

THE CONCEPT OF PETS AND THEIR CLASSIFICATION

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The author studies the concept of domestic animals in both Belarusian and international legal acts, analyzes the gaps in the legal regulation of domestic animals in the Republic of Belarus, identifies the types of domestic animals, the features inherent in each species, and suggests their classification.

In the modern world, animals act as objects of various legal relations, as a result of which their legal status should be fixed in the legislation. What is meant by a pet? How do domestic and farm animals compare? What Pets can be considered as a source of increased danger? Since the Belarusian legislation does not have a proper legal definition or classification of animals that are not in conditions of natural freedom, such a definition and classification should be developed.

What is this classification for? The division of animals that do not belong to the objects of the animal world into different species (groups) is necessary to determine how to regulate the treatment of people with animals belonging to such species (groups), including specific rules and regulations, which will not only protect Pets from harsh treatment, but also protect people from the animals themselves, if they are considered as a source of increased danger.

If we refer to the legal regulation of domestic animals in the Republic of Belarus, then according to the "Rules for keeping domestic dogs and cats, as well as catching stray animals in settlements of the Republic of Belarus", we can conclude that at the legislative level, dogs and cats that live and are kept by the owner in a residential house or residential area are recognized as Pets [1]. Are domesticated rabbits, hamsters, hunting birds, and farm animals considered Pets? Is a pet considered to be an animal that generates income or has escaped from its owner?

Animals that are not in a state of natural freedom should be considered primarily domestic animals, among which you can distinguish farm animals and companion animals (dogs, cats, birds, aquarium fish, rodents, etc.). The extensive list of this group also includes: zoo, circus, sports, service animals used for research (laboratory) purposes and other animals, including wild by nature, but in captivity.

Kapytina T. P. refers to the point of view of K. D. Gasnikov, who "the main criterion for distinguishing a wild animal from a domesticated one or another is its habitat." That is, the range of domestic animals is limited to domesticated breeds of mammals, birds, including pigeons, bees. Thus, it concludes that animals that live in conditions of natural freedom cannot be classified as domestic animals. Also, Pets do not include animals that are kept in semi-voluntary conditions or in an artificially created habitat. Similarly, there is no reason to consider wild animals kept in captivity as Pets [2].

Thus, we present this classification of Pets:

1. companion animals;
2. animals lost by their owners (neglected);
3. domesticated animal;
4. farm animals.

It is necessary to determine what is meant by farm animals and what specific features they have. Agricultural productive animals, from the very name of which it can be concluded that these are animals capable of breeding in agricultural conditions in order to obtain a certain animal product.

The draft Law of the Republic of Belarus" on the treatment of animals "gives a more precise definition:" Farm animals are animals that are specially grown and used for obtaining (producing) animal products (animal products), as well as a vehicle or draft force" [3].

The question arises whether it is possible to consider the appropriate category in our classification?

In accordance with the Model law on the treatment of animals, domestic animals include cattle, pigs, horses, sheep, goats, fur-bearing animals, birds, fish and other agricultural animals that are specially grown and used for obtaining (producing) animal products (animal products), as well as a vehicle or draft force[4]. Thus, we see that animals that are used for entertainment purposes, circuses, zoos, as well as for other purposes, including use for research and medical purposes, are excluded from the regulation of the model law. However, we believe that it would be appropriate to include farm animals in the number of domestic animals, since the latter are grown not only by livestock enterprises, but also by the population on personal farmsteads.

From the analysis of the norms of the European Convention for the Protection of Animals during International Transport, we can give a similar classification, which indicates the division in respect of which Pets are used for international transport:

- domestic ungulates and domestic animals: cattle, sheep, goats and pigs,
- poultry and domestic rabbits,
- domestic dogs and domestic cats[5].

That is, making a conclusion, we can confirm that domestic animals include so-called farm animals (cattle, sheep, goats and pigs).

The model law on the treatment of animals also gives the concept of companion animals: "these are animals that a person feels affection for and keeps at home without the purpose of extracting income to meet the needs of communication, for aesthetic and educational purposes, as well as guide dogs, hunting dogs and hunting birds. The analysis of this article suggests that Pets are not the purpose of generating income, but if we proceed from practice, most Pets can also generate income, even if they are located to meet the aesthetic needs of a person (selling puppies, kittens, making transactions for the sale of Pets). From this we can conclude that Pets are animals that a person keeps to meet their internal needs, as well as for agricultural (commercial) purposes.

Including in accordance with the European Convention for the protection of Pet Animals, a pet is any animal that a person keeps or intends to have, in particular, in his household, for his own pleasure and friendly communication [6].

The category of neglected animals is included in connection with the loss of the animal by its owner. Homeless, according to the European Convention for the protection of Pet Animals, means Pets that do not have a home or are outside the boundaries of their home and without the direct supervision of their owner.

The institution of stray animals is practically not singled out in the civil legislation of the Republic of Belarus. The legislator in article 231, 232, 233 of the Civil Code of the Republic of Belarus considers them as the acquisition of property rights over them [7]. According to the Model law stray animals – domestic or wild, captive animal that is out of place, and which lost control of the responsible person. From which we can conclude that a pet or wild animal kept in captivity, the animal can become neglected, that is, lose its owner.

The Resolution of the Ministry of housing and communal services of the Republic of Belarus "on approval of the Regulations on the procedure for organizations for catching, shooting, keeping and euthanasia of stray animals in the Republic of Belarus" implies that an animal that does not have an owner or whose owner is unknown, or an animal that has the right of ownership, which the owner has refused [8]. That is, this is the animal whose owner has not fulfilled his duty to maintain it. In this definition, there is no category of animal, but from its analysis, it can be determined that a pet is neglected, since wild animals do not have an owner. At the same time, wild animals can not be homeless, since they exist in their natural habitat.

Thus, it is necessary to distinguish between a neglected animal and an ownerless animal one. Ownerless animal is an animal that does not have an owner, that is, it is a domestic animal based on the type of animal, but it does not correspond to the type of animal that people keep in captivity (at home).

D. B. Gorokhov notes this point of view, it is said by most authors that under ownerless animals should understand the animal that has no owner in principle, i.e. dogs that live in cities and towns in the condition of natural freedom, often straying in flocks, should be recognized as ownerless [9].

Undoubtedly, it is necessary to introduce rules where the legislator would refer feral stray animals (flocks) to either domestic animals or wild, that is, objects of the animal world, and at the same time, they would be subject to specific rules relating to a particular type of animal classification and distinguishing lost Pets and feral.

Based on the above, it is quite difficult to determine which animals are Pets and create a certain classification of Pets, the norms of each type of which would be regulated by legislation, due to the gaps in the legal regulation of the treatment of Pets in the Republic of Belarus. The lack of specialized regulation of pet species complicates the task of ensuring the protection of both Pets and people.

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