

DOGMATIC-LEGAL THEORY APPLIED FROM THE FÉLIX METHOD, FOR THE RECOGNITION OF SENTIENT BEINGS AS SUBJECTS OF LAW¹

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Abstract

This article proposes the recognition of sentient beings as subjects of law, through the application of legal doctrine based on the Felix Method. From a hermeneutic perspective and based on the principle of social justice, it analyzes their intrinsic dignity based on the capacity to feel and suffer, as well as the need for a paradigm shift in their legal protection. This qualitative research incorporates the analysis of legal discourse and the critical study of regulations, doctrines, and legal precedents. It argues that legally excluding those unable to express their opposition to abuse is morally unjustifiable. The article concludes that legal doctrine, applied through the Felix Method, constitutes a viable way to extend legal recognition beyond the human species

Keywords: Poverty in animals, Rights of Living Beings, Legal Protection of Animals, Intrinsic Dignity.

Introduction

This research to qualify for the title of Doctor of Mixed Law is dedicated to the beautiful *kitten FELIX*, who, in a situation of defenselessness due to a careless driver, died cruelly in the street, surrounded by his species, who without being able to say anything, only accompanied him in his last breath.

The Félix method, as a symbol of all those non-human sentient beings, represents the hope of being recognized and prioritized in a world where cruelty dwells, with this it seeks to raise awareness towards a better society, where the promotion of the recognition of sentient

beings in vulnerable situations as subjects of law prevails, with emphasis on their legal protection and their inclusion in social public policies that allow dignifying their lives.

The research was developed from a qualitative design, based on the principle of social justice as the guiding axis. This methodological framework allowed the object of study to be approached from a hermeneutical approach, oriented to the critical analysis of the legal structures that affect the recognition and protection of sentient beings as a right *qua/itas moralis* (Zarka, 1999, p 17) .

From the grammatical and exegetical appraisals of the current thought of the Universal Declaration of Human Rights, legal dogmatics is a substructure that shelters gaps that the norm does not cover in relation to non-human living beings and it is here that the question arises: Does the dogmatic-legal theory, applied through the Felix Method, constitute for the recognition of sentient beings as subjects of law? (Petit-de-Gabriel, 2023)

In this sense, to answer this question, it will be necessary to address three key moments. In the first place, the state of the art that explains the *Félix method* as a verification, through which these sentient beings holders of rights, capable of feeling and suffering, face the prevailing need to be protected from any form of mistreatment. In this stage, it was sought to define the *Félix Method*, establishing its conceptual foundations and normative theories that promote recognition as rights holders, highlighting their capacity to feel and suffer established in the five principles of animal welfare. The work was structured around four fundamental axes: (Monsalve Mantilla & Monsalve Mantilla, 2024, p. 7)

- (a) The recognition of the intrinsic dignity of sentient beings, derived from their capacity to feel and suffer;
- b) The ethical-legal analysis that supports the need to guarantee them legal protection, promoting a paradigmatic change in the legal and ethical conception of their well-being;
- c) The examination of legal discourse and documentary tracing focused on legal dogma; and
- d) The critical study of regulations, doctrines and legal precedents related to the rights of sentient beings.

In a second moment, the *Félix Method* was founded from the legal norm, analyzing and justifying its incorporation as a doctrinal and practical tool aimed at protecting sentient beings in conditions of vulnerability.

Finally, in a third moment, it was necessary to justify the urgency of ethical and legal recognition, identifying, from the dogmatic-legal theory, the normative and ethical gaps that hinder the recognition of these beings as subjects of rights, highlighting the need for concrete actions to guarantee their respect and care.

In this context, it is highlighted that the inability of sentient beings to express their refusal in the face of mistreatment makes their exclusion from the legal sphere morally unjustifiable, such an affirmation is supported by the approach of , who maintains that "all animals are brothers", which reinforces the urgency of reconfiguring the concepts of dignity and legal protection beyond the human species. Riechmann (2003, p . 4)

Thus, the general objective of the research was to develop the dogmatic-legal theory as a basis for the applicability of the Felix Method, aimed at the recognition of sentient beings as subjects of law. Consequently, the research question that guides this work is formulated:

does the dogmatic-legal theory, applied through the Felix Method, constitute an ideal instrument to legally support the recognition of sentient beings as subjects of law?

1. Definition of the Felix Method: conceptual foundations and normative theories.

The mistreatment of sentient beings currently represents a major challenge for entities in charge of animal protection and welfare, due to the implications it has in terms of social welfare and the resources required to address it. The conditions in which abuse occurs and its consequences affect not only these living beings, but also citizen coexistence and the social processes that the State or institutions must guarantee:

The reforms considerably expand the scope of protection, including a broader spectrum of animal species and considering various contexts in which they can be mistreated or abandoned. Stricter and more detailed rules are established to prevent animal suffering, and harsher penalties are introduced for those who engage in acts of mistreatment or neglect (Berlanga & Rocasolano, 2024, p. 44).

In this context, it is pertinent to define what is meant by legal dogmatics. Beyond the debate about its scientific nature, it is undeniable that it exists and plays an essential role in the training of jurists. In countries with codified law systems, its presence is especially relevant, occupying a central place in the teaching of law within the corresponding Faculties. The term Dogmatic-Legal is also used to refer to the set of evaluations and doctrinal positions that legal scholars elaborate on positive law (*lex and sententia ferenda*). Although in certain areas this expression acquires a pejorative use, loaded with negative connotations, it can also be used in a technical and neutral sense, devoid of emotional judgments.

It is hard to believe that a reflection of prolonged social validity does not fulfill any social task. At first glance, Dogmatics – in important sectors of the teaching of law – serves as a chain of transmission of knowledge of law. Apart from their educational function, judges and jurists use Dogmatics and its theories for the resolution of social conflicts. (Calsamiglia, 1983, p. 142).

The recognition of the "intrinsic dignity and of the equal and inalienable rights of all beings" is present in multiple international instruments. For example, dignity is mentioned in Articles 1, 22 and 23 of the Universal Declaration of Human Rights (United Nations, 1948). For its part, the American Convention on Human Rights (1969) protects the "inherent dignity of the living being," especially in the context of deprivation of liberty and the protection of integrity. More recently, the notion of "sentient beings" has been consolidated as a key category and interpretative instrument in the processes of renewal of European Civil Codes. This concept, enshrined in the Charter of Fundamental Rights of the European Union, has become a central legal reference to guide the protection and recognition of animals in the contemporary regulatory framework. Thus, in 2009, Animal Welfare as a commitment within sustainable development (States/State/Policy) dedicated its Title I to "Dignity", linking this principle to four essential rights: the right to life, the right to integrity, the prohibition of torture and inhuman or degrading treatment, and the prohibition of slavery and forced labor. (Mariño Menéndez, 2014, p. 17) Giménez-Candela (2018)

In recent years, an alternative path has been developed to enshrine nature as a subject of law in Latin America that does not imply a constitutional reform or the

approval of national laws. We are referring to judicial decisions that declare elements of nature to be a legal subject, even when their current norms do not contain express recognitions in that sense. (Berros & Carman, 2022 to , p. 5). The Félix Method represents a comprehensive approach that responds to the growing need to recognize and prioritize sentient beings in situations of vulnerability as subjects of rights. To do this, we have:

a) Recognition of the intrinsic dignity of sentient beings, based on their capacity to feel and suffer.

Animal ethics refers to moral principles, the doctrine of Criminal Law through the theory of the legal good has converted these fundamental rights into legal goods (p.6), which guide the treatment of humans towards animals. This field has evolved markedly from anthropocentric theories, which prioritize human interests, to approaches that recognize nonhuman living beings as sentient beings with the right to live free from unnecessary suffering. He argues that the ability of animals to feel pain and pleasure gives them the right to be included in moral consideration, leading to an egalitarian ethic in the treatment of them. (Seijo, Mavarez & Fuenmayor, 2025), Peter Singer , cited by Horta(2011, p. 14).

In this sense, animal rights theory, developed by philosophers such as , holds that non-human living beings possess intrinsic value and should not be treated as mere means to an end. This perspective suggests that the distinction of treatment called privilege is a stripping away of the natural right of equality that animals should be considered subjects of law (Gómez Isaza, Pabón Mantilla & Estupiñán Achury, 2020), implying that they have the right to fair treatment and protection from mistreatment or exploitation. Since these progressive advances, Colombia, in the legal framework for sentient beings, has experienced significant results in recent decades: Regan (2007, p . 10)

Table 1
Matrix of Colombian Legislation related to sentient beings.

Decree / Law	Description	Scope / Relevance	Source / Year
Decree 2811 of 1974	National Code of Natural Resources. It regulates the management of natural resources to protect fauna and flora.	It defines principles for the conservation and sustainable use of natural resources, including animals.	Ministry of Environment / 1974
Decree 1608 of 1978	It regulates the management and protection of wild species in the country.	It controls the trade, hunting, and possession of endangered or threatened wildlife.	Ministry of Environment / 1978

Decree 2257 of 1986	It regulates the control of wild animals in captivity and illegal trafficking.	It seeks to protect wild species from illegal trade and capture.	Ministry of Agriculture / 1987
Law 84 of 1989	National Statute for the Protection of Animals. It prohibits and punishes acts of cruelty against animals.	It provides a framework for the protection of domestic and wild animals, including explicit prohibitions.	Congress of Colombia / 1989
Law 1255 of 2008	It modifies Law 84 of 1989 to include animals in public shows.	It seeks to regulate the use of animals in shows, limiting cruel or unnecessary acts.	Congress of Colombia / 2008
Law 1801 of 2016 (Police Code)	It includes articles related to responsible ownership and animal welfare.	It promotes administrative sanctions for cases of animal abuse or non-compliance with rules of ownership.	Congress of Colombia / 2016
Law 1774 of 2016	He recognizes animals as "sentient beings" and not as things. It establishes criminal sanctions for animal abuse.	It protects domestic and wild animals, penalizing mistreatment with imprisonment and economic fines.	Congress of Colombia / 2016
Law 1638 of 2013	It prohibits the use of animals in traveling circuses.	It advances in the protection of animals by eliminating their exploitation in circus shows.	Congress of Colombia / 2021
Law 207 of 2024 (Angel Law)	It strengthens the fight against animal abuse.	It penalizes more severely, guaranteeing investigations and sanctions.	House of Representatives/2025

Source: Own elaboration

Table 1 *Matrix of Colombian Legislation related to sentient beings* lists the regulations that, in the case of Colombia, it is necessary to accept since rights that represent the

principle of equality are conferred. In it, the equivalence is enshrined that any living being (from dignity) deserves dignified treatment, establishing, with this, that every human being and States have the responsibility from the subsequent reasoning to guarantee their well-being. (Jiménez Torres & Celi Toledo , 2023, p. 13)

Also, the American philosopher brings a key idea to the debate: the recognition of rights should not depend exclusively on rationality or belonging to the human species, but on the capacity of a being to experience well-being and suffering. According to his approach, the law should be expanded to include non-human living beings, guaranteeing their legal protection based on their inherent needs and capacities as living beings. Walnut (2010, p. 10)

This proposal is part of a historical trend of law aimed at expanding its scope of protection. In the case of jurisprudence, this requires the intervention of an institutional will of a competent authority, while the dogmatic jurist can contribute by providing criteria of interpretation and justification.

(b) Ethical-legal analysis to support its legal protection, seeking the principles of justice and respect for life, established in constitutional protection and in various national and international regulatory frameworks;

The incorporation of sentient beings into current legal systems represents a profound shift in the traditional paradigm that has tolerated mistreatment with indifference and impunity. This shift demands an ethical-legal analysis that bases its legal protection on principles such as justice, respect for life and dignity, enshrined both in national constitutions and in international legal instruments that allow for the inclusion, in addition to collective subjects, of sentient beings and ecosystems. (Ceballos Rosero, 2019).

Along these lines, since 1850, legislation such as the *Grammont Law* in France has marked a milestone by establishing sanctions against animal abuse, influencing various countries in the creation of rules aimed at recognizing and protecting the rights of animals: "They will be punished by a fine of five or fifteen francs, and may be one or five days in prison, for those who have publicly and abusively mistreated domestic animals" (Lelanchón, 2014, p. 7).

This law marked the starting point for the development of new doctrines that promoted the evolution of international legislation (Table 2) aimed at rejecting what could be called the "chaos of abuse": the normalization of violence and indifference towards sentient beings. Consequently, the responsibility of the State, as a legal subject with specific attributions and competencies, to guarantee the well-being and effective protection of these beings was consolidated.

Table 2
Matrix of International Legal Framework related to Animal Welfare

Country	Standard/Year	Relevant Principles	Key Aspects
Australia	State/Territory Laws Local Recognitions of Animal Sentience (ACT 2019)	- ACT (Australian Capital Territory) recognized animals as sentient beings with the capacity to feel emotion, pain and pleasure. - Duty of care, cruelty, release/unreasonable abandonment laws according to jurisdiction (e.g. Queensland, New South Wales).	- In several jurisdictions, abandoning animals or leaving them in gross neglect is considered a crime, with fines and/or imprisonment. - Example: ACT introduced a law that recognizes the option of abandonment as an offense, obliges physical and mental care, basic rights (water, shelter, food, health).
Canada	Provincial Criminal Code (PAWS Act Ontario, 2019)	- It is forbidden to abandon animals "in distress" or without food/shelter/water/veterinary care.- The provinces have the power to rescue and guard them.	- Fines/penalties if standards of care are breached.
Europe (General Convention)	European Convention for the Protection of Companion Animals (1987)	- Art. 3: Basic principles of animal welfare.- Art. 14: Information and education programs.	- Governments responsible for effective public policies for responsible adoption and ownership.- Express prohibition of abandonment.
France	Animal Protection Law (2021); Civil and Criminal Code	- Recognizes animals as "living beings endowed with sentience".- Abandonment: up to 3 years in prison and a fine of €45,000.- Obligation to sign a "certificate of commitment" when adopting.	- Prohibition of sales in stores (from 2024).- Sterilization campaigns.- State funding of shelters.- Severe penalties for abuse and abandonment.
Italy	Legislative Decree No. 281/1991	- Rules for pets and strays.- Mandatory registration of dogs.- Prohibits the slaughter of strays except for incurable disease/danger.	- Economic sanctions for abandonment.- Mandatory identification/registration.- Explicit protection for stray animals.
Mexico	General Animal	- Art. 58: Prohibits	- Safe relocation of

	Welfare Initiative (2019)	Law abandonment/sale/donation of service animals after their useful life.- Arts. 3 and 8: Defines responsibility of abandoned animals and empowers municipalities to rescue them.	animals.- Municipal definition of abandonment.
			- Creates CARA Centers (care and rehabilitation).
Mexico (Additional Project)	Draft General Law on Animal Welfare	- Defines direct abuse (violence) and indirect abuse (neglect as abandonment).	as National Registry of Companion Animals.- prohibits animal experimentation.
		- Art. 8: Local governments promote temporary shelters.-	- Defines abandonment as lack of basic care (food, shelter, health).- Participation of local governments and associations.- Criminal and administrative responsibility.
Peru	Law No. 30407 on Animal Protection and Welfare (2021)	Art. 22: Prohibits abandonment as abuse.- Art. 206-A: Penalizes with up to 5 years in prison and fines.	
	Animal Welfare Act (2018:1192)	- Prohibits the abandonment of domestic animals.- Regulates minimum conditions of life, transport and experimentation.	- Illegal and punishable abandonment.- Strict rules on animal welfare.- Preventive approach and detailed regulations.
		- Examples: South Carolina has a law that prohibits the abandonment of animals, defining misdemeanor with a fine and/or "necessities of life" (water, food, imprisonment, shelter) as an obligation.	- Depending on the state, can be a misdemeanor with a fine and/or imprisonment.- In some states, New York: "Abandonment of certain shelter property if they are not claimed within a legal timeframe.- The definition of abandonment includes leaving animals without basic care, or leaving animals in custody without claiming them.
United States (USA)	State laws and federal regulations (varies by state)		

Source: Own elaboration

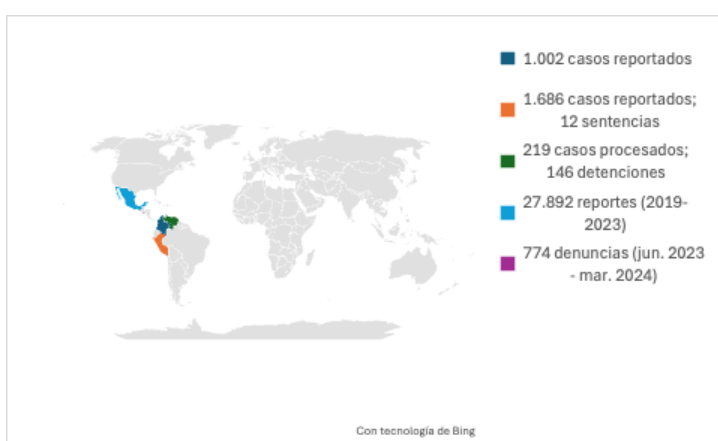
In this context, Table 2 of the *Matrix of the International Legal Framework related to Animal Welfare* invites a reading from the perspective of historicity, taking up those who

instructively incorporate the legacy of Hans-Georg Gadamer, highlighting the importance of understanding that every living being, without distinction, is linked to the scope and rigor of existing regulatory frameworks. This perspective supports the protection of rights not only from a legal approach, but also from a customary one, in which the principle of the general good prevails over the particular interest. Thus, religious, political and legal visions aimed at the recognition of well-being as a central value are integrated. Fischer (2010), Based on these progressive advances, he proposes a comprehensive vision of ecosystems as entities with intrinsic value (p. 6). Colombia has made important developments in the legal framework for the protection of non-human living beings. A regulatory compendium has been constructed that integrates both national provisions and international commitments, which appears to be a sufficient step forward to guarantee respect for the dignity of life of non-human sentient beings and to establish mechanisms for reparation for damage caused by the State or by individuals. Candle (2024)

However, these efforts are still insufficient, as evidenced by the persistent and high rate of abuse recorded at both the national and international levels (Figure 1):

In countries such as Colombia, Peru, Venezuela, Mexico and El Salvador, the mistreatment of non-human sentient beings has become a structural and persistent problem. Evidence shows that acts of cruelty are frequent, varied, and in many cases, extreme. Added to this is a worrying underestimation of the phenomenon due to underreporting, that is, the absence of formal complaints or the lack of effective mechanisms to document and sanction these events:

Figure 1
Rate of mistreatment of non-human sentient beings



Source: own elaboration. In original language Spanish

Table 3
Matrix of reported cases of abuse of non-human sentient beings

Country	Reported Cases / Remarks	
Colombia	1,002 reported cases	Bogotá leads in Attorney General's Office. (2023). the number of <i>Prosecutor's Office: in 2023, more than a thousand cases of animal abuse have been registered in Colombia.</i> El Espectador. 2016, more than 8,000 https://www.elespectador.com/la-red-zoocial/fiscalia-en-2023-se-han-registrado-mas-de-mil-casos-de-maltrato-animal-en-colombia/ complaints have been dealt with.
Peru	1,686 reported; judgments	El Comercio. (2023). <i>Only 12 sentences for 58% of the animal cruelty in 2023: What's behind the cases were profile of an abuser?.</i> 12 sentences archived. Only https://elcomercio.pe/bienestar/mentesana/solo-12-sentencias-por-crueldad-animal-en-2023-que-hay-detras-del-perfil-de-un-maltratador-empatia-bienestar-animal-violencia-noticia/ issued in the year.
Venezuela	219 prosecuted; arrests	Most sentences Human Kaleidoscope. (2023). <i>Animal abuse are from 8 to in Venezuela: almost 150 arrested in the first 45 days. It is half of 2023.</i> 146 proposed to https://caleidohumano.org/maltrato-animal-en-venezuela-casi-150-detenedos-en-el-legal-sanctions.primer-semester-de-2023/ toughen the legal sanctions.
Mexico	27.892 reports (2019-2023)	Publimetro Mexico. (2023). <i>Mexico is the 91% of reports third place in Latin America in animal involve dogs.abuse; more than 60 thousand species die Mexico ranks every year.</i> third in Latin https://www.publimetro.com.mx/noticias/2023/06/02/maltrato-animal-mexico-es-el-tercer-lugar-de-latinoamerica-mueren-mas-de-60-mil-especies-al-ano/ America in animal abuse.
El Salvador	774 complaints (Jun 2023 - Mar 2024)	La Prensa Gráfica. (2025). <i>There were 774 complaints of animal abuse between 2023 and 2024, according to official report.</i> Increase compared to the previous period (483 complaints). https://www.laprensagrafica.com/elsalvador/Hubo-774-denuncias-por-maltrato-animal-entre-2023-y-2024-segun-informe-oficial-20250310-0042.html

Source: Authors' elaboration based on research data.

This situation reflects both the inadequacy of robust legal frameworks and the lack of effective implementation of existing norms, as well as a low social awareness of the rights of non-human sentient beings. The index presented illustrated the seriousness of the problem in the region and highlights the urgent need for legal, institutional and cultural reforms that recognize non-human sentient beings as subjects of law and guarantee their protection against any form of violence or negligence.

In this context, the FELIX Method emerges as a necessary strategy to identify, address and mitigate the conditions of vulnerability in which non-human sentient beings find themselves, promoting more effective and inclusive legal protection.

c) Analysis of the legal discourse and documentary tracing focused on legal dogma.

Although there has been notable progress in the recognition of animal welfare and abandonment as a public problem, the legal frameworks from the legal discourse present important gaps in implementation, control, inter-institutional articulation and prevention. The challenge is not only to legislate, but to guarantee real compliance through resources, coordination and educational approach:

It represents the structure of the so-called Felix Method as a theoretical-legal alternative aimed at the recognition of non-human living beings as subjects of law. This scheme seeks to overcome traditional legal anthropocentrism, proposing a reconfiguration of legal subjectivity that includes non-human sentient beings, ecosystems and other forms of life as rights-holders. Through a logic that integrates ethical principles, bio-centric criteria and normative foundations, the Félix Method proposes an interdisciplinary approach where the law is no longer limited to protecting human interests, but recognizes the intrinsic value of non-human life:

Figure 2
Structure of the Felix Method



Source: own elaboration. In original language Spanish

Figure 2 presents the structure of the Felix Method from an alternative for the recognition of non-human living beings as subjects of law:

F – Fact

From the perspective of the protected legal right, cruelty towards non-human sentient beings constitutes a serious and systematic violation of their inherent dignity. This practice not only remains unpunished in many contexts, but is also invisible in the traditional criminal framework. It is necessary to adopt safeguarding measures, in accordance with national and international law, to investigate such acts effectively, quickly, completely and impartially.

E – Evidence (Normative and doctrinal support)

- **Criminal dogma:** cruelty is an aggravated subtype of abuse recognized in the theory of crime due to its differentiated harmfulness. It is configured as an unlawful act of greater reprehensibility, which imposes the need for a proportional criminal response.
- **Norm of *jus cogens*:** the prohibition of torture and cruel or degrading treatment (Convention against Torture, art. 2)⁵ is mandatory. The UN Committee has established that amnesties or procedural obstacles that prevent the punishment of these behaviors are legally inadmissible.
- **Constitutional procedural law:** reaffirms that certain crimes are not subject to amnesty or statute of limitations (OC-17/2002, Inter-American Court of Human Rights), including those that violate the dignity of life, which can be extended to ecological and non-human contexts.
- **Access to justice:** The International Covenant on Civil and Political Rights (art. 14) and the norms of the Inter-American Human Rights System guarantee the legal participation of victims and legitimate third parties, including NGOs with a legitimate interest in the defense of the environment and sentient life.
- **Equality before the law and the natural judge:** foundation of due process (art. 8 ACHR). Its application extends to the ecological context under principles of non-discrimination, requiring institutional reforms to include sentient beings in the judicial protection system.

L – Logic (Structured Legal Reasoning)

If acts of cruelty towards sentient beings constitute serious violations that affect essential legal rights (life, integrity, dignity), and if the international legal order absolutely prohibits such acts and requires their prosecution without exception, then their treatment as non-amnestiable crimes, their mandatory investigation, and the inclusion of non-human victims as subjects with legal representation within the criminal and constitutional justice system are appropriate.

² Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction (United Nations, 1984).

I – Interpreting (Extended and systemic reading)

The interpretation of law must evolve towards a bio-legal vision, where non-human sentient beings are considered passive subjects of criminal protection, and not simple legal objects. This approach is based on the progressivity of human rights and the expansion of the principle of dignity. The recognition of these beings as "victims" is not only possible, but necessary, within a contemporary justice oriented by inter-species equity and the principles of international environmental and humanitarian law.

X – Extrapolation (Projective and Transformative Application)

This analysis requires a series of urgent institutional reforms and developments:

- Legal recognition of victim status for non-human sentient beings.
- Creation of inter-species public defenders' offices and active legitimization of organizations that represent animal interests.
- Transformation of ordinary courts into structures that contemplate the principle of ecological and restorative justice.
- Regulatory adjustments to explicitly include acts of cruelty against animals within crimes against nature or as non-amnestiable crimes.

For this section, it is concluded that the use of the Félix Method is presented not only as an ethical proposal, but as a legal necessity to harmonize constitutional principles, international law and the obligations of the State with a social reality that requires the effective inclusion of non-human sentient beings in the legal protection system.

2. Foundation of the Felix Method from the legal norm as a doctrinal and practical tool aimed at protecting sentient beings.

From a modern dogmatic perspective, the status of victim for non-human sentient beings is not an ideological invention, but a logical extension of the principle of protection of fundamental legal goods. Sentience, as a technical criterion, justifies their inclusion within the penal, constitutional and international system as holders of real protection and passive subjects of crimes, especially those related to cruelty.

We are referring to judicial decisions that declare elements of nature to be a legal subject, even when their current norms do not contain express recognitions in that sense. The first emblematic case of this alternative road was that of the Atrato River in Colombia, in 2016. . (Berros & Carman, 2022 b , p. 19)

This approach is based on international instruments such as the Universal Declaration of Animal Rights (UNESCO, 1978), which, although non-binding, has guided the evolution of regulatory frameworks towards greater legal sensitivity to animal suffering and defencelessness.

The implicit recognition of these principles in public policies and national laws strengthens the legitimacy of the *Felix Method* as a way to strengthen this protection.

From this logic, incorporating the *Félix Method* as a legal tool is not only viable, but also necessary to cover regulatory gaps in animal protection. Its application would make it

possible to promote legal reforms, innovative judicial decisions and public policies consistent with the challenges of the twenty-first century.

In this regard, the update of the UN's Sustainable Development Goals (SDGs), especially Goal 15 on life on Earth, reinforces the urgency of adopting a more inclusive approach that contemplates animal welfare. Integrating the Félix Method as a doctrinal guide in this context is consistent with a legal vision that prioritizes the effective protection of all living beings, without discriminating by species.

Finally, from the Theory of the Common Good, understood as a central principle in various theories of social justice, the possibility of extending its foundations to the well-being of non-human sentient beings is raised. From this perspective, a just society must not only ensure the well-being of its human citizens, but also that of animals, particularly those in vulnerable conditions, where cities that ensure the best circulation of synergies between humans and animals (. This vision aligns with the ethics of care, which emphasizes the moral responsibility of human beings to those who depend on them, including animals. Along these lines, the Félix Method applies this theory to the context of all sentient beings—human and non-human—arguing that their protection constitutes a collective ethical responsibility that must be assumed jointly by society Sánchez-Herrera, (2024) (Ortega Peñañiel et al., (2021) .

3. Justifying the urgency of the recognition of sentient beings as subjects of rights, highlighting the need for concrete actions to guarantee their respect and care.

From the point of view of legal dogmatic theory, the ethical and legal recognition of non-human living beings as subjects of rights faces normative gaps that limit their real and effective protection. These gaps are not only due to the absence of specific laws, but also to an anthropocentric vision dominant in legal systems, which consider animals as objects of protection based on their usefulness for human beings, and not as subjects with their own interests worthy of respect, hence they reaffirm that "approaches to the rights of nature are being developed as an alternative legal means to allow the justice for nature and often for humans as well." Richardson & Bustos (2023)

A concrete example of this deficiency is evidenced in the intersection between human poverty and animal poverty. Precarious socioeconomic conditions directly affect people's ability to properly care for the animals in their care. This is how jurisprudential recognition implies the possibility of collision between animal rights and human rights, therefore, it is essential to have elements of weighting in these eventual conflicts. This generates a cycle of shared vulnerability: animals in situations of abuse, abandonment, malnutrition or lack of medical care, which compromises their physical and emotional well-being. (D and the Torres Tower, 2020) (Berlanga & Rocasolano, 2024)

From this perspective, traditional legal dogma has failed to explicitly recognize the existence of these beings as rights-holders, despite advances in the field of bioethics, philosophy of law, and environmental jurisprudence. The lack of a clear legal status

prevents them from being provided with autonomous protection independent of the will or capacity of the human being to act on their behalf.

In the face of this, a normative and doctrinal transformation is urgent. Constitutional court rulings, such as those that have begun to recognize rights to nature and other non-human entities, offer a path. However, these decisions remain isolated or progressive interpretations that have not been consolidated in a systematic legal framework. Therefore, it is suggested:

- The creation of regulatory frameworks that expressly recognize animals as subjects of law.
- The articulation of public policies that integrate human and animal welfare, as proposed under a logic of interdependent justice.
- The inclusion of animal welfare in socio-economic planning, especially in contexts of structural poverty.

This approach would not only fill existing legal gaps, but also guarantee the respect and comprehensive care of non-human sentient beings, from an ethical, legal and socially responsible perspective, in line with various legal frameworks in force (Ortega Peñafiel et al., 2021).

In the international arena, the Universal Declaration of Animal Rights (UNESCO, 1978) stands out, which, although not binding, has influenced the evolutionary interpretation of the law in countries such as Ecuador, which rejects all acts of animal cruelty from its Constitution. In addition, Article 13 of the Treaty on the Functioning of the European Union (TFEU) (Jiménez Torres & Celi Toledo, (2023)⁶ explicitly recognises that animals are "sentient beings" and obliges Member States to take their welfare into account when formulating public policies.

In the Latin American context, the jurisprudence of the Constitutional Court of Colombia has been a pioneer in recognizing the rights of non-human entities, as in the case of the Atrato River (Judgment T-622 of 2016), and has advanced in the recognition of animals as subjects of special constitutional protection (Judgments C-1192 of 2005 and C-666 of 2010), stressing that their welfare must be guaranteed by the State.

4. Results

From the understanding of the protected legal right – the life and dignity of non-human sentient beings – it is legally necessary to adopt measures to guarantee the prevention, investigation and punishment of acts of cruelty, as required by both the national and international legal systems.

The recognition of ill-treatment and cruelty as serious violations is supported by legal instruments such as the UN Convention against Torture (1984), Article 2 of which

⁶When formulating and implementing the European Union's policies in the fields of agriculture, fisheries, transport, the internal market, research and technological development and space, the Union and the Member States shall take full account of the welfare requirements of animals as sentient beings, while respecting the relevant legal or administrative provisions and customs of the Member States, in particular, religious rites, cultural traditions and regional heritage. (Consolidated version of the Treaty on the Functioning of the European Union - Official Journal of the European Union).

establishes the absolute prohibition of torture without exceptions, and whose principle of progressive interpretation allows its application to be extended to contexts of severe suffering, understanding that the ill-treatment constitutes a violation of their rights as subjects (Zaffaroni, 2011), in line with the normative development of the Principles of Environmental Justice and the Report of the UN Special Rapporteur on human rights and the environment (A/75/161, 2020).

From the point of view of international criminal dogma, *jus cogens* – as a peremptory norm of general international law – prohibits cruel and degrading acts, establishing the obligation of States to investigate and punish even when there are internal obstacles such as amnesties or institutional inaction, as expressed by the UN Committee against Torture (General Comment No. 2, paragraph (5)).⁷

This obligation is reinforced by Principle 7 of the Stockholm Declaration (1972) and Principle 1 of the Rio Declaration on Environment and Development (1992), which recognize the right to a healthy environment, including the protection of all forms of life from cruel and unnecessary treatment.

With regard to the judicial process, Article 14 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to a fair trial, which must also apply to actors representing legitimate interests (such as NGOs and animal defenders), following the approach of universal, indivisible and progressive protection of human rights.

The international system already indirectly recognizes the need to protect sentient beings as victims of serious violations:

- The UN Committee against Torture holds that severe suffering, when tolerated or not sanctioned by the state, constitutes a violation of (Mariño Menéndez, 2014) *jus cogens*.
- Advisory Opinion OC-23/17 of the Inter-American Court of Human Rights establishes that a healthy environment is an autonomous and instrumental right for a dignified life, which justifies the protection of non-human living beings when their destruction constitutes a form of irreparable harm, (Inter-American Commission on Human Rights (IACHR) , 2020)**and also opens the door to reparation for those who have suffered this injustice in their own flesh.**

The European Convention for the Protection of Companion Animals (1987) introduces the notion of legal responsibility for animals as individuals with their own needs, recognising the duty of active protection.

Finally, the Bangalo Principles on Judicial Conduct and Advisory Opinion OC-23/17 of the Inter-American Court of Human Rights on the environment reinforce the need for re (Venturi, 2020) independent and specialized courts, capable of recognizing the inter-species dimension of harm and restoring justice in an ecological and not anthropocentric key. (Castaño, Jurado, & Ruiz, 2018).

⁷The Committee adopts this general comment in order to encourage States parties to establish and support States parties in this task by explaining the essential elements of such institutions and the activities they should undertake. (UN-Convention on the Rights of the Child).

5. Conclusions

1. From a rigorous conception of legal dogmatics as a science of law, it is maintained that the life and dignity of sentient animals must be protected through norms that not only express theoretical advances, but that are concretized in effective obligations of prevention, investigation and punishment of acts of cruelty, in line with the standards of international law. The transgression of this conception would open the way to the need for a new legal category of abuse: "*zôionmicide*", a concept that designates the violent, cruel and inhuman death inflicted on a non-human sentient being, configuring itself as the most serious expression of violence exercised against these subjects of protection.
2. Legal dogma, in its practical and interpretative dimension of the law in force, allows us to maintain that norms of *jus cogens* – such as those contained in the Convention against Torture – impose on States an inescapable duty to prevent and punish severe suffering, even when the victims are non-human beings. This mandate implies the need to eliminate normative and institutional barriers that perpetuate impunity and deny effective protection to those who, by their nature, cannot exercise their defense autonomously. Thus, the legal and ethical obligation to extend the scope of the right to all sentient beings, in accordance with the universal principles of dignity and non-cruelty, is reinforced.
3. Although some sectors use the term "legal dogmatics" with a critical tone, its use as an instrument of progressive interpretation allows to sustain the need for specialized judicial systems, capable of incorporating an ecological and non-anthropocentric vision of law, which recognizes the legitimacy of collective actors and promotes inter-species justice as part of the natural evolution of the legal order.
4. From the objective legal fact (F) and the normative evidence (E), acts of cruelty against sentient beings must be recognized as serious violations of fundamental legal rights, such as dignity, integrity and well-being. Consequently, and under an interpretation consistent with the principles of *jus cogens* and international criminal law (L), these acts cannot be considered optional or secondary: they require a mandatory, firm and effective response on the part of States, both at the legislative, judicial and administrative levels.
5. Based on an evolutionary and systemic interpretation of law (I), it is legally appropriate and ethically necessary to recognize non-human sentient beings as victims, with rights to the protection of their rights. This reading is aligned with the principle of progressivity of human rights and allows us to overcome the traditional anthropocentric approach.
6. The extrapolation of analysis (X) shows that the current legal order must be transformed to incorporate mechanisms such as inter-species ombudsmen's offices, legitimization of NGOs in the defense of non-human life, and courts specialized in ecological justice. These reforms are not optional, but a logical and obligatory step towards a truly universal and restorative justice system.
7. Despite the fact that dignity has been recognized as a fundamental principle in multiple international instruments such as the American Convention on Human Rights and the

Charter of Fundamental Rights of the European Union—this recognition is still limited "exclusively" to the human being. However, if dignity is understood as an intrinsic value derived from the capacity to feel and suffer, as proposed by various ethical and philosophical currents, then excluding non-human sentient beings from this protection is arbitrary and discriminatory. Therefore, it is necessary to move towards a seventh generation of rights that explicitly incorporates non-human living beings as subjects of rights. This new generation must recognize their inherent dignity, guarantee their physical and mental integrity, and establish legal mechanisms to protect them from practices that involve avoidable suffering, exploitation, or degrading treatment.

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