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**Legal Protection of Public Tranquility Against the Risks of Loose and Stray
Animals in the Sultanate of Oman**

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Abstract |

This research examines and analyzes the legal protection of public tranquility against the risks posed by loose and stray animals in the Sultanate of Oman, considering public tranquility a fundamental element of public order that the state is committed to safeguarding. The research problem lies in the inadequacy and fragmentation of the existing legislative framework, which fails to provide sufficient legal protection for public tranquility against the threats these animals pose to traffic safety, public health, social security, and the general peace of individuals.

The primary objective of this study is to evaluate the adequacy of the Omani legislative and executive framework in addressing this phenomenon and to measure its effectiveness in achieving the desired protection of public tranquility. The research adopts a descriptive-analytical approach, supported by a comparative method, through the analysis of relevant constitutional and legislative provisions notably the Penal Code, the Traffic Law, the Animal Welfare Law, and various administrative regulations and decisions—while also examining the role of competent administrative authorities in practical application.

The most significant finding of the research is that the current legal regulation suffers from a clear legislative and executive deficit, manifested in the absence of a dedicated and integrated law that regulates the phenomenon of loose and stray animals and prescribes deterrent penalties, thereby weakening the actual protection of public tranquility. The research recommends the necessity of enacting comprehensive legislation that enhances the effectiveness of administrative policing (*Administrative Control*) and achieves a balance between human protection and the principles of animal welfare.

Keywords |

Public Tranquility, Loose and Stray Animals, Administrative Policing (Control), Legal Liability.

Introduction |

The realization of Public Tranquility is one of the most critical manifestations of Public Order, which must be secured for any human society to ensure the individuals' right to peace and quiet. Public tranquility serves as a fundamental pillar of the state's public order, representing the state in which individuals feel secure, peaceful, and stable in their daily lives and public spaces. This environment guarantees the exercise of their rights and freedoms within a framework of mutual respect and social order. Modern legislation, particularly within the scope of Administrative Law, have accorded special attention to protecting public tranquility from any threats, considering it a core objective of Administrative Policing (*Administrative Control*) and an inherent responsibility of public authorities.

In this context, the phenomenon of loose and stray animals has emerged as a growing practical challenge that poses a direct threat to public tranquility and community safety. This is due to the resulting traffic accidents, physical assaults, and environmental and health hazards, as well as the fear and distress it causes individuals—thereby restricting their right to safe movement and dignified living. This phenomenon has been clearly reflected in the Omani reality, where community complaints and calls for more effective legislative and administrative intervention have increased to mitigate its impacts.

Research Importance |

1. Scientific Importance

The scientific significance of this research stems from its engagement with a contemporary legal subject that touches upon a fundamental element of public order: Public Tranquility. This topic is addressed from an angle that has not received sufficient specialized study in Omani legal jurisprudence, specifically by linking it to the phenomenon of loose and stray animals within the framework of Administrative Law and Administrative Policing.

2. Practical Importance

The practical importance is manifested in the research's connection to a real-world issue affecting public safety and community security in the Sultanate of Oman. It addresses the risks this phenomenon poses to lives, property, and public health. The findings and recommendations of this research are intended to support policymakers and competent administrative authorities in developing relevant

legislation and public policies, as well as improving administrative control mechanisms and institutional coordination.

Research Objectives

The research aims to achieve several objectives, most notably:

- Defining the legal concept of Public Tranquility and determining its status among the elements of Public Order within the framework of Omani Administrative Law.
- Studying the Omani legislative framework governing the handling of loose and stray animals and evaluating its adequacy in achieving legal protection for public tranquility.
- Assessing the role of competent administrative authorities in implementing relevant legal provisions and public policies and measuring the effectiveness of their executive practices.
- Clarifying the legal liability arising from damages caused by loose and stray animals across administrative, penal, and civil aspects.
- Proposing practical legislative and procedural solutions to enhance the effectiveness of Administrative Policing (*Administrative Control*) and to achieve a balance between protecting public tranquility and ensuring human rights and animal welfare.

Research Problem |

The phenomenon of loose and stray animals in the Sultanate of Oman presents a legal and administrative challenge regarding its impact on public tranquility and the effectiveness of national legislation in addressing it. The research stems from a **central question**:

To what extent is the legislative and administrative framework in the Sultanate of Oman adequate to protect public tranquility from the threat of loose and stray animals?

Research Questions

The central problem branches into several sub-questions:

- What is the legal concept of Public Tranquility within the framework of Omani Administrative Law, and what is its status among the elements of Public Order?

- To what extent does the Omani legislative framework regulate the phenomenon of loose and stray animals, and how adequate is it in achieving legal protection for public tranquility?
- What is the role of competent administrative authorities in implementing legal provisions and public policies regarding these animals, and how effective are their executive practices in mitigating risks?
- What is the nature of legal liability (administrative, penal, and civil) arising from damage caused by loose and stray animals, and who bears the burden of compensation?
- What are the legislative solutions and administrative procedures capable of enhancing the effectiveness of Administrative Policing and balancing the protection of public tranquility with human rights and animal welfare in the Sultanate of Oman?

Research Methodology |

This research relies on a multi-dimensional methodological approach as follows:

- **Descriptive Method:** Used to study the Omani legal texts governing the response to the phenomenon of loose and stray animals, describing the phenomenon itself and analyzing its causes and impacts.
- **Analytical Method:** Employed to evaluate the adequacy of Omani legislation in protecting public tranquility and to review public policies to identify their strengths and shortcomings.
- **Comparative Method:** Used to compare Omani legislation with the laws of other countries, such as **Qatari Law**, with the aim of identifying strengths and weaknesses and proposing effective legislative and administrative solutions based on scientific and logical results that support the final recommendations.

Research Plan |

THE FIRST TOPIC : The Conceptual and Legal Framework of the Phenomenon of Loose and Stray Animals and its Relationship with Public Tranquility.

- **Requirement I:** The Nature and Definition of Loose and Stray Animals.
- **Requirement II:** The Impact of Loose and Stray Animals on Society.

THE SECOND TOPIC : Legislative and Executive Policies in Addressing the Phenomenon of Loose and Stray Animals in the Sultanate of Oman.

- **Requirement I:** The Legislative Framework for Preserving Public Tranquility.
- **Requirement II:** Public Policies for Addressing the Phenomenon of Loose and Stray Animals.

THE FIRST TOPIC : The Conceptual and Legal Framework of Stray and Loose Animals and Their Relationship to Public Tranquility

Public tranquility is considered one of the most essential pillars of public order; it represents the stability of individuals within their social environment, free from manifestations of nuisance, chaos, and danger. The phenomenon of loose and stray animals poses a direct threat to this stability due to the traffic accidents and the health, psychological, and material damage it causes. Given the gravity of this phenomenon, the Omani legislator has intervened through various laws, including the Penal Code No. (7/2018)¹, and the Animal Welfare Law No. (21/2017)², in addition to the decisions of the Ministry of Municipalities, to regulate this phenomenon and govern the behaviors associated with it. Accordingly, this section addresses two fundamental dimensions: the first focuses on defining the nature of loose and stray animals (Requirement I), while the second clarifies the impact of loose and stray animals on society (Requirement II).

Requirement I: The Nature of Loose and Stray Animals

A study of the phenomenon of loose and stray animals necessitates defining its meaning in language, jurisprudence, and legislation, due to its fundamental impact on constructing sound legal conceptions that regulate this phenomenon and control its effects. From this perspective, it is essential first to examine the linguistic and jurisprudential connotations of the concepts "Loose" (*Sa'ibah*) and "Stray" (*Dhallah*), then move to the legal concept of loose animals.

Branch I: The Linguistic and Jurisprudential Concept of Loose and Stray Animals First: Linguistic Definition Regarding the term "Loose" (*Sa'ibah*), it was mentioned in the Holy Qur'an in the verse: "*Allah has not instituted [such practices as] Bahirah or Sa'ibah*"³. In this context, *Sa'ibah* was interpreted as a beast left without work or supervision in response to erroneous pre-Islamic beliefs. In light of modern Arabic lexicons, particularly *Al-Mu'jam al-Wasit*, *Sa'ibah* is understood as an animal that is left by its owner to graze without restraint or supervision⁴. This implies the owner's negligence of their responsibility toward the animal, whether in terms of care or in regulating its movement within the general social scope. As for "**Stray**" (*Al-Dhallah*), its linguistic origin refers to everything that is lost or missing, whether persons, property, or animals. The same lexicon states that a stray is a wandering beast whose owner is unknown, or one that has become separated from its owner without being traced⁵.

Second: Jurisprudential Definition From a jurisprudential perspective, the Permanent Committee for Scholarly Research and Ifta in the Kingdom of Saudi Arabia stated in one of its fatwas that stray animals include livestock or beasts that have wandered away from their owners or have been abandoned by them, whether they possess financial value or not, and whether they are edible or prohibited for consumption⁶. This indicates that the distinction between "loose" and "stray"....

in Islamic jurisprudence was not sharp; rather, they are often grouped under a single term when discussing the responsibility of the possessor or the person who finds the animal on the road. While Islamic jurisprudence distinguished between

"Loose" (*Sa'ibah*) as a beast intentionally neglected by its owner, and "Stray" (*Dhallah*) as a beast that wandered or was lost, modern legal necessity mandates a more precise distinction. This is especially true considering the increasing accidents involving wandering dogs or loose livestock left unguarded on public roads, leading to a direct threat to public tranquility and societal security.

Branch II: The Legal Concept of Loose and Stray Animals

From a legal perspective, the Omani Penal Code No. (7/2018) does not provide a specific definition for the concepts of "Loose" or "Stray" animals. However, the law imposes civil and criminal liability on anyone who causes harm to others through negligence or omission, which can be interpreted to include cases of leaving animals unattended. Nevertheless, the clearest provision appeared in Ministerial Decision No. (485/2020) issued by the Ministry of Regional Municipalities and Water Resources. Article (1) of this decision stipulates that loose or neglected animals are: "Camels, horses, cows, goats, sheep, and every beast left by its owner or keeper, wandering at will without supervision." This phrasing demonstrates that the Omani legislator has adopted a broad concept of "loose animals," focusing on negligence and the actual absence of supervision, regardless of the type of animal ⁷. However, this text did not explicitly refer to "stray animals," which raises a question regarding the extent to which regulatory texts cover animals whose owners are fundamentally unknown, such as wandering dogs. These pose the greatest danger in residential areas, as confirmed by official statistics and local media reports ⁸.

It appears from the phrasing that animals left unattended are considered "loose" only if they have a known owner or responsible person. As for "stray" animals, those that have escaped the owner's control or had no owner from the beginning have not been clearly addressed in the regulations, which necessitate legislative intervention to fill this legal vacuum. Based on the foregoing, a precise terminological distinction can be formulated between the two concepts: a Loose Animal is any owned animal left without supervision by its owner or keeper, while a Stray Animal is an animal whose owner is unknown, or one that was lost by its owner and not recovered. Both concepts encompass all animals found on public roads and facilities without direct human supervision, including wild species settled in urban environments, such as dogs and cats, as well as livestock such as camels, cows, and goats. The phenomenon is addressed as a growing threat to public tranquility, which must be countered through a combination of legal regulation, field enforcement, and community awareness. Recognizing this distinction serves not only the theoretical aspect but also contributes to defining the responsibilities of the competent authorities and drafting effective policies to address this phenomenon, whether in terms of administrative enforcement, legal liability, or impoundment and sheltering procedures. Furthermore, a precise definition of the concept paves the way for developing more comprehensive legislation.

Requirement II: The Impact of Loose and Stray Animals on Society

It is well-recognized that loose and stray animals are a troubling phenomenon in the eyes of society due to the numerous damage they cause, which encompass

various aspects of community life, such as health, social, economic, and tourism dimensions. These phenomena cause anxiety and nuisance to the community; the presence of such animals in residential cities and villages, their constant movement, and the noises they emit disturb individuals' tranquility, thereby posing a threat to their right to a sense of peace, security, and comfort. Moreover, these animals leave behind foul odors that permeate entire residential neighborhoods, which in itself a cause for public concern and disruption ⁹.

With this identification, it becomes clear that loose and stray animals constitute a tangible threat to the rights and freedoms of community members. Their sudden appearance on public roads and streets may impair the right to life and personal safety. Many individuals become victims of traffic accidents caused by these animals, leading in some cases to permanent physical injuries that prevent them from practicing their daily activities and performing their human duties. Consequently, they become a burden on their families, and their social roles are diminished. Reports indicate that the number of registered vehicles of all types reached (1,753,393) in 2024¹⁰.

Indeed, considering the reality of the recorded statistics, data from the Muscat Call Center at Muscat Municipality regarding animal collision accidents and the resulting damages over consecutive years starting from 2012 at the level of Muscat Governorate indicated that the number of collision accidents reached 285 accidents.

The resulting damages included the death of 17 people and the injury of 164 others. Furthermore, these accidents led to the death (*perishing*) of 231 animals and the injury of 71. The same statistics indicated a decrease in collision accidents in 2013, reaching 234 recorded accidents. This was followed by a further decline in 2014, with the number of accidents dropping to 175. However, this figure soon rose in 2015, where 189 accidents caused by loose and stray animals were recorded. Statistics also showed a decrease in the number of collision accidents from 2016 to 2020; in the latter year, the number of collisions involving camels, cows, sheep, and others reached only 41 accidents, resulting in 2 deaths and 55 injuries. Conversely, 2021 recorded an increase in collision accidents, reaching 45, with fatalities rising to 3 cases and 54 injuries, involving animals such as camels, cows, sheep, and others ¹¹.

Statistics further indicated that the total number of accidents caused by loose and stray animals (camels, cows, sheep, and others) from 2022 to 2024 reached 215 accidents. Camels accounted for the highest percentage of these accidents, causing 188 cases. The number of fatalities resulting from these accidents over the three years reached 48 deaths and 167 injuries. Furthermore, statistics showed a decrease in collision accidents in 2024 to 52 accidents, which caused 12 deaths and 40 injuries, whereas in 2022 there were (83) accidents. In the latter year, the number of collisions involving camels, cows, sheep, and others reached only 41 accidents, resulting in 2 deaths and 55 injuries¹². Notably, we were unable to obtain statistics for the year 2025, as they are scheduled to be released in August 2026. The results of the statistical analysis showed that the total number of accidents recorded during the year 2024 reached (710) accidents ¹³, of which (188)

resulted from the presence of animals on the road. Consequently, accidents related to loose or stray animals represent (26.5%) of the total accidents recorded during the same year. This percentage highlights the importance of addressing this factor within traffic safety strategies.

This situation has become alarming for community members and restrictive of their rights and freedoms. Its impact is not limited to the violation of the **Right to Life**, guaranteed under Article (18) of the **Basic Statute of the State No. (6/2021)**¹⁴, but extends to infringing upon the **Right to Movement** guaranteed in Article (23) of the same Statute. Individuals have become hesitant to use public roads for fear of sudden attacks by loose and stray animals, leading to a loss of security in public facilities and streets. Consequently, road users suffer from fear and reluctance, dreading accidents that threaten their lives or livelihoods. Thus, the phenomenon of loose and stray animals has stripped individuals of their **Right to a Safe Life**, which Article (22) of the same Statute mandates the State to provide, while ensuring tranquility for all citizens, residents, and visitors. They now live in constant fear and anxiety regarding the grave behaviors these animals may exhibit, which cannot be overlooked¹⁵.

In light of this, the number of reports recorded by the Muscat Call Center in 2018 reached 193 reports concerning the presence of loose animals on public roads and in residential areas. However, the number of reports decreased in 2022 to only 36¹⁶. Despite this decrease of approximately 157 reports between the two mentioned years, 36 reports are still not considered a small number. Reports and complaints continue to persist, alongside public calls to permanently deter this phenomenon¹⁷, noting that we were unable to obtain detailed statistics for subsequent years following the aforementioned period as for stray animals, their proliferation particularly in recent times has led to numerous accidents and persistent attacks on many individuals. This phenomenon is not only ongoing but is increasing significantly. A prime example of this is the tragic incident that occurred in November 2022, which featured a painful scene involving fierce stray dogs that attacked a young child returning from school, who suddenly found himself surrounded by those dogs biting his clothes from every side...

This incident went viral on social media and was the talk of the town that day. That child would have been an innocent victim of those dogs had a neighbor not intervened to rescue him¹⁸.

In this context, we must also point out certain violative behaviors by animal owners, such as grazing their livestock in areas where grazing is prohibited by law, which entails dire consequences. Consequently, these owners cannot be exempted from their legal responsibilities, nor can the law overlook their infringing behaviors. Furthermore, the roaming of these animals in residential neighborhoods contributes to the transmission of many infectious diseases to humans. Scientific studies have shown that several of these diseases are transmitted from animals to humans, particularly from dogs, cows, and livestock, posing a direct threat to public health¹⁹.

On the other hand, loose and stray animals represent a direct health hazard to humans as they transmit numerous diseases, most notably and dangerously what

is known as "Tick-borne Skin Disease." This condition arises from inflammation of vascular tissues leading to skin swelling, especially in the layers near the epidermis. Tick-borne diseases may also cause what is known as "Tick Paralysis," which is considered a danger parallel to, or perhaps exceeding, the severity of the inflammation itself. This occurs due to the tick's secretion of a toxic substance through its salivary glands that affects the human nervous system²⁰.

The health risk associated with loose and stray animals is not limited to the general potential for disease transmission; it extends to the transmission of ticks from animals to humans, as confirmed by scientific studies, particularly regarding ticks that infect dogs. This is considered a contagious disease due to its potential transmission to humans upon being bitten by an infected dog, as the wound or skin lacerations resulting from the bite allow the tick to penetrate the skin and transmit the infection. The transmission of the disease is not limited to biting alone; it may also occur as a result of contact with the blood of an infected animal or person, or through contact with body fluid secretions such as saliva. This underscores the gravity of this phenomenon to public health and reinforces the need for effective legislative and administrative intervention to mitigate its impact.²¹

In connection with the research topic, official statistics indicate the magnitude of the efforts exerted by the competent authorities in addressing the spread of diseases among animals in the Sultanate of Oman. The number of animals treated during 2022 reached approximately (3,922,958) cases. Furthermore, the number of animals vaccinated against **Foot-and-Mouth Disease (FMD)** reached (756,947) cases, while no vaccination cases were recorded against **Pox** (goats or sheep) during the same year. Regarding **Rabies**, the number of vaccinated cases reached (21,461), while the number of animals vaccinated against **Peste des Petits Ruminants (PPR)** reached (1,388,003) cases²². Since detailed statistics for subsequent years were unavailable, we refer to the 2024 statistics issued by the National Center for Statistics and Information (NCSI). In that year, the number of treated animals reached (3,732,589); however, the statistical yearbook did not specify the types of diseases treated²³.

These figures clearly reflect the organized preventive and therapeutic campaigns carried out by the competent authorities to combat the spread of diseases among animals under care in the Sultanate of Oman. This contributes to protecting public health and reducing the risks associated with loose and stray animals.

THE SECOND TOPIC : Legislative and Executive Policies in Addressing the Phenomenon of Loose and Stray Animals in the Sultanate of Oman

Omani legislation has addressed the issue of loose and stray animals through various laws, with approaches varying according to the objectives they seek to achieve—foremost of which is the protection of **Public Tranquility** as a fundamental element of **Public Order**. Certain constitutional and legislative provisions currently in force, led by the **Basic Statute of the State**, have emphasized the necessity of safeguarding public tranquility and protecting individuals from anything that might disturb it. Meanwhile, other legislations

have addressed this protection by curbing the phenomenon of loose and stray animals and the risks they pose to lives, property, and public health. Accordingly, we will dedicate **Requirement I** of this section to explaining the legislative framework governing the handling of the phenomenon of loose and stray animals. **Requirement II** is devoted to studying the executive dimension by clarifying how certain laws in force have delegated the task of addressing this phenomenon to public policies.

Requirement I: The Legislative Framework for Preserving Public Tranquility

The scope assigned to the legislator is defined by Article (2) of the **Basic Statute of the State**, which stipulates that Islamic Sharia is the basis of legislation. It goes without saying that Islamic Sharia emphasizes that human interest takes precedence over animal interest, as it is considered one of the **Five Necessities** (*Al-Daruriyyat al-Khams*). Everything in existence was created for the benefit and interest of mankind, as stated in the Almighty's saying: *"It is He who created for you all of that which is on the earth"*. Considering this, jurists have determined that the benefit realized for humans outweighs the harm that may befall an animal. Therefore, it is impermissible to favor a beast over the self, and thus it is permissible to kill an animal to ward off the harm it may cause to a human²⁴.

The will of the Omani legislator to guarantee security and tranquility for individuals is clearly manifested through the provisions of the **Basic Statute of the State of 2021**. Article (17) stipulates that one of the state's security principles is to guarantee security and tranquility for citizens. Article (18) of the same Statute confirms that life and dignity are a right for every human being, and the State is committed to respecting and protecting them in accordance with the law. This legislative will is further reinforced in the field of protecting public tranquility by Article (13) of the Basic Statute, which mandates the establishment of an administrative system that ensures justice and tranquility. Furthermore, Article (22) explicitly states that a safe life is a right for every human being, with the State's commitment to providing security and tranquility for its citizens and every resident on its lands. Accordingly, it is clear that the Omani constitutional legislator has established the protection of public tranquility as one of the fundamental political and security principles in the State and has mandated the public authorities to achieve and safeguard it according to the provisions of the law. Based on the provisions of the Basic Statute of the State, the question arises as to the adequacy of the laws in force in achieving the prescribed protection of public tranquility, particularly in the face of the phenomenon of loose and stray animals, which represents a real threat to it. In this context, it is noted that the Omani Penal Code issued in 2018 did not explicitly address the term "Public Tranquility." However, it addressed certain forms and manifestations that would disturb it.

This is clearly manifested in the text of Article (294) thereof, which stipulates the accountability of anyone who fails to take the necessary precautions to prevent danger or harm resulting from an animal in their possession or under their

responsibility, or who releases it when such action would endanger the safety of individuals or public facilities.

It can be inferred from this text that the legislator has expanded the scope of criminal liability to include anyone who owns, possesses, or is responsible for the animal, mandating them to take the necessary precautions and exercise the required degree of care to prevent any harm to people or public facilities. Failure to do so exposes them to legally prescribed criminal accountability. Thus, it is evident that the criminal legislator has contributed, albeit indirectly, to protecting public tranquility by criminalizing acts or omissions associated with animals that pose a danger to society.

The aforementioned article provides a clear idea of the breadth of the forms of incrimination; the penalty encompasses everyone whose negligence in caring for the animal is proven, whether they are the owner or the possessor regardless of whether the possession is lawful or unlawful—or the person responsible for it, or the one who caused its release, leading to endangering the safety of persons and facilities. It is clear that the text stipulates that the owner may not be punished if it is proven that they were not in possession of the animal, as criminal penalties are personal and applied to the perpetrator. However, if the owner is not criminally responsible, the owner shall be punished because they entrusted the animal to a person who lacks criminal responsibility, such as a child or an insane person.

Furthermore, we find that the legislator balanced two matters in this article: First, this penalty is applied if the release of these animals' results in a danger to individuals and public facilities. Second, if the person responsible for the animal has exercised due diligence and taken the necessary measures and sufficient precautions to protect individuals and public property from danger this loose animal. Whenever the person in charge of the animal takes such measures, they are exempted from punishment if the animal causes harm to others, as the fault leading to the damage, in this case, does not stem from the will of the person in charge. A commendable aspect of the Omani legislator's approach in this text is that criminalization is not limited to the harmful result alone; it extends to the mere "danger" posed by the loose animal before any actual damage occurs. Thus, the occurrence of harm is not a prerequisite for punishment. This reflects the high priority the legislator accords to protecting human life and safety, as criminal liability is established once it is proven that leaving the animal unattended is liable to endanger people or public facilities, even if no actual damage ensues. Infringing upon or endangering individuals' lives necessitates the establishment of deterrent and preventive rules without waiting for the occurrence of harm which may escalate to the death of a person a stance that aligns with the preventive function of incrimination and the protection of public tranquility.

Furthermore, the Omani legislator chose to realize the concept of protection and the mitigation of such threats through a set of penal legislations. Article (33) of the Omani Traffic Law stipulates: *"It is prohibited to neglect or leave vehicles, animals, or objects on the road in a condition that results in endangering the lives or property of others, or obstructing or hindering traffic..."* The question arises: did the legislator intend the necessity of the actual occurrence of danger, or does

the text encompass incrimination as soon as the act of negligence constitutes an endangerment to the lives of others? In our view, the text does not require the occurrence of damage to punish the perpetrator; rather, it is sufficient that the act of negligence is expected to cause harm, such as someone leaving camels loose near public roads, even if no harm to others has yet occurred.

As for Article (52) of the same law, it addressed the penalty that the owner of a loose animal may face, stipulating a fine not exceeding (200) Two Hundred Omani Rials for anyone who violates any provision of the aforementioned law or its implementing regulations and decisions, unless the law provides for a specific penalty.

Given this specification, we believe that the penalty is not commensurate with the nature of the crime committed. Many individuals fall victim to lose and stray animals when encountering them on public roads; these victims did not expect to lose their lives or suffer severe injuries leading to disabilities, some of which are permanent, potentially costing the state vast sums for their treatment. On the other hand, we find that this penalty does not constitute a sufficient deterrent to prevent owners from letting their animals roam loose to protect public tranquility, the Omani legislator should intervene by raising the level of the fine or adding a²⁵, custodial penalty (imprisonment).

A pertinent question arises: if the act involves leaving multiple animals unattended, is a separate crime committed for each animal, or is the perpetrator punished for a single offense? Furthermore, can someone who leaves one animal be equated with someone who leaves fifty?!

To avoid multiple interpretations and inconsistent applications, it is essential for the legislator to intervene by carefully selecting terms when drafting relevant legal texts to ensure the clarity and precision of the legal rule. It is also necessary to reconsider the penal provisions related to loose animals, specifically amending the penalty so that a fine is imposed for **each head** of loose livestock in cases where damage results from a group of animals, thereby achieving the principle of proportionality between the act and the penalty.

Upon reviewing the texts of the Penal Code and the Traffic Law, the question arises as to which of the two provisions takes precedence: is it Article (294) of the Omani Penal Code of 2018 or Article (52) of the Omani Traffic Law?

Referring to the rule of "**General and Specific**" (*Generalibus Specialia Derogant*), it appears that the legislator in the Traffic Law specifically addressed damage occurring on public roads, whereas the text of the Penal Code came in a general form covering roads and other facilities. However, the legislator in the Traffic Law did not explicitly state the phrase: "Without prejudice to any harsher penalty in another law," which suggests an intention to limit the penalty to what is provided in this specific law.

Consequently, and in line with the foregoing, there is an urgent need to amend the penalty prescribed in the Traffic Law to be commensurate with the gravity of the criminalized act, especially in cases resulting in the death of one or more persons due to the owner's indifference in leaving the animal loose. This would

achieve both general and specific deterrence and preserve the community's right to security and safety.

Regarding compensation for damages resulting from the phenomenon of loose animals, particularly in cases involving the loss of life of the vehicle driver or one of its passengers, the question arises as to which party bears the burden of compensation and the costs of damages.

The Omani legislator addressed this issue in the **Omani Civil Transactions Law**²⁶. Article (176) stipulates that any harm caused to others obligates the perpetrator to provide compensation, even if they lack legal discernment (*non-discerning*). Furthermore, Article (197) of the same law provides that the owner of an animal, even if not its owner, is liable for any damage caused by the animal if their negligence or transgression is proven.

It can be inferred from these provisions that the Omani legislator has affirmed the principle of accountability for any person who lets animals roam loose or releases them without taking the necessary measures to keep them away from residential areas and public roads, obligating them to compensate for the resulting damages to others. However, this raises a legal issue regarding the scope of this liability, particularly in cases where the owners of the loose animals are identified: does civil liability attach to them merely by proving ownership or possession? Or does proving that they exercised "due care" exempt them from liability?

If the negligence of the animal's owner or possessor is negated, another question arises regarding the transfer of liability to the vehicle driver if their lack of attention or violation of traffic rules is proven, and the consequent criminal accountability under the provisions of the Penal Code. The same applies to civil liability and the extent to which the insurance company bears the burden of compensation within the framework of **Compulsory Vehicle Insurance**. This necessitates a clearer legislative regulation that accurately defines the limits and distribution of liabilities to achieve justice and preserve the rights of the aggrieved parties.

It is certain that the insurance company bears direct liability for paying the **Blood Money** (*Diyah*) in the event of the loss of life of the vehicle's passengers, in addition to incurring the medical treatment costs for injuries sustained by persons due to accidents. Nevertheless, the insurance company has the **Right of Recourse** against the person who let the animals roam loose whether the owner, possessor, or person in charge to recover the amounts paid. These provisions do not exempt the insurance company from paying compensation directly to the aggrieved parties or the rightful claimants, as it is obligated the insurance company first by paying compensations to the beneficiaries, and subsequently exercising the **Right of Recourse** against the person responsible for letting the animals roam loose, to recover the amounts and expenses incurred on behalf of the insured²⁷.

Requirement II: Public Policies for Addressing the Phenomenon of Loose and Stray Animals

In this requirement, we have chosen to discuss the reality of public policies and certain measures taken to address the threat posed by loose and stray animals to public tranquility, while examining the impacts left by these threats.

In this regard, the Omani legislator established the procedural legal basis for protecting public tranquility in Article (11) of the **Omani Police Law**, which states:

*"The Royal Oman Police (ROP) is responsible for maintaining public order, security, and morals; protecting lives, honor, and property; ensuring peace and tranquility in all fields; working to prevent the commission of crimes; apprehending perpetrators; and conducting investigations and gathering evidence"*²⁸.

From the foregoing, it is inferred that the Omani legislator has assigned the protection of lives and property and the guarantee of tranquility and security in all their forms as a duty of the **Royal Oman Police**, mandating it to take the necessary measures to deter anything that might disturb public tranquility. On the other hand, regarding the sheltering and impounding of loose and stray animals, Article (18) of the **System of Governorates** issued by Royal Decree No. (36/2022) stipulates: *"The Municipality – in coordination with the competent authorities – is responsible for providing all municipal services within the governorate's jurisdiction, and to that end, it may exercise the following powers: ... (14) Monitoring and impounding loose and stray animals"*²⁹. This reflects the legislator's assignment of direct responsibility to executive authorities for managing this phenomenon and limiting its impact on society. Regarding **Ministerial Decisions**, two decisions have been issued in this regard. The first was **Ministerial Decision No. (485/2020)** issued by the Ministry of Regional Municipalities and Water Resources (currently the Ministry of Interior) concerning the regulations for impounding loose or neglected animals.

Subsequently, **Decision No. (164/2021)** was issued by the Ministry of Interior, amending the provisions for impounding loose or neglected animals as follows ³⁰:

1. In the application of the provisions of this Decision, **"loose or neglected animals"** shall mean camels, horses, cows, goats, sheep, and any beast left by its owner or keeper to wander at will without supervision.
2. It is **prohibited** to leave animals loose or neglected, or to allow them to graze in cities and residential villages, or at less than one kilometer from public and main roads, or less than half a kilometer from secondary roads.
3. The **competent municipality** must establish pens for impounding loose or neglected animals, provide food and water, exercise the necessary care for any impounded animal,
4. isolate infected animals and provide the necessary treatment based on the veterinarian's instructions.
5. **Any person** who finds a loose or neglected animal in their home, farm, shop, facility, or land, or who has suffered damage to their property because of it, may personally deliver it to the guard of the loose or neglected animal impoundment pen.

6. A **register** shall be established in each competent municipality to record the data of the person who delivered the loose or neglected animal, the person who received it, the date of delivery, and its type and description at the time of receipt.
7. The competent municipality shall collect from the owner of the loose or neglected animal, upon its retrieval, **fees for services** provided to the animal according to the following categories:
 - **(15) Fifteen Omani Rials** per day for each head of camels, horses, or cows.
 - **(5) Five Omani Rials** per day for each head of goats, sheep, or any other beast.
8. The **competent municipality** must deliver the loose or neglected animal to its owner after verifying their identity and recording their name, the date of receipt, and witnesses—if any—in the register, and after the payment of all fees and **administrative fines** stipulated in this Decision.
9. The competent municipality shall, through a **public auction**, sell any loose or neglected animal that no one claims for recovery within (5) five working days from the date of its entry into the pen. The proceeds of the sale shall be deposited into the **municipal treasury**.
10. An administrative fine of **(20) Twenty Omani Rials** shall be imposed on the owner of the loose or neglected animal upon its recovery from the competent municipality. The fine shall be **doubled** in the event of a repeat violation.
11. Consequently, the **competent municipality** is responsible for establishing pens to impound loose or neglected animals, providing food and water, and exercising the necessary care for any impounded animal, as well as isolating infected animals and providing the required treatment based on a veterinarian's instructions. It is also implicitly understood that loose and stray animals that threaten public tranquility may be impounded, provided that **humanitarian aspects** are respected during their collection and care. However, the municipality's role is limited to the act of "apprehension" (*seizure*), which may be feasible regarding loose livestock; but what about **stray animals** such as dogs and others?!

In view of this reality, **Muscat Municipality** in Muscat Governorate launched the "**Rifq Service**" initiative, aimed at the care, management, and rehabilitation of stray and loose animals, such as dogs, cats, and others. This reflects the local authorities' commitment to addressing this phenomenon.

³¹Furthermore, **Ministerial Decision No. (171/2025)** was issued regarding the declaration of the **Omani Society for the Protection of Animals**. Undoubtedly, the efforts of the Sultanate of Oman in this field consistent with international practices have significantly contributed to limiting the spread of loose animals and achieving positive results in controlling a large portion of this phenomenon. Municipal departments across all governorates have intensified their diverse efforts to control the numbers of stray and free-roaming dogs throughout the Sultanate. This is conducted through organized catching campaigns and by

receiving public reports, which are categorized and addressed based on priority and location, with a primary focus on emergency reports.

Nevertheless, despite the gravity of this phenomenon, it has not yet been regulated by a **specific dedicated law**. Instead, the legal treatment of this subject remains confined to certain ministerial decisions and scattered provisions within other laws. This raises a significant legal observation: **ministerial decisions do not possess the same legal force as laws**. This necessitates the enactment of specialized legislation to regulate the affairs of loose and stray animals, ensuring clear responsibilities and achieving effective protection of public tranquility. It is also worth noting that no general legal provisions have been enacted to prohibit the possession of stray and dangerous animals, such as dogs, despite the substantial damage they cause. The regulation of possessing such animals has been limited to local provisions issued by municipalities, such as **Muscat Municipality Local Order No. (24/1991)**, where Article (4) permits the breeding or keeping of animals in private pens or farms, provided health conditions are met and a license is obtained from the Municipality. Conversely, Omani laws lack general provisions prohibiting the possession of dangerous animals or defining the mandatory regulations to be followed, highlighting the urgent need for a unified legislation to regulate this matter³².

. However, the article of the Local Order has not been practically implemented; individuals are now able to own dogs without obtaining a license. This allows for the possession of dangerous animals that may be rabid or carriers of infectious diseases, resulting in health hazards and, occasionally, fatalities. It is also noted that the regulations issued by municipalities vary from one region to another both in the nature and severity of penalties leading to inconsistent compliance and limiting the effectiveness of these texts as deterrent tools.

Accordingly, we deem it necessary for the Omani legislator to enact a **comprehensive law** addressing the phenomenon of loose and stray animals in all its dimensions. This law should include clear provisions prohibiting the possession of dangerous animals, such as dogs, except after obtaining a permit under stringent conditions. Furthermore, the government must intensify its efforts to collect loose and stray animals into designated sites and seize dangerous animals held by individuals without a license, given the threat they pose to public tranquility, health, and safety. It is worth noting that the legislator addressed this matter in only a single article and did not generalize it across other provisions, which diminishes the rigor of enforcement and necessitates strengthening the legal framework to ensure the effectiveness of measures and the protection of individuals from the risks arising from loose and stray animals.

Conclusion:

This research has examined the phenomenon of loose and stray animals, defining it linguistically and legislatively, and reviewing its social and health impacts particularly the diseases and accidents it causes. The research also analyzed the legislative and executive framework in the Sultanate of Oman, clarifying existing

legal texts, their shortcomings, and the liability of the parties involved regarding compensation.

Through comparison with international experiences, the importance of regulating this phenomenon legally and administratively has been emphasized to protect public tranquility and guarantee individual rights, while providing effective legislative and executive solutions to mitigate its impacts.

First: Key Findings

- **Legal Distinction:** There is a clear distinction between **Loose Animals** (owned but neglected) and **Stray Animals** (unknown ownership), which is crucial for determining legal liabilities.
- **Threat to Public Order:** Loose and stray animals threaten public tranquility through traffic accidents, health risks, and the psychological and social distress caused to individuals.
- **Legislative Gaps:** Current legislations are fragmented and do not cover all dimensions of the phenomenon; furthermore, the prescribed penalties may not be commensurate with the gravity of the resulting damages.
- **Executive Efforts:** Executive authorities exert tangible efforts to control the phenomenon through field campaigns, impoundment, and monitoring; however, these measures require reinforcement and standardization.
- **Legislative Necessity:** There is an urgent need to enact a **comprehensive law** that fully regulates the phenomenon and clearly defines responsibilities and controls.

Second: Recommendations

- **Enacting Unified Legislation:** Issue a comprehensive and unified law to regulate all aspects of loose and stray animals and clarify legal mandates.
- **Stiffening Penalties:** Raise the level of sanctions and penalties to be proportionate to the severity of the damage caused by loose or stray animals.
- **Improving Enforcement Mechanisms:** Enhance administrative execution mechanisms, including implementation, monitoring, and the management of loose and stray animals.
- **Community Awareness:** Strengthen community awareness regarding the risks of these animals and the importance of adhering to legal and health regulations.
- **Targeted Field Campaigns:** Execute field campaigns to deal with predatory stray dogs that disturb public tranquility in residential areas, in coordination with the **Special Task Force of the Royal Oman Police**.

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