

Research On The Legal Response To Pet Keeping Management

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Abstract

As a result of the fast growth of China's economy, the country's population is seeing an increase in their standard of living as well as an increase in their income levels. As a consequence of this, and in response to the rising need for a higher quality of life, many people are turning to the practice of keeping pets as a means of satisfying their spiritual requirements. People are becoming more aware of the many different species of domesticated animals. In their innocent and endearing forms, pets may be seen all over the place in urban green-ways, parks, and neighborhoods. In this new setting, the rise in the number of individuals who own dogs has resulted in a complex and varied pattern of societal issues. The administration of keeping pets presents brand new issues as a result of this. The responsibility for pet damage caused by pet injuries is one example of this. Other examples include the problem of pet annoyance in public areas and the regulatory difficulties of pet cruelty and abandonment. In response to these issues, governments throughout the nation have also enacted pertinent laws and institutional norms to control the administration of pets. These regulations aim to ensure that animals are cared for in an appropriate manner. Having said that, the legislative logic behind these restrictions is murky, the operability is poor, and not all of the systems are foolproof. Therefore, how to improve the legislation to reduce the negative impact of pet keeping and to guarantee the law's ability to be enforced, as well as how to improve the public's awareness of law-abiding, are some of the most important issues to solve the problem of the negative impact of keeping pets in urban areas.

Based on the current scenario in China, this article examines the factors that contribute to the urban pet keeping management issues that exist in China and provides a discussion and analysis of those factors. At the same time, it examines laws from other countries that pertain to the management of pet keeping and discusses the implications of these foreign laws for our own laws based on the circumstances of our own community. In conclusion, it provides pertinent legislative countermeasures and proposals for improving the control of pet keeping in

China.

Keywords: pets; breeding; problems; countermeasures

I. Introduction

1. Overview of Domestic and Foreign Legal Regulatory Systems for Pets

1.1 The Legal Regulatory System of Inner-City Pets in China

In China, the primary requirements of the legislation regarding the administration of the keeping of pets primarily comprise two different features. The first one may be found in the applicable laws and regulations, while the second one can be found in the laws and regulations of each individual locality's local regulations.

(1) Legal Regulations Related to the Management of Pets in the City

There are primarily four laws that make up China's pet breeding control legislation. First, Article 151 of the Civil Code of Tort Liability stipulates that the breeding of animals must adhere to all applicable rules and regulations, show respect for social morals, and not interfere with the lives of other people. No-fault responsibility and the assumption of fault liability are the two primary types of liability principles that are outlined in the Civil Code regarding the breeding of animals that are responsible for causing harm to humans. The second piece of legislation is Public Security Administration Punishment Law Article 75. Third, the "Prevention and Control of Infectious Diseases Law of the People's Republic of China" describes that since the issue of rabies brought about by pets is a class B infectious disease, the law makes relevant provisions

for the prevention and control of infectious diseases management and prevention of functional departments. This is because the problem of rabies brought about by pets is a class B infectious disease. The "Law of the People's Republic of China on the Import and Export of Animal and Plant Quarantine" was enacted primarily at the entry and exit ports for the purpose of quarantine monitoring. Its objective is to prevent the introduction of infectious diseases from either outside or within the country.

2) Local Legal System on Pets

Regarding the management of pet keeping, some provinces and cities have adopted provisions in local legislation to confirm the management of pets. For example, Beijing has introduced the "Beijing Dog Breeding Management Regulations", Liaoning Province has introduced the "Liaoning Dog Breeding Management Regulations", and Shanghai has introduced the "Shanghai Dog Breeding Management Measures".

1.2 Foreign Legal Regime for Pets in Cities

The fundamental and specialized laws of developed countries are where the majority of the urban pet legislation may be found. When compared to China's arbitrary prohibitions and penalties for pets, the legal systems of other countries provide greater levels of protection for these animals. Laws in some countries see domestic animals as property and confer on their owners a

number of rights and responsibilities as a result. This topic may be the owner of the pet or the person in charge of caring for the animal. The subject is obligated to take care of the pet and is not allowed to mistreat the creature in any way, including abandoning it or abusing it. In such case, the individual will be held accountable for the relevant legal responsibilities.

2. Significance of the Study

Recently, an increasing number of individuals are able to make a comfortable livelihood for themselves. However, individuals need more than just a material existence; they also need a spiritual life. Just having a material life is not enough. People are beginning to acknowledge the benefits of keeping domesticated animals as pets more and more. They provide happiness to an increasing number of households. Residents that maintain pets may be found living in almost every residential community. The growing number of people who own pets has also had a negative impact on the people who live in the surrounding area. To make pets live quietly and amicably with humans in a way that does not place an unnecessary strain on society has therefore emerged as a contentious issue in contemporary culture. In this article, we take the legal difficulties that are associated with the management of pets as our point of departure and then highlight the gaps that exist in China's pet management system as a result. The next section of this paper makes a comparison between the laws in China and those in other countries, and then it suggests new laws and regulations for the management of pets in China. These laws

and regulations are discussed in terms of legislation, law enforcement, justice, and compliance.

3. Content, Ideas and Methods of the Study

This work is based on a survey and study of the relevant literature as well as a full grasp of the findings of research on the relevant ideas of pet legislation both in Japan and internationally. In addition, in order to establish the path and focus of the study, this article analyzes and contrasts the legal systems now in place in Europe and the United States. The theoretical groundwork that was discussed earlier in this piece serves as the basis for the investigation that is the primary focus of this study. The conclusion of the study raises several problems and points out certain deficiencies that need to be solved. The whole of this piece of writing adheres to the logical framework of "what is the problem, identifying the problem, and fixing the problem," as well as the idea of "theory leads practice, practice tests and improves theory."

(1) Literature analysis method (2) Comparative analysis method (3) Case study method

II. The Fundamental Conditions and Problems of Pet Feeding Management

1. The Fundamental Status of Pet Feeding Management

1.1 Current Status of Pet Keeping

The number of individuals who own pets in China has been steadily increasing over the last several years. According to the statistics presented in the 2019 Pet White Paper (hereinafter referred to as the "White

Paper"), traditional dogs and cats continue to account for the largest percentage of the pet market in China in both 2018 and 2019. This trend is expected to continue in the coming years. The ancillary and supplementary goods, such as veterinary checkups and quarantine for pets who are ill, are being transported to the animal hospital. In addition, there is an overwhelming amount and diversity of items on the market for feeding dogs and cats to pets. There are also pet training groups, which are seeing an increase in membership as time goes on. Since an increasing number of people are keeping pets, the economic industrial chain that revolves around the care of pets—from their food and clothes through their illnesses and deaths—is growing. It has a positive impact on both employment and economic productivity. Nevertheless, it does provide the city with a significant number of safety risks and security concerns. ^[1]

1.2 The Positive Effects of Pet Keeping

The development in people's living standards not only satisfies the people's worldly demands, but it also comforts them in their spiritual needs, which were before unsatisfied. Humans have a deep spiritual and intellectual connection to their domesticated animal companions. Having pets in the home may have a variety of beneficial impacts on the whole. The primary ones are as described below:

(1) Pets can be great companions for teenagers. The companionship of a pet may help make adolescents more courageous when confronted with the myriad of challenges and heartbreaks that are a natural part of the maturation process. The presence

of a companion animal makes it simpler for them to experience affection and comfort. They become more sensitive, learn how to take care of others, more loving, and more childish as a result of the responsibility of caring for pets.

(2) Pets can be spiritual companions for seniors. A growing number of youngsters are entering the labor force as the pattern of increasing longevity in our society becomes more apparent. Because of this, an increasing number of older individuals are forced to live independently. Those who live alone in their homes as they become older will experience an increase in feelings of isolation. The proliferation of pets has the potential to fill this need. Animals kept as pets are obedient and trustworthy by nature. It offers happiness and friendship to individuals who are by themselves and remains with the elderly when they are lonely. Therefore, it should not come as a surprise that some old people think of their dogs in the same way that they think of their children.

(3) Pets can assist in the treatment of patients. Pets are lively and jumpy. People can be happy and relaxed while playing with canines. Pets are used in medicine to treat patients suffering from depression, high blood pressure, etc.

(4) Pets can help people to relieve emotional stress. As a result of the progression of society, the amount of pressure that individuals feel to succeed in their profession and studies also increases. Keepers in keeping pets with pets in the process of playing may divert themselves from mental tension, and can make them become pleasant.

(5) Pets can contribute to economic development. The number of people who keep pets is on the rise. Always one person in every 14 has a pet of some kind. As a direct consequence of this, there has been a surge in the number of businesses that provide veterinary care, grooming services, and general pet supplies. In addition to resolving the issue of employment for a large number of people, it is a primary driver of the brisk expansion of the regional economy.

1.3 The Negative Effects of Keeping Pets

1) The Problem of Vicious Pet Injuries. In the news, incidents involving injured dogs are often reported. Injuries to pets have become into a major public health problem. Injuries caused by violent dogs have been reported in every region of the globe. In most cases, the breeder will provide reparations to the sufferer in the form of monetary recompense for the pet's injury. However, it is unfortunate that the owners of some of the dangerous dogs that have attacked humans have not been located. The victim has not yet had any of the legal rights she was granted upheld. On the other hand, there is a possibility of physical harm associated with the ownership of animals as pets, such as cats.^[2]

(2) Pet-transmitted Disease Issues. Because more and more people are keeping pets, it is more likely that pets may get infected with various diseases. In addition, it is simple for people to get infections from pets if they come into close contact with the animals. Extremely, the resistance is particularly low, and notably relishes the opportunity to interact with youngsters and

tiny pets. It will get contaminated if they do not take enough precautions. As a result of this, it is essential to do an accurate and thorough physical checkup on pets.

(3) Pet Noise Nuisance Problem. The constant barking that can be heard coming from outside might keep individuals awake at night just as they are about to nod off. In most cases, it produces a great deal of noise and agitates the residents in the area. Those who have been toiling away all day need a peaceful period of relaxation. Additionally, it has the potential to terrify more fragile individuals, such as the elderly, children, and pregnant women. Therefore, one of the negative impacts of owning a pet is the presence of a noisy nuisance brought on by the animal.

2. Overview of Relevant Laws on Pet Keeping Management

The fundamental and specialized laws of industrialized nations are where the majority of the urban pet legislation may be found. When compared to China's arbitrary prohibitions and penalties for pets, the legal systems of other countries provide greater levels of protection for these animals. Laws in some countries see domestic animals as property and confer on their owners a number of rights and responsibilities as a result. This topic may be the owner of the pet or the person in charge of caring for the animal. The subject is obligated to take care of the pet and is not allowed to mistreat the creature in any way, including abandoning it or abusing it. In such case, the individual will be held accountable for the relevant legal responsibilities. However, the legal

requirements regarding the ownership of pets in China are mostly comprised of national law and municipal legislation. The imposition of limits constitutes the majority of these laws.^[3] It does so through requiring higher registration fees, vaccination fees, and pricing leverage, all of which contribute to increased costs.

2.1 Civil Law

Article 125 of the Civil Code provides that the keeping of animals shall comply with laws and regulations, respect social morality, and shall not interfere with the lives of others. The principle of liability for damage caused by the keeping of animals in the Civil Code is mainly no-fault liability and presumption of fault liability. Article 125 of the Civil Code makes general provisions on the liability for damage caused by raising animals based on the principle of no-fault liability: If the animal raised causes damage to others, the animal keeper or manager shall bear tort liability. However, can prove that the damage is caused by intentional or gross negligence of the tortfeasor, the breeder or manager can not assume or reduce liability. Article 1246 of the violation of the provisions of the failure to take safety measures for animals causing harm to the liability provisions. Compared to the original "Tort Liability Law", this article increases the tort liability for the application of reduced liability conditions "violation of management regulations.

In the absence of safety measures for animals causing damage to others, animal owners or managers shall bear tort liability. However, if it can be proved that the damage

was intentionally caused by the tortfeasor, the liability can be reduced." "If hazardous animals such as virulent dogs that are forbidden from being maintained cause injury to others, the animal owner or manager must carry tort duty," it says in Article 1247. "The animal owner or manager shall bear tort liability." It restates the legal stance that it is against the law for residents of the state to retain harmful animals such as canines that spread diseases and snakes that are deadly. Clarified under Article 1249 of the Abandoned and Escaped Animals Act is Liability for Damages Caused by Third Parties to Abandoned and Escaped Animals. Because of the negligence of a third party who was responsible for the harm that the animal caused to others, the victim has the option in accordance with the provisions of Article 1250 to seek compensation from the animal breeder or management or from a third party. After the owner or caretaker of the animal has compensated the victim, the right to recoup from the responsible third party is then exercised.

2.2 The Law on the Administration of Public Security Penalties

In accordance with the provisions of Article 75 of the Law on Punishment for the Management of Law and Order, a warning is being issued in the event that an animal is maintained that disrupts the normal existence of other people. Those who ignore the warning or who allow the animal to frighten others will be subject to a fine of between 200 and 500 yuan depending on the severity of their actions. The punishment for those who drive animals to injure others is more than ten

days to fifteen days of incarceration and a fine of five hundred to one thousand yuan. The breeding of pets has been linked to a number of situations in which people have been injured and to difficulties of noise disturbance. Additionally, many of the barbaric actions of pets may be traced back to their owners' failure to provide adequate care for their animals. Do not, for instance, vaccinate your pet animals, use a muzzle on dangerous household dogs, hold the leash out into traffic, or wear a muzzle yourself if you have a dangerous household dog. These uncivilized practices of pet keeping might bring up hidden hazards to the social security system.

2.3 Criminal Law

Accidents involving pets, both physical and behavioral, are not rare. If a person sustains a harm that may be classified as more serious than a minor one, the breeder is held accountable for either civil or administrative duty. The criminal law will determine whether the breeder is guilty of intentional injury or intentional homicide based on the breeder's subjective fault and behavior in the event that the pet causes serious injury and the behavior is so bad that the victim is seriously injured or killed. This determination will be made in the event that the pet causes serious injury. On the other hand, according to Article 115 of the Criminal Law, it is considered a "Crime of Endangering Public Safety by Dangerous Means" if a pet is abandoned or indirectly placed in a public place knowing that it is carrying the rabies virus, and if this results in injury or death caused by the attack on a

random group of people after the pet becomes ill.

2.4 Local Rules and Regulations

In municipalities directly under the Central Government, provincial capitals, and in developed cities, local regulations and local rules are often adopted to regulate pet ownership. However, for some inland cities, the local government does not provide for the management of pets. Regarding the management of pet keeping. Some provinces and municipalities have adopted provisions in local legislation to provide certainty about the management of pets. For example, Beijing has issued the "Regulations on the Management of Dogs in Beijing", Liaoning Province has issued the "Regulations on the Management of Dogs in Liaoning Province", Shanghai has issued the "Shanghai Measures on the Management of Dogs", etc.

3. Pet Feeding Management Problems

3.1 Pet Injury

There are often headlines in the media of people being injured by aggressive animals. Injuries caused by vicious pets have an effect on social security and have developed into a societal hazard. For instance, in the province of Anhui, a little kid called Xiao Chao, who was only eight years old at the time, was bitten by a pit bull when he accidentally ran into it while carrying a stick at the stairwell. The youngster succumbed to his wounds in the end and passed away. A Tibetan mastiff leaped up on a child, who was 13 years old, while he was standing at the roof railing of a building in Jiangsu, China. The youngster

tragically died after falling from the top of the building. A guy of 62 years of age was attacked by a dog in Shandong, which resulted in more than 200 injuries being inflicted on his body; this was a horrible event, etc. To govern all of these issues, we need laws that are ideal.

3.2 Pet-transmitted Disease

Throughout their lives, people and their domesticated animals have a special bond. Diseases that are often seen in pets may also be readily passed on to people, particularly rabies. People have a high risk of contracting the disease if they are bitten by a dog or cat, and if they do not get vaccinated within the first twenty-four hours after the bite, the disease may be fatal. As a result, if you own a pet, it is of the utmost need to do thorough diagnostic procedures on your pet and to vaccinate it.

3.3 Pet Nuisance

People keep pets as companions in their homes, but the constant commotion that this may cause can be a source of frustration. People may easily nod off, especially after a long day of labor, and then be rudely awoken by the nonstop barking, which is quite distressing. This phenomenon is especially common in the evening. As a result, finding solutions to problems caused by pets has emerged as one of the most pressing issues. Barking may also induce a state of fear, which is particularly dangerous for vulnerable populations such as pregnant women, the elderly, and children. They report feeling uneasy on a psychological level as a result of it.

3.4 Pet Abuse

Our laws focus on the restriction and attribution of responsibility for pets, while neglecting the protection of pets. There are increasing cases of pet abuse by owners, abandonment of pets by owners when they are sick, and abandonment of pets, leaving them homeless and eventually becoming a burden on society.

3.5 Pet Abandonment

Many different kinds of social issues can emerge as a result of the original owners of pets giving them up. For instance, stray pets can spread a wide variety of viruses, and because their waste isn't cleaned up, it leaves an unpleasant mark on the urban environment. In addition, when a stray animal is responsible for an injury, it is difficult for the victim to defend his or her legal rights and interests, which results in a significant amount of added stress on the community.

4. Analysis of the Causes of Pet Feeding Management Problems

We are able to discover the gaps in our pet laws if we conduct an investigation into the legislative framework governing the breeding of pets in China. In today's modern world, there are issues that arise when it comes to the keeping of pets. Therefore, it is essential to identify the issues that exist with our rules and conduct an investigation into those issues in order to find a solution that addresses the issue at its core. I will examine the issues from the viewpoints of legislation, law enforcement, breeders, and the pets in

question themselves.

4.1 Ambiguous Legislative Guideline

China's legislation on pets is relatively recent. Although it is constantly being improved, there are still shortcomings. First, there are no laws, rules and regulations on the welfare and protection of pets at the legislative level. The first legislation on pet dogs in China was the Regulations on the Management of Domestic Dogs, which was jointly issued by the Ministry of Health and four other departments in 1980. The regulations provide for the compulsory registration of domestic dogs, compulsory immunization, and management fees. There are no specific provisions for the welfare and protection of pets in the Import and Export Animal and Plant Quarantine Law, the Regulations on the Administration of Veterinary Drugs, the Regulations on the Administration of Feed and Feed Additives, and the Animal Epidemic Prevention Law, as well as other local regulations and local rules. Second, our legal system does not adequately cover either wild animals or lost pets. However, homeless and stray animals will have a more detrimental effect on society and will pose a greater threat. Therefore, elected officials need to make the control of stray dogs a top priority in their work. Third, the scope of our legislation regarding pets is confined to the registration of pets, quarantine periods, certain health protections, and the like. The boundaries of the rule are not too expansive. In contrast, the laws of other countries have very specific rules regarding the commerce of pets, the breeding of animals for that purpose, medical care, grooming, euthanasia

for humanitarian reasons, and burial services. Their legal system is more intricate and all-encompassing. The fast growth of civilization has resulted in the emergence of a growing number of enterprises that are directly or indirectly related to pets. As a direct consequence of this, the number of disagreements that it causes is likewise growing. After then, in order for it to be governed by the law, it has to be current with the times.^[6]

4.2 Insufficient Awareness of Pet Welfare Concepts

When it comes to the topic of animal welfare, a number of academics in China believe that people need to treat animals in the same manner in which they treat other people. Some academics are of the opinion that "the welfare of pets" refers to ensuring that animals live out their lives in an environment that is free from risk and discomfort. It does not currently adhere to a unified standard. Because of this, the concept of animal welfare is interpreted differently in other nations. The idea of looking out for the wellbeing of one's animal companions was pioneered in more industrialized nations. It is not appropriate for our socialist country with Chinese characteristics to directly model our system of pet welfare after systems in other countries; rather, the concept of pet welfare in our country should be combined with our own actual national conditions. Our politicians continue to believe that it is in the best interest of the people to limit and even outright ban the ownership of pets in urban areas. Many cities do not make provisions for the rescue of stray pets, and some even

require the public security authorities to arrest and kill stray pets. For instance, some city pet management regulations state that pets are not permitted to enter public places.

4.3 Poor Operability of Law Enforcement

There are a lot of different functions that control pets. The purpose of these rules was to allow the departments to collaborate with one another and divide the work among themselves so that they could jointly promote the responsible keeping of pets. However, the fact of the matter is that the many departments' authorities overlap with one another, there is no cohesive strategy for implementation to follow in the event that issues occur, and the means of execution are not particularly operational. For instance, when it comes to fights between pets, certain public security authorities would consider things to be "minor" and will simply take action to warn the breeder of the animals in question. It makes it possible to successfully preserve the legal rights of the breeder, and if things of this kind are not correctly handled with the necessary functional departments, the implementation and operability are not excellent, which will lead to an increase in the number of unlawful events.

4.4 Quality of Pet Owners

Pet owners who do not raise their animals in a civilized manner and who spoil their animals are one of the factors that contribute to the difficulty of managing pets. The fact that many people feel repulsed by their dogs is also due to the fact that they often see waste left behind by pets that has not been cleaned up on the street. People find it to be

really insulting. There are also dogs that wander about the neighborhood while making loud barking sounds, which often causes vulnerable individuals, such as the elderly, children, and pregnant women, to experience terror.

III. Relevant Legal Provisions of Domestic and Foreign Pet Keeping Management System

1. Administrative Characteristics of Pets in Relevant Domestic Cities

More than seventy cities in China, such as Shanxi, Jiangsu, Zhejiang, Beijing and Shanghai, have enacted local regulations or local rules for pet management. The provisions in these local legislations have the following characteristics.

1.1 Mutual division of duties, mutual cooperation and supervision among administrative departments

The Public Security Department is the main agency that manages pets. The public security department carries out the registration, approval, and approval of pets and distributes dog licenses, while it captures illegal dogs and dogs with rabies. Veterinary rabies injections, rabies vaccines and rabies outbreak monitoring for pets are the responsibility of the agriculture and animal husbandry department. The business administration department (now the market supervision department) is responsible for the pet breeding industry and the management of canine market transactions. Rabies vaccination for rabies involving humans is the responsibility of the health department. The health department carries out the supply, injection and epidemic

monitoring of human rabies vaccines. The environmental protection department manages the environmental pollution caused by pets.

1.2 Introduction of pet licensing management system

It is not just a matter of wanting to keep a pet. The keeper must have the relevant conditions: (1) must be fully capable of civil behavior. (2) must have a permanent residence. (3) the dog has a certificate of immunity issued by the Department of Agriculture and Animal Husbandry. Local legislation in different cities also has local characteristics. For example, the city of Hohhot in Inner Mongolia requires that the keeper must have "relevant knowledge of dogs and the law". Every year, the keeper must pay a certain amount of management fees to the relevant departments, etc. ^[7]。

1.3 Regional management for pets

The keeping of pets is divided into three zones, the prohibited zone, the restricted zone and the non-restricted zone. The non-restricted zones are mostly situated in the more distant suburban and rural regions of the developing countries, while the restricted areas are primarily found in the urban core of the metropolis. Naturally, the costs will vary from one locality to the next due to the wide variety of regulations governing the ownership of pets in each location.

1.4 Stricter management of pets

The ownership and care of domestic animals is subject to stringent regulations imposed by local law in every region of China. In the first

place, it makes it illegal to bring dogs into public venues like movie theaters, office buildings, shopping malls, and even playgrounds. Second, it prevents pets from traveling in taxis, buses, and other forms of public transportation, and it also contains laws about the management of the time spent with dogs. The majority of municipal laws include provisions for punitive measures in the event of a breach of management principles. For instance, hefty penalties for owners who violate restrictions, public security organizations seizing unregistered pets, and so on and so forth.

2. Relevant Legal Provisions of Foreign Pet Feeding Management and Reference

2.1 The relevant legal provisions of foreign pet feeding management

(1) Relevant legal provisions in the UK

The United Kingdom was the first nation in the world to establish animal welfare standards. It has some of the most comprehensive and cutting-edge rules in the world regarding pets. The animal protection system and the animal welfare system are the primary subcategories of this system. First of all, the animal protection mechanism. In 1911 the Martin Act was passed in the United Kingdom, a uniform law that made no distinction between domestic and wild animals. It provides for penalties for violations. ^[8] Despite the fact that it has been more than a century since this legislation protecting animals was passed, it is essential to understand that the fundamental principles of animal protection are still relevant in modern times. It has supplied other nations

with significant expertise that may be used in the development of animal protection legislation. For instance, it suggests providing animals with humane treatment and punishing owners or keepers who mistreat or abandon their animals. In order to ensure the well-being of animals, the United Kingdom legislated the Animal Welfare Act in 2007. In the past, the United Kingdom, like with many other nations, did not have the idea of animal welfare. In addition, activities such as cockfighting, dogfighting, and sheepfighting are sometimes held in the UK. However, these kinds of activities are often violent and bloody, which may contribute to a generally negative mood in society, which in turn can generate crime, and even encourage criminal behavior and lead to it. The legislators also recognized this and introduced the Cockfighting Act in 1951 to regulate cockfighting. Some British academics are of the opinion that animals should likewise be granted the same fundamental rights as humans. It is important that animals have not only their physical surroundings but also their mental and emotional states safeguarded. Because of this, there is now a theory known as animal welfare. Over the course of these ongoing conversations, these concepts have been refined and developed further, and a comprehensive philosophy on the wellbeing of animals has emerged as a result.^[9]

In order to implement regulations about animal welfare into the law, the legislators have merged animal welfare theory with real-world experience. The spectrum of topics covers anything from animals with monetary worth to domesticated cats and dogs that live

closely with their human owners. The importance of protecting the wellbeing of animals has also had an impact on other nations. Animal welfare legislation is a notion that has also been included into the legal systems of other nations.^[10]

(2) Relevant U.S. Legal Provisions

The legal laws governing the keeping of animals in the United States are very robust and comprehensive. In the year 1641, Massachusetts passed a legislation that prohibited the harsh treatment of animals. Since that time, there has been a consistent movement toward the improvement of animal welfare regulations in the United States, as well as the introduction of new theories and concepts about animal welfare. In the legal system of the United States, there are three different procedures that are worthy of mention. The first aspect to consider is the protocol for treating wounds sustained by pets. The second component is a system for registering pets. The third component is an adoption program for strays and abandoned dogs. To start, there is the system for registering pets. The legislation in the United States establishes a procedure for the registration of pets that is quite specific. There are several registration methods to choose from for the various stages of a pet's life. The registration begins when the pet is born, and then it varies depending on the stage of the pet's life it is: when the pet is young, when it is middle-aged, and when it is elderly. In addition, there are limits placed on the number of animals that may be kept as pets. There is a limit of six animals that may be kept as pets for each individual. You are

required to submit an application for a "kennel license" if you have more than six animals. The legislation lays additional limits on your pets according to the number of dogs you own. The second is the pet injury handling mechanism^[11]. The legislation in the United States is particularly stringent when it comes to pets. There are specialized pet groups there. Within the club, pets get socialization and training to improve their ability to interact with humans. In addition, the legislation in the United States includes scientific and reasonable rules that are designed to reduce the amount of damage that may be caused by pets. To begin, the government has the ability to assure that, in the event that a person is bitten by a pet while they are outdoors, they will be able to seek prompt medical attention, as well as a rabies shot, at a clinic that is conveniently located nearby. Second, animals kept as pets that have caused harm to humans are required by law to be quarantined at a facility run by the government. It is necessary for veterinarians to monitor the clinical symptoms of the pet as well as evaluate its physical signs until the pet is found to be clear of any abnormalities before it may be released. The caretaker is responsible for covering the expenses of the pet's food and accommodation while it is in the quarantine period. Finally, the owner of a pet that causes physical harm to another person is the one who is responsible for any negative legal repercussions that result. Cases of a severe nature are sometimes brought to light on television and other network media. The last option is the scheme for rehoming strays and abandoned dogs. The common belief among Americans is that

an increase in the number of strays in society would have a negative impact on social order.

[12]

As a result, the government has provided funding for the development of stray dog shelters around the country. There have also been a lot of individual contributions made in order to assist homeless strays, and there have been a lot of shelters for strays set up. The establishment of a system for the re-homing of stray dogs should primarily be motivated by the expectation that lost pets would eventually be reunited with their families. The canines that find their way into shelters are only there temporarily. Stray dogs who are brought to the shelter have the opportunity to participate in professional and scientific training. However, long-term housing is also available for strays and lost pets that cannot be reunited with their owners.^[13]

(3) Relevant Japanese Legal Provisions

Pets have a very high status in Japanese families. They are considered to be an indispensable part of some families. Japan has many regulations about animals, including rules for wild animals, and all pets that are closely related to people. Following the conclusion of World War II, Japan passed a law known as the "Law Concerning the Care and Management of Animals." It helped individuals develop a more robust understanding of animal protection. The majority of Japan's legislative answer to the problem of managing the keeping of pets in urban areas consists of three different systems. The first one is a system for the registration of pets. The procedure for

registering pets in Japan is quite advanced. Breeders are required to register their animals with certain information, such as their name, address, the number of pets they own, and the species of those creatures. A timely adjustment has to be submitted if there is a change in the information that the breeder has provided on the pet registration. The department of pet management is responsible for registering pets and then verifying the information about such pets. It is not uncommon for them to carry out house inspections and levy penalties for instances of deception and under-reporting. Japan is opposed to doing experiments on animals and does not believe that animals should be used as things or given away. This viewpoint is influenced by Western nations' attitudes about animal care. The second is a method that allows pets to continue reproducing throughout their whole lives.

The issue of stray dogs is one that affects people all across the globe. Pets in Japan are required to participate in a "lifelong breeding" program. It is required that the breeder be responsible for the pet from the time it is born until it passes away. It places harsh repercussions on the breeder for giving up on the animal as a companion. In 1948, Japan established the Pet Association, Pet Welfare Association, Animal Welfare Association, etc.^[14] They focus mostly on rescuing strays from places that have been affected by calamity. In addition, activities associated with quarantine are required for pets in Japan. This is done to deter breeders from giving up on their animals because they look to be ill. The third component is the punishment system for mistreating animals.

The animal welfare protection system is the central tenet of Japanese animal legislation. This system mandates that breeders must not abandon the pets they retain and must also refrain from abusing them or they would face harsh punishment. When breeders consider the significant expense of fines and the responsibility that comes along with owning animals, they will be more careful and treat their animals with more respect.

According to the legislation protecting animals in Japan, every citizen who causes injury to an animal is subject to a fine of one million yen. This provision is included in the law. In addition, these individuals should each get a sentence of up to one year in jail for their actions. Abusers of animals or people who leave them are subject to a fine of 300,000 yen. Because his internal organs were photographed and shared on the internet, a cat known as "KOGENTA" has gained notoriety in Japan. Even though it has been over ten years after the tragedy, on February 22, also known as "Cat Day," many will unexpectedly grieve the loss of a beloved pet.

2.2 Reference to the Relevant Legal Provisions of Various Countries for China

(1) Explicit Legislative Purpose

When we look at laws passed in other countries, it is clear that the primary objective of the legislator is to create an environment in which people and animals may coexist together. It is against the law for people to abandon and mistreat animals, and it is also against the law for animals to do damage to people or disturb the security of metropolitan areas. When it comes to the establishment of legislation, human beings

should not only stand on the viewpoint that is directed toward humans,^[15] but they should also stand on the perspective that is oriented toward animal rights. The law should take a stand against cruel practices like cockfighting and bullfighting, and it should also defend the rights of animals to survive in accordance with the animal welfare philosophy. In addition, the government should implement a scientific approach to the management of pet ownership and strengthen fines. It should encourage pet ownership in a way that contributes to the development of social peace and should not enable individual interests to come at the expense of the interests of others or of society as a whole.

(2) Specific System Improvements

The first component is the authorization system. High requirements and affordable costs are in place to ensure that foreign pets are not lost. First, under British law, pet breeders are required to meet certain requirements in order to do business, and they also need to get a breeding license before they can start the process of producing the next generation of animals. In addition, there are limitations placed on the quantity of domesticated animals that may be produced in the UK. If the number is found to be higher than a certain threshold, the breeder will be penalised appropriately. Second, if a pet has a history of being hostile toward humans, it need to be confined in a cage and trained to be more submissive. These should be codified into our existing laws. Last but not least, a veterinarian should examine some of the family pets that have disorders that prevent them from being eligible for

reproducing, and then they should be castrated.

The second component is a system for the prevention and control of diseases affecting pets. The global health crisis caused by pets is receiving more attention from the legal systems of several nations across the globe. This is important not just for the protection of the animals themselves but also for the well-being of people in general. Humans may get diseases from animals such as the bubonic plague, swine flu, and rabies. Because of this, it is very necessary to put every potential pet through a battery of exhaustive medical exams before deciding whether or not to keep it. The third component is an adoption program for strays and abandoned dogs. If adorable and healthy dogs are lost or abandoned by their owners and end up as strays on the streets, this will not only have an impact on social security, but it will also make it easier for humans to sustain accidents and spread infectious illnesses, among other problems. The adoption of companion animals is often handled more effectively in a number of other nations. They all have different needs for supporting management, as well as different institutional setups. In contrast, China does not have a specific refuge for pets; rather, the country only has a private shelter for stray dogs that are found spontaneously. On the other hand, the capacity of these privately oriented individuals to receive is restricted. Therefore, we still need the legislation in order to close this gap.^[16]

(3) Detailed and Explicit Legal Responsibilities

The immunization of dogs and the treatment of animal injuries are governed by laws that are more stringent in other countries. Take, for instance, the situation in the United Kingdom: "Injuries sustained by pets are less severe for first-time pet owners, but first-time pet owners nonetheless leave a record of punishment. In the event that the pet suffers another damage, the offender will be disciplined more harshly than in the past" and the like. The concept of progressive punishment is likewise worthy of being codified into our laws.

IV. Legal Measures and Suggestions for Improving Pet Keeping Management in China

1. Promote the Legislation of Pet Management in China

1.1 National Legislation on Pets

At this time, there is no nationwide regulation that regulates the management of pet ownership in a consistent manner. As a result, it is strongly suggested that legislation or administrative restrictions on the control of pet breeding be implemented at the national level as quickly as feasible. It need to comply with the ideals of scientific legislation, democratic legislation, and people's engagement in the legislative process. Democratic legislation requires listening to democratic opinions in the legislation, which also means hearing more voices of the grassroots people and allowing people from all walks of life to participate in the legislative hearings and truly express their opinions and suggestions. Democratic legislation also means listening to democratic opinions in the legislation. The

general public has the opportunity to not only gain knowledge about the rules and regulations that pertain to pets, but also to participate in the process of education and increase their legal literacy. The engagement of the people themselves in the legislative process will give them the impression that they have greater control. Scientific law demands expert evidence.^[17] It is possible that a better scientific and professional knowledge of the dangers connected with pets would result from the involvement of specialists in the opinion session. This would make the actual execution of the legislation more practical. In the process of drafting legislation, we often look to the laws of other countries. We can't simply go about ripping off the legal systems of other nations because there are occasions when the realities in our own country make it impossible. We have to start from the real beginning point for the local circumstances and base our decisions on Chinese features as well as the actual scenario. It is imperative that we conduct in-depth analyses of the issues at hand and make concerted efforts to advance the development of our legal system.

It is essential to have a consistent legislative framework at the national level for the breeding of dogs. The State Council has the ability to adopt specialized administrative rules on the ownership of pets in order to prepare the way for local legislation and the development of those laws. Each local laws, on the basis of the higher law, develops its own locally specific features of the pet rules depending on the specific circumstances of the local area. In the end, this results in the formation of a

comprehensive and stringent set of laws for the management of pets.

1.2 Local Legislation on Pet Keeping Management

Local governments are permitted, under the authority of laws and administrative regulations enacted at the national level, to develop their own regulations and rules, tailored to the particulars of their communities, in order to further hone and make more workable the requirements relating to the management of pet breeding operations. Of course, prior to the implementation of China's unified law for the management of pet breeding, various localities in China had already begun to develop locally specific administrative regulations or local regulations that were tailored to the specifics of the local environment. For instance, in September of 2003, the Beijing Municipality established municipal restrictions known as the "Regulations on Dog Breeding in Beijing." A great number of other cities, including Shanghai, Guangzhou, Chengdu, Shenzhen, Nanjing, Dalian, Changchun, and Urumqi, have also implemented local legislation or local norms pertaining to the breeding of dogs. The majority of them have started to adopt an admissions procedure for animal treatment centers, which requires practitioners to have the necessary abilities and credentials. Institutions that treat pets are required not only to treat pets but also to cooperate with government departments for the monitoring of epidemics, vaccination of rabies, and public welfare activities for stray dogs. This necessitates the implementation of

a stringent examination and approval system. On the other hand, there is not a consistent pricing standard for the diagnosis and treatment of pets, which makes the process opaque. To properly control the costs of veterinary care for pets, the government must first establish a price range that should be considered reasonable.

1.3 About the Place of Pet Trading

The primary places for the purchase and sale of pets are flea markets and establishments that specialize in animal supplies. There are even others that operate as clandestine marketplaces. It is not conducive to the national identification of pet epidemics, making it easier to have a widespread sickness that is uncontrolled as a result of the occurrence. This will not only result in a significant reduction in the amount of money the government receives in tax income.^[18]

2. Strengthen the the Administration of Law Enforcement

2.1 Regulate the Management Organization of Pets

At the moment, the majority of China's administrative duties are carried out by the departments responsible for public safety, industry and commerce (now known as departments responsible for market supervision), animal husbandry, urban administration, and other functional departments. On the other hand, the power is excessively spread out. It does not make provision for the execution of which department will be in charge of the responsibility. As a result, when it comes to

certain matters, it is common practice for different departments to shift blame to one another on occasion. It is essential that both the management duties and management authority of each department be made very clear. People will be able to discover the department that resolves the matter in the event that there is a disagreement with a pet, which will result in an improvement in the administrative efficiency of the administration. In addition, by delineating the responsibilities of state authorities, it is feasible to keep an eye on how they carry out their jobs. For instance, unethical behavior such as collecting fees without discrimination, charging exorbitant charges, or doing nothing at all. It is possible to better monitor the work that the government is doing, which is favorable to the formation of a government that is focused on service.

2.2 Improve Emergency Response Plan for Rabies Outbreaks

In Guangdong in the year 2003, there was an epidemic of canine influenza that led to the infection of more than a hundred humans. In Shandong Province, the rabies epidemic has already claimed the lives of 16 people. As a result, we are required to develop strategies for the prevention and management of rabies. Rabies cases have been steadily decreasing over the last several years as a result of increased public health efforts to eradicate the disease. But it does not mean we can sit back and be complacent. After it has been determined that a pet has rabies at a treatment center, the information should be recorded, the dog should be detained for inspection, and the stringent approval of canine business

premises should be tightened. In the event that rabies were to spread across a community, it is important that the dog breeding industry be extensively scrutinized. In order to avoid the transmission of infectious illnesses to the provinces and cities that are in the surrounding areas, those who do not match the criteria should be prohibited by legislation.

2.3 Specialized Management of the Sale of Pets

Dog breeding farms and pet shops are the primary venues for the buying and selling of domesticated animals. A veterinary registration and licensing system needs to be established for pets in China. It is not possible to buy or sell pets without first obtaining the "Animal Epidemic Prevention Certificate" from the agency in charge of animal epidemic prevention and supervision, the "Canine Business License" from the public security department, and the "Business License" from the market supervision department. The conduct of traders in pets is subject to stringent oversight by the administrative department. In order to guarantee that the animals are in good health, this conduct and the sale of animals by the side of the road need to be absolutely prohibited. Before allowing the sale of pets, non-jurisdictional animals must first go through detention, inspection, and quarantine, and then they must be implanted with an electronic chip.

3. Strengthen Judicial Protection to Appropriately Handle Disputes Arising from Pet Keeping Management

People's lives have been enriched by the addition of pets, which are adored by their owners despite their size. However, domesticated animals do not have a concept of what is lawful and what is not lawful. If a human is bitten by a pet, scratched by a pet, struck by a pet, or otherwise injured as a result of an interaction with an animal, the pet's owner must take full responsibility for the incident. If a person is hurt by a pet and it is determined that the breeder was responsible for the harm, then the breeder is responsible for no-fault responsibility. This is stated in the part of the Civil Code titled "Tort Liability." In most cases, it takes the form of monetary compensation, an apology, or some combination of the two. In serious circumstances, the breeder's subjective fault and conduct are evaluated to establish whether or not there is deliberate damage and purposeful killing, which necessitates taking on the burden of criminal guilt. It is vital to guarantee that the wounded victim is provided with proper judicial remedy and protection in order to maintain a harmonious coexistence between humans and animals. This is required in order to prevent further injury to the victim.^[19] In particular, the applicable legal system should be improved in order to ensure that victims of harm caused by stray dogs have access to judicial relief in the event that they require it. In addition, if the parties involved in a dispute over pet breeding decide to go to court in order to settle the matter, the judiciary will be able to effectively resolve the conflicts and disputes because they will be treated in a timely and fair manner. This will be the case for issues such as noise nuisance, fecal pollution of the

environment, and elevator human-dog peer disputes.

4. Enhance the Awareness of Law-abiding Breeders and Increase Participation in Civilized Pet Keeping

The breeder, who is considered to be the "parent" of the animal, is the one who is involved in the whole of the process of the pet's life history to the greatest degree possible. First and foremost, it is required to govern the conduct of the breeder in order to understand the breeder's responsibility, and then it is necessary to manage the behavior of the pet dog when it comes to breeding. First and foremost among these responsibilities is the responsibility to vaccinate one's animals against rabies so as to prevent the spread of the disease. In addition to this, it needs to institute a licensing system for dogs and mandate that pet breeders register their animals. The second need is to take care of the pet from the moment it is born until it passes away. When a pet is ill, it is important that it get proper care and treatment. The dog breeder is responsible for disposing of the dogs' waste in an appropriate manner after the animals have finished defecating so that the environment is not negatively impacted. Walk your dog when it is muzzled and on a leash to avoid frightening others, especially young children and the elderly. Be sure to follow all of the regulations about taking dogs into public areas and using public transit. The third and last point is that pet breeders have a responsibility to safeguard the fundamental rights of the animals they raise against mistreatment and abandonment.

^[20] In short, as breeders must not damage

the interests of others and society for their own benefit. It is important to promote civilized pet ownership throughout society to ensure that no neighborly or community disputes result from pet behavior.

IV. Conclusion

In today's world, an ever-increasing number of people are keeping pets, and while society as a whole is rapidly progressing, the law is falling further and further behind, and there are still holes in certain legislative levels. There is not currently a standardized legislation or set of administrative rules in place at the national level that governs the ownership of pets. In order for it to be able to keep up with the rate at which law is passed, it still need our constant modification and refining. At the level of local legislation, the legislation on the management of animal keeping varies from place to place due to the different economic developments and realities. This is because of the fact that animal keeping can involve a variety of situations. Pet ownership in urban areas is often more widespread and well-managed in areas of greater economic development, such as cities.

New restrictions regarding the management of pets have been implemented in Beijing, Shanghai, and other locations. It is increasingly pertinent to the growth of the economy as well as the requirements of people's daily lives, and it demonstrates that the laws of our nation are adapting to the changing times. Unlike the scattered domestic legislation, foreign legislation is relatively more focused. And foreign legal regulation system is more mature and perfect,

there are special legal provisions for the management and rights protection of keeping animals. The representative ones are the Martin's Act, the Animal Abandonment Act and the Animal Welfare Act in the UK, the US Federal Animal Protection Act in the US, and the Law Concerning the Care and Management of Animals in Japan. The judicial structure that underpins these regulations is very solid, the legislative direction is more rational, and the administration of animal breeding is more progressive and considerate than in the past. These are things that ought to be learned by us.

As a result, China may take lessons from the legal systems of other countries when it comes to drafting and refining rules and regulations on the management of urban pet dog breeding, and it can methodically draft both fundamental and specialized laws on the management of pets. On the basis of this information, the system need to be strengthened by placing an emphasis on the protection of the rights of pets, the scientific control of the behavior of pet breeders, and stringent punishments for unlawful activities linked to pets. At the same time, we have to be practical and alter our way of thinking so that we may improve upon the positives and eliminate the negatives. In addition, we should continue to improve the legislation on the management of pet breeding in the cities of China, increase law enforcement and management, strengthen judicial protection, and improve the quality of animal breeders so that we can achieve a beautiful situation in which people and animals live in harmony with one another.

References

- [1] FENG Zhongming. On the Criminal liability of Hurting Pet Owners [J]. Journal of Guangxi Administrative Cadre Institute of Political Science and Law, 201,36(05): 32-39.
- [2] Zou Xiongshi. Research on protection of Animal rights in China [D]. Xiangtan University, 2021.
- [3] HAN L P. Research on Problems and Countermeasures of China's Pet market Development [D]. Shanghai University of Finance and Economics,2021. (in Chinese with English abstract)
- [4] WANG C B. Discussion on the standardized raising and management of urban pets [J]. China Animal Health, 201,23(04):1+3. (in Chinese)
- [5] GAO Wei. Research on Pet Animal welfare legislation in China [D]. Northeast Forestry University, 2021.
- [6] ZHAO Shuai. Research on Compensation for Mental Damage Caused by Pet Infringement [D]. Shanghai University of Finance and Economics, 2020.
- [7] Lu F F. Practical exploration of Social work involvement in civilized pet raising in urban communities [D]. Jiangxi Normal University, 2020.
- [8] Xie Y M. Urban community animal raising disputes and management [D]. Huazhong University of Science and Technology,2020. (in Chinese with English abstract)
- [9] ZHANG Heyu. Research on the Legal Issues of Urban Stray Pets Management [D]. Huaibei Normal University, 2020.
- [10] Comparison of pet animal welfare Law between China and European Union [EB/OL]. 2007-09-30.
- [11] Fort Wayne. Code of Ordinances[M]. Indiana:American Law Publishing, Inc., 2007.
- [12] Texas Health and Safety Code [Z]. U.S.2005.
- [13] <http://www.cityoffortwayne.org/index.php/content/view/25/637/>.
- [14] Charterand codeMiami, Florida. Publisher by Municepal. Code Corporation 2008.
- [15] Code of Ordinance in Denison, Texas.
- [16] Publisher: Municipal Code Corporation 2007.
- [17] Los Angeles, California [Z], American LawPublishing, 2008.
- [18] Dog Act Western Australia [Z]. Australia 1976.
- [19] Philadelphia Code of Pennsylvania, American Law Publishing, Inc., 2008.
- [20] Charles Mahtes. Trouble with dogs. Governance [J], 1996(6).