intentionally", found in 26 state laws, "knowingly", used in 20, and "cruelly" included in 32 state laws.<sup>119</sup> The fines and punishments for animal cruelty vary significantly by state, but the act is criminalized in all 50 states, and as of 2014 all 50 also have felony<sup>120</sup> provisions in their state animal cruelty laws.<sup>121</sup> While penalties are dependent on the severity of the act, generally periods of imprisonment range from a minimum of two to thirty days, and a maximum in the one to five year range, with some states going up to ten or fifteen years.<sup>122</sup> Fines, also depend on the act, but generally range from a minimum of \$100 to \$250 with maximum penalties generally falling within the \$1,500 to \$5,000 range, but with many states going up to \$10,000 and more for especially grave or repeat offenses.<sup>123</sup>

Unlike South Korea, the United States does not have an overarching federal animal-cruelty law, and because of that a comparison of the two countries' laws is more complicated than a simple one to one direct

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neglect, sexual abuse, and animal fighting in order to identify possible violent criminals on a federal level. *See generally id.*

117 *Animal Protection Index: United States*, WORLD ANIMAL PROTECTION, <https://api.worldanimalprotection.org/country/usa> (last visited Jan. 10, 2018).

118 *See generally Animal Cruelty Laws State by State*, STRAY PET ADVOC. (2003), <http://www.straypetadvocacy.org/PDF/AnimalCrueltyLaws.pdf> (last visited Jan. 11, 2018).

119 *Id.* 14 of the states use almost identical language in defining animal cruelty, describing an offender as one who "[o]verloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal". *Id.* 34 states include "abandon", 36 include "injure" or "injury, nine include "disfigurement", 42 include "torture" and 41 include "mutilate" in the language of their law. *Id.*

120 *Id.* *See generally* Charles Montaldo, *The Main Classifications of Criminal Offenses*, THOUGHT CO. (Jun. 30, 2017), <https://www.thoughtco.com/types-of-criminal-offenses-970835>. (Giving description of felonies which includes animal cruelty). The United States has three categories of criminal offenses. In order of seriousness they are: felonies, misdemeanors, and infractions. Punishments for felony offenses vary by state but are generally punishable by incarceration for one year or more. *Id.*

121 *See Federal Anti-Cruelty Laws*, *supra* note 116.

122 *See generally Animal Cruelty Laws State by State*, *supra* note 118.

123 *See generally id.*

comparison.<sup>124</sup> As such, only the laws of the top five states: Illinois, Oregon, Maine, Colorado, and Massachusetts, and the bottom five states: New Mexico, Wyoming, Iowa, Mississippi, and Kentucky, as rated by the Animal Legal Defense Fund will be considered in comparison to South Korea's Animal Protection Act.<sup>125</sup>

The animal cruelty laws of the top five states have overall greater protective measures than those outlined in the Animal Protection Act for enforcing and preventing animal cruelty. All five include a full range of statutory protections against cruelty, neglect, abandonment, fighting, and sexual assault, and four of the five include "adequate definitions/standards of basic care."<sup>126</sup> The Animal Protection Act does include standards of basic care and some of the same statutory protections; however they are arguably not to the same extent as the detailed standards of care included in the law of Illinois, for example.<sup>127</sup> In four out of five states, courts have the authority to seize abused animals, restrict ownership, and order mental health evaluations and or counseling, and in all five of these states courts can additionally give protection orders.<sup>128</sup> While the Animal Protection Act enumerates the powers of the animal welfare agents to seize abused animals, the widespread availability of courts along with state granted powers allow the enforcement of more diverse and individual remedies on a case-by-case basis. In three of the five states, police officers "have an affirmative duty to enforce animal protection laws", and the reporting of suspected abuse is mandatory for veterinarians and other professionals in four out of the five.<sup>129</sup> Three states give humane officers broad law

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124 As it would be unrealistic within the purposes of this note to compare the Animal Protection Act of the Republic of Korea to each of the 50 states' individual laws, only a comparison between the top five best and worst states as ranked by the Animal Legal Defense Fund will be examined in comparison to the Animal Protection Act. The Animal Legal Defense Fund is a non-profit animal rights organization founded in the United States by animal law attorneys in 1979. Their mission is to use the American legal system to create "stronger enforcement of anti-cruelty laws and more humane treatment of animals in every corner of American life." See *About Us*, ANIMAL LEGAL DEF. FUND, <http://aldf.org/about-us/> (last visited Jan. 11, 2018).

125 2018 *Animal Protection Law Rankings: Comparing Overall Strength and Comprehensiveness*, ANIMAL LEGAL DEF. FUND, 2018, at 7, 9, <https://aldf.org/wp-content/uploads/2019/01/Animal-Protection-Laws-of-the-United-States-2018-full-report.pdf>.

126 *Id.* at 12.

127 See *Animal Cruelty Laws by State*, *supra* note 118. Illinois' animal cruelty law enumerates the duties of an animal owner, requiring owners to "provide for each of his animals: sufficient quantity of good quality, wholesome food and water; adequate shelter and protection from the weather; veterinary care when needed to prevent suffering; and humane care and treatment." The law additionally imposes scaling punishment and possible mental health treatment on offenders. *Id.*

128 2018 *Animal Protection Law Rankings: Comparing Overall Strength and Comprehensiveness*, *supra* note 125, at 12.

129 *Id.*

enforcement authority and include increasing penalties for animal abusers and hoarders.<sup>130</sup> The Animal Protection Act, in comparison, is markedly silent on the police or veterinarians' roles in preventing animal cruelty and taking measures against practices such as animal hoarding.

The bottom five states are similar, worse, and better in some respects in comparison to the Animal Protection Act of Korea. Only one of these states includes standards of basic care for animal owners, with the other four being rated inadequate.<sup>131</sup> The police officers of only one state have an affirmative duty to enforce animal cruelty laws and only one state requires any abused animal to be seized upon conviction.<sup>132</sup> Unlike the top five states, courts do not possess as much broad discretion in the means in which they can restrict offenders, although all five of the bottom states include "increased penalties for repeat offenders."<sup>133</sup> From this brief examination, the bottom five are better in punishing repeat offenders with increasing fines and punishments in comparison to the Animal Protection Act which does not. In contrast, the bottom five states are arguably worse than the Animal Protection Acts in their outlined standards of basic care, but are similar in the way that the laws are vaguely or ineffectively enforced by animal cruelty officials and courts.

As discussed earlier, animal rights are given high priority in Swiss law and are established at a federal level. Their animal protection law is globally respected, having received an overall A rating from the World Animal Protection Organization.<sup>134</sup> Similar to South Korea and unlike the United States, Switzerland has a federal animal cruelty protection law which is included in their country's Animal Welfare Act passed in 1978.<sup>135</sup> The Federal Act provides broad definitions for protected animals, their rights, and explanations of constitutional language such as dignity and welfare.<sup>136</sup> In addition to the Federal Act, Switzerland also passed the companion Animal Protection Ordinance in 1981, which goes into greater specific detail as to the care of animals required by the law.<sup>137</sup> Overall, the

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<sup>130</sup> *Id.*

<sup>131</sup> *Id.* at 13.

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

<sup>134</sup> *Animal Protection Index: Switzerland*, WORLD ANIMAL PROTECTION, <http://api.worldanimalprotection.org/country/switzerland> (last visited Jan. 10, 2018).

<sup>135</sup> CONSTITUTION FÉDÉRALE [CST][CONSTITUTION] Mar. 9, 1978, RO 2008 2965, art. 80, para. 1-2 (Switz.).

<sup>136</sup> CONSTITUTION FÉDÉRALE [CST][CONSTITUTION] Mar. 9, 1978, RO 2008 2965, art. 80, para. 1-2 (Switz.) art. 3.

<sup>137</sup> *See generally* TIERSCHUTZVERORDNUNG [TSCHV], [ANIMAL WELFARE ORDINANCE] Dec. 16, 2005 AS 2008 2985, art. 32, para. 1 (Switz.).

language of both the Animal Welfare Act and Protection Ordinance can be described as thorough, detailed, and specific about animal protections.

Articles I and II of the Animal Protection Ordinance define protected animals and divide them into subcategories of domestic and wild.<sup>138</sup> Further definitions are provided for pet, farm, and laboratory animals as well as animal-care related words such as housing, enclosure, run, and breeding.<sup>139</sup> Articles III through XIV lay out the animal owner's duties of care and prescribe a variety of responsibilities from proper housing and climate requirements, regular health checks, and feeding, to protections from weather and noise, and allowance of reasonable social contacts.<sup>140</sup>

Section 3 of the Animal Protection Ordinance includes the law's articles on animal cruelty protections.<sup>141</sup> Article XVI details specific acts of animal cruelty that are prohibited against all animals including cruel beatings targeting particular parts of the animal such as eyes, genitalia, and tails, the painful and wanton killing of animals, animal fights, sexual acts, shipping in packages, and commercial exploitation.<sup>142</sup> Articles XVII through XXIV cover particular prohibited acts against certain animals such as cattle, pigs, sheep, goats, poultry, horses, dogs, fish, cats, and decapods.<sup>143</sup> These articles prohibiting animal-specific acts show the Swiss legislators' awareness that a general anti-cruelty prohibition is not always enough to combat the various forms in which animal cruelty occurs.<sup>144</sup> Chapter Three expands further on this idea, by prescribing duties of care and animal-specific treatment for the aforementioned categories of animals in regards to housing, feeding, grooming, and exercise.<sup>145</sup> The Animal Protection Ordinance also includes proper sizing requirements for the housing of over a hundred different types of animals.<sup>146</sup> In terms of punishment, those who "wilfully [sic] mistreat[] or neglect[] an animal, unnecessarily overwork[] it or in any other way disregards its dignity [are] liable to a fine or imprisonment of up to three years."<sup>147</sup> Those who

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138 TIERSCHUTZVERORDNUNG [TSCHV], [ANIMAL WELFARE ORDINANCE] Dec. 16, 2005 AS 2008 2985, art. 32, para. 1 (Switz.), art. 1.

139 *Id.* art 2.

140 *Id.* art 4-6.

141 *Id.* art 7.

142 *Id.*

143 *Id.* art 8-10. These articles prohibit acts such as harmful horseshoes and the removal of tactile hair in horses, the destruction of dog vocal cords, the declawing of cats, the debeaking of birds, and the use of live fish as bait.

144 *Id.*

145 *Id.* art 12-25.

146 *Id.* art 72-135.

147 *Animal Protection Index: Switzerland, supra* note 134.

negligently mistreat an animal are “liable to a fine or imprisonment of up to 180 days.”<sup>148</sup>

In comparison to the South Korean Animal Protection Act, the Swiss Animal Welfare Act and Animal Protection Ordinance are substantially more thorough and descriptive in their protections against cruelty to animals. The Animal Protection Ordinance has more provisions and articles on the proper care and treatment of dogs, for example, than the South Korean Animal Protection Act has total sections prohibiting certain acts of animal cruelty.<sup>149</sup> The range and specificity with which the language of the Swiss law targets cruel acts and practices is clearly more comprehensive than existing comparable law of South Korea and the United States.

However, despite the clear disparity in coverage and range between the three countries, at their foundations, the animal cruelty laws of South Korea, the United States and Switzerland share several key similarities. The basic statutory language prohibiting the cruel infliction of pain, harm, and death, standards for duties of care, and punitive measures are found in all three countries’ laws, albeit in different degrees. The evolution of the Animal Protection Act through the numerous revisions it has undergone since it was first introduced in 1991 could indicate the Legislature’s propensity to make further improvements to the law.<sup>150</sup> If support for adding more stringent language is obtained, in a few years it is entirely plausible that the Animal Protection Act can attain or surpass the level of coverage included in some of the higher ranked American States’ laws. If given enough attention and support, it is also within the realm of possibility for future revisions of the Animal Protection Act to include more detailed proscriptions of animal care and animal-specific anti-cruelty provisions such as those found in the Swiss Animal Welfare Act. Given the legal framework and basic recognition of the idea that animals should be protected from cruelty is already firmly in place, the animal cruelty law of South Korea undoubtedly has the ability to change for the better.

#### *D. Enforcement*

The difficulty of attaining successful and efficient enforcement of an enacted piece of legislation is a challenge all countries based in the rule of

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<sup>148</sup> *Id.*

<sup>149</sup> See generally ANIMAL WELFARE ORDINANCE.

<sup>150</sup> See generally *Animal Protection Index: South Korea*, WORLD ANIMAL PROTECTION, <https://api.worldanimalprotection.org/country/korea> (last visited Jan. 10, 2018).

law will encounter. The Animal Protection Act is no exception to this, as demonstrated by the numerous amendments to make the animal cruelty provisions and Act as a whole more enforceable.

The persisting weaknesses of the Animal Protection Act can be primarily attributed to ambiguous language and the limited amount of acts that were deemed punishable.<sup>151</sup> The most notable example of this weakness is that it took ten years after the Act was established for someone to be penalized for animal cruelty.<sup>152</sup> The vague “without rational cause” element of the animal cruelty prohibition made it difficult to determine what acts fell within rational cause and what acts constituted a violation.<sup>153</sup> The neglect of or failure to properly care for an animal, while prohibited, was not accompanied by corresponding punishments unlike other acts of cruelty.<sup>154</sup> Intentional and nonintentional abandonment of animals also increased during the period from 1991 to 2007, as it was not explicitly defined or punished.<sup>155</sup>

In addition to the aforementioned weaknesses, the original Animal Protection Act did not directly specify who would enforce the law and in what manner.<sup>156</sup> As a result, the revised 2007 version of the Act added a provision allowing government animal protection inspectors the power to inspect cases of animal cruelty and confiscate abused animals, as well as adding steeper fines and increased prison sentences.<sup>157</sup> 2017 saw the addition of new improvements to the law, further clarifying the language of the animal cruelty provisions to prohibit both the infliction of pain and acts that cause the animal to subsequently die as a result.<sup>158</sup>

While many of the early Animal Protection Act’s weaknesses have been acknowledged in subsequent revisions and amendments, there are several persisting blind spots that have yet to be addressed. The Act’s effectiveness continues to be limited by a vague definition of the duty of

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151 Czajkowski, *supra* note 91, at 44-45.

152 *Id.* at 43.

153 Czajkowski, *supra* note 91, at 43.

154 *Id.* at 45.

155 See generally *Reasons for Revisions and Key Points of the New Law*, INT’L AID FOR KOREAN ANIMALS (2014), <http://koreananimals.org/reasons-for-revision-and-key-points-of-the-new-law/>.

156 *Id.*

157 See generally *Animal Protection Index: South Korea*, *supra* note 150. *Reasons for Revisions and Key Points of the New Law*, *supra* note 155.

158 *Long Awaited Improvements to Korean Animal Protection Laws*, COEXISTENCE OF ANIMAL RTS. ON EARTH (Mar. 20, 2017), <http://careanimalrights.org/2017/03/improvements-to-korean-animal-protection-laws/>. CARE notes that the changes to the language of the Act are important because they allow animal inspectors to take action against reported offenders even when there are no visible signs of injury on the animal. *Id.*

care for animals, and as such the breach of the duty is difficult to enforce.<sup>159</sup> There is also a noticeable lack of provisions in the Act concerning repeat offenders and scaling punishments.<sup>160</sup> In addition, witnesses of animal cruelty cannot step in legally to “isolate” animals from abusers and have to wait “until public authority reaches the site.”<sup>161</sup>

However, victories for animal rights through law enforcement are becoming more frequent. A noteworthy example of this occurred in October of 2017, when a PC café owner was charged with animal cruelty and penalized by the judge with the highest fine ever given for an act of animal cruelty in South Korea, at 10,000,000 won, or \$9,300 USD.<sup>162</sup> The number of cases of reported and charged animal cruelty violations are both increasing, indicating a higher level of enforcement of the law by police as well as public perception of animal abuse.<sup>163</sup> Law enforcement’s investigations for animal cruelty cases are hoped to improve in their effectiveness with the National Assembly’s publication of a “Animal Abuse Investigation Manual.”<sup>164</sup>

### III. ANIMAL ACTIVISM, THE MEDIA AND ANIMAL LAW IN KOREA

Given modern South Korea’s tumultuous history, the development of animal legislation had taken a backseat to political, economic, and societal issues, with the concept of animal rights also being unknown to the general public. However, as incidents like the “Devil’s Equus” demonstrate, modern animal cruelty has been brought to the attention of the public eye by the influence of several forces including animal activist groups, traditional media sources, and the rise of social media.

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159 See *Animal Protection Index: South Korea*, *supra* note 150.

160 *Id.* World Animal Protection explains that such deterrents are important in the effective prevention of animal cruelty, and the absence of such in South Korean law is a factor in their assignment of a “D” rating. *Id.* CARE has also criticized the South Korean Congress for their failure to add restrictions on ownership by abusers. See *Long Awaited Improvements to Korean Animal Protection Laws*, *supra* note 158.

161 *Long Awaited Improvements to Korean Animal Protection Laws*, *supra* note 158.

162 *Highest Ever Fine for Animal Abuse in Korea*, COEXISTENCE OF ANIMAL RTS. ON EARTH (Jan. 14, 2018), <http://careanimalrights.org/2018/01/highest-ever-fine-for-animal-abuse-in-korea/>.

163 *We did it! We have moved forward!*, COEXISTENCE OF ANIMAL RTS. ON EARTH (Nov. 14, 2016), <http://careanimalrights.org/2016/11/we-did-it-we-have-moved-forward/>. CARE reports that the number of “[v]iolations have doubled in number from 2012 to 2015 (138 to 264 cases).” *Id.* In 2016, “210 cases were reported from January to August” alone. *Id.*

164 *Id.* The manual instructs law enforcement to conduct “more precise and exhaustive police investigations of the animal abuse[.]” emphasizing prompt action and taking cases seriously, “provid[ing] an impartial judicial process and active investigation into malicious and organized animal cruelty.” *Id.*

Animal rights activism within South Korea began to take shape in 1999.<sup>165</sup> Organizations such as the Coexistence of Animal Rights on Earth,<sup>166</sup> Korea Animal Protection and Education Society,<sup>167</sup> and Animal Arirang<sup>168</sup> are working to educate the public and improve the law and its enforcement.<sup>169</sup> The efforts of such groups to “promote greater compassion for animals” have seemingly had an effect on both law enforcement and the public’s perception of animals.<sup>170</sup> International animal rights groups have also come together to both support South Korea’s national organizations and call international attention to animal abuse issues within South Korea.<sup>171</sup>

Traditional and social media has played a pivotal and transformative role in South Korea’s fight for animal rights. Through the use of both forms of media, animal rights groups, law enforcement, and individuals alike are able to bring to light occurrences of animal abuse. Korean animal-related television programs, such as the hit-show Animal Farm,<sup>172</sup> have numerous episodes dedicated to highlighting animal abuse and rescue, and educating on the proper treatment of and respect for

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165 Ock Hyun-ju, *Awareness of animal rights grows in Korea*, THE KOREA HERALD (Apr. 6, 2016), <http://www.koreaherald.com/view.php?ud=20160406001036>. Widespread cases of animal abandonment and the dog-meat industry is believed to have been influential in the organization of South Korea’s animal activism. *Id.*

166 *Our Mission*, COEXISTENCE OF ANIMAL RTS. ON EARTH, <http://careanimalrights.org/mission/> (last visited Feb. 11, 2018).

167 *Who are we?*, KOREAN ANIMAL WELFARE ASS’N, <http://koreandogs.org/about-us/> (last visited Jan. 25, 2019).

168 Animal Arirang, FACEBOOK, <https://www.facebook.com/AnimalArirang/> (last visited Feb. 26, 2019).

169 *See* Murray, *supra* note 38.

170 *Id.* Animal activist groups’ campaigning has been present in the background of several legislative victories for animal rights, including the adding of the registration requirement for pets as well as anti-animal testing provisions in the Animal Protection Act. Hyun-ju, *supra* note 165.

171 IAKA, Free Korean Dogs, Korean Animal Protection Society, and Animal Hope and Wellness Foundation are all South Korean groups seeking long-term change in improving animal rights in South Korea. *See About IAKA*, INT’L AID FOR KOREAN ANIMALS, <http://koreananimals.org/about/introduction/> (last visited Feb. 11, 2018); *see generally About Us*, FREE KOREAN DOGS, <https://www.freekoreandogs.org/about/> (last visited Feb. 11, 2018), *Korean Animal Protection Society*, FACEBOOK, <https://www.facebook.com/KAPSAnimals/> (last visited Feb. 11, 2018), *The Heart of Rescue*, ANIMAL HOPE AND WELLNESS FOUND., <https://animalhopeandwellness.org/about-us/> (last visited Feb. 11, 2018).

172 *TV Dongmool Nongjang*, SBS, [http://program.sbs.co.kr/builder/programSubOnline.do?pgm\\_id=00000010171&pgm\\_build\\_id=12&pgm\\_mnu\\_id=26](http://program.sbs.co.kr/builder/programSubOnline.do?pgm_id=00000010171&pgm_build_id=12&pgm_mnu_id=26) (last visited Feb. 11, 2018). Animal Farm is one of South Korea’s longest running animal-related television programs, running from 2001 to the present. *TV Dongmool Nongjang*, NAMUWIKI, <https://namu.wiki/w/TV%20%EB%8F%99%EB%AC%BC%EB%86%8D%EC%9E%A5#rfn-1> (last visited Feb. 11, 2018). Prior to Animal Farm, only two other animal television shows were in production from the 1980’s to 2001, with one being a BBC dubbed documentary series. *Id.*

animals.<sup>173</sup> In 2015, an animal television broadcast brought to light the abuses of the Korean “puppy mills”,<sup>174</sup> causing public outcry in the form of protests and petitions, which led to stricter restrictions on the trade.<sup>175</sup>

More and more individuals are raising pets in South Korea than ever before,<sup>176</sup> and, along with activist groups, they are using social media platforms such as Facebook and Instagram to show off their own animal companions as well as bring attention to cases of abuse and cruelty in much greater numbers.<sup>177</sup> Famous celebrities,<sup>178</sup> and even the South

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173 Dongmool Ui Saegye (Animal World) and Haha Laendeu (HA-HA Land) are television shows in a similar vein to Animal Farm. Dongmool Ui Saegye (Animal World). *See generally Animal World: Creative Killers – Coliseum – 05/2/2018*, ON DEMAND KOREA, <https://www.ondemandkorea.com/animal-world-e20180525.html> (last visited Feb. 23, 2019); *HA-HA Land Season 2*, ON DEMAND KOREA, <https://www.ondemandkorea.com/ha-ha-land-season-2-teaser.html> (last visited Feb. 23, 2019). They involve famous Korean television hosts showing animal clips and offering commentary. *Id.* These programs bring attention to the native animals of Korea and the world, the ideal relationships between pets and their owners, and cases of animal abuse. *Id.* The programs’ goals are to change the public view of animals and instill respect for them. *Id.* Other traditional Korean-dubbed animal documentaries are also frequently broadcast on Korean television. ONDEMAND KOREA, <http://www.ondemandkorea.com/> (last visited Feb. 11, 2018). TV programs have played a significant role in exposing these acts of cruelty to the public that lead to the tightening of the laws. *See South Korea to Tighten Penalties for Animal Cruelty*, PET MD (July 6, 2011), [https://www.petmd.com/news/care-safety/nws\\_S\\_Korea\\_to\\_tighten\\_penalties\\_for\\_animal\\_cruelty-11384](https://www.petmd.com/news/care-safety/nws_S_Korea_to_tighten_penalties_for_animal_cruelty-11384). *See also* Hyung-Jin Kim, *South Korean dog farms struggle amid cruelty allegations*, CTV NEWS (July 13, 2016), <https://www.ctvnews.ca/world/south-korean-dog-farms-struggle-amid-cruelty-allegations-1.2984641>.

174 EBS *Hana Bbun In Jigu ‘Kangaji Gongjang Gwa Yugigyeon, Aksoonhwan Gori Ggeuneoya’*, DAILY VET (Mar. 17, 2015), <http://www.dailyvet.co.kr/news/animalwelfare/40241>.

175 *See Long Awaited Improvements to Korean Animal Protection Laws*, *supra* note 158.

176 *Korea’s pet culture evolves with more adoption, tailored care*, THE KOREA HERALD (Apr. 21, 2016), <http://www.koreaherald.com/view.php?ud=20160421000820>. 2015. Governmental data shows that 10 million South Koreans live with pets. *Id.* In addition, individuals choosing to adopt animals from shelters is increasing yearly, with 790 adoptions in 2013 compared to 2,700 in 2014. *Id.* Some even theorize that over time pets will replace children in South Korea. Steven Borowiec, *Are Pets Replacing Children in South Korea*, THE WALL STREET J. (June 7, 2013, 9:00 AM), <https://blogs.wsj.com/korearealtime/2013/06/07/are-pets-replacing-children-in-south-korea/>.

177 *See generally Aenimeol Bwa*, FACEBOOK, [https://www.facebook.com/sbstvanimal/?hc\\_ref=ARTI5HnhcuPw4YNibjfq49QLGi6qcPmRFUd6V-ODITocHLvc8IfRVD5fhxgF7TadMc8&fref=nf](https://www.facebook.com/sbstvanimal/?hc_ref=ARTI5HnhcuPw4YNibjfq49QLGi6qcPmRFUd6V-ODITocHLvc8IfRVD5fhxgF7TadMc8&fref=nf) (last visited Feb. 11, 2018); *Meongi Nyangi (Sesang Ui Modeun Banryeo Dongmool)*, FACEBOOK, [https://www.facebook.com/groups/1664425877152358/?ref=br\\_rs](https://www.facebook.com/groups/1664425877152358/?ref=br_rs) (last visited Feb. 11, 2018); *Jinhokgeo Dongmool Nongjang*, FACEBOOK, [https://www.facebook.com/groups/JHK02/?ref=br\\_rs](https://www.facebook.com/groups/JHK02/?ref=br_rs) (last visited Feb. 11, 2018); *Dongmool Danche CARE*, FACEBOOK, <https://www.facebook.com/CAREanimalKorea/> (last visited Feb. 11, 2018); *Honmono Sooyongso (Dongmool)*, FACEBOOK, [https://www.facebook.com/groups/114734265524776/?ref=br\\_rs](https://www.facebook.com/groups/114734265524776/?ref=br_rs) (last visited Feb. 11, 2018); *#dongmool*, INSTAGRAM, <https://www.instagram.com/explore/tags/동물> (last visited Feb. 11, 2018); *#dongmoolhakdae*, INSTAGRAM, <https://www.instagram.com/explore/tags/동물학대> (last visited Feb. 11, 2018).

178 *See Winner appears in “Animal Farm” show...With their own pets*, YGLIFE (May 29, 2017, 10:06 AM), <http://www.yg-life.com/archives/89820?lang=en>; *Roscoe; Dog Meat Farm Rescue Adopted by Daniel Henney*, COEXISTENCE OF ANIMAL RTS. ON EARTH (Nov. 22, 2017)

Korean President Moon Jae-In himself,<sup>179</sup> have been very vocal of their love for animals and their support for stronger animal rights and protection, also increasing the amount of public interest in the subject. This change in the public perception of animals and their treatment pushed by all of these sources will hopefully be followed by change in the form stricter animal protection laws and their enforcement.

### CONCLUSION

The Korean peninsula has a rich and expansive history dating back over 5,000 years. Animals have played a role both in traditional Korean culture appearing frequently in folklore and myths, and also a utilitarian role in labor and farming. The concept of animal rights, however, is very new.

Accordingly, South Korean animal law is an area that is underdeveloped compared to other First World countries. Despite this, the country's enactment of the Animal Protection Act in the late 20th century was a definite step in the right direction for Korean animals. The Act created preventative measures to address the cruel treatment of animals. Although vague language and limited enforcement has hindered progress, the Act has created a necessary and useful foundation for further development in the area. With refinement, the legislation has the potential to reach high levels of effectivity.

Lawmakers and law enforcement should take note of growing public sentiment in South Korea and globally to prevent acts of animal cruelty. Traditional media, social media, and global perspectives will be the impetus for these parties to further refine the law and increase the effectivity of their enforcement. Strong legislative language covering cruelty to all kinds of animals not simply those listed in the Act currently, will eliminate possible loopholes in the law. Stronger laws giving broader discretion to both animal inspectors and the public at large to prevent

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<http://careanimalrights.org/2017/11/roscoe-dog-meat-farm-rescue-adopted-by-daniel-henney/>; E. Kim, *SISTAR's Hyorin Poses with Her Adorable Cats for Allure*, SOOMPI (Mar. 24, 2015), <https://www.soompi.com/2015/03/23/sisters-hyorin-poses-with-her-adorable-cats-for-allure/>.

<sup>179</sup> See Kim Tae Woo, *Moon Jae In Daetongryeong Deudieo Yugigyeon 'Tori' Reul Ibyanghaetda*, HUFFPOST (July 26, 2017), [http://www.huffingtonpost.kr/2017/07/26/story\\_n\\_17585604.html](http://www.huffingtonpost.kr/2017/07/26/story_n_17585604.html). President Moon adopted a mixed-breed dog saved from an abusive home by CARE. *Id.* President Moon further reemphasized his promise to better the living situation for South Korea's animals through pet playgrounds, feeding centers, better "Trap, Neuter, & Release Programs", and the phasing out of the dog-meat industry. *President Jae In Moon to Adopt Dog from CARE*, COEXISTENCE OF ANIMAL RTS. ON EARTH (May 11, 2017) <http://careanimalrights.org/2017/05/president-jae-in-moon-to-adopt-dog-from-care/>.

abuse, as well as stronger deterrent systems in the form of preventing repeat offenders from owning animals and increasing fines should result in more cases of animal cruelty being addressed and correctly punished. An examination of the strengths and weaknesses of the animal cruelty laws of other countries such as the United States and Switzerland, would also undoubtedly be beneficial for legislators to draw ideas from, in order to improve upon and create a more powerful and effective Animal Protection Act.

Recent trends in South Korea clearly show that the prevention of animal cruelty is becoming a more important issue among many people. With the combined effort of the public, leadership, and legislators working together towards this goal, occurrences of abuse will no doubt significantly decrease long-term in the country.

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