

## Criminal Law Policy on the Protection of Protected Wildlife

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<b>Abstract</b>	Indonesia has biodiversity and ecosystems that are so very important that protection of conservation is needed because there are many crimes against ecosystems and the environment for endangered species. This research raises the issue of the rule of law on protecting protected wildlife in Indonesia and legal efforts in protecting protected wildlife. This study aims to answer the problems that become the issue of research discussion, namely examining criminal law policies in wildlife protection in Indonesia. The method used in this study is normative juridical, which examines the literature on legislation (library research). The study results show that the government's legal regulations, policies, and laws that strengthen the factors aimed at protecting wildlife in Indonesia are very good. However, the lack of public awareness is caused by economic factors or insufficient food needs, resulting in actions prohibited by the government and laws, namely hunting and illegal trade.	
<b>Keywords</b>	Policy; Criminal law; Wildlife Protection	
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### 1. INTRODUCTION

Indonesia is located in the tropics, which means it has high rainfall. So, it has high biodiversity compared to subtropical regions (temperate climate) and polar regions (polar climate). The high biodiversity in Indonesia can be seen from the various ecosystems that exist in Indonesia (Madaninabawi & Hafidz, 2021). Indonesia is one of the countries with the largest biodiversity in the world, both in terms of wildlife and wild plants. It is estimated that 300,000 wildlife, or about 17% of the world's animals, are found in Indonesia. However, the area of Indonesia is only 1.3% of the land area in the world (D'Cruze et al., 2021). Indonesia is number one and has a wealth of mammals, with around 515 species, and is the habitat of more than 1539 species of birds and as many as 45% of fish in the world that live in Indonesia. According to World Conservation Monitoring records (The World Conservation Monitoring Centre ), there are about 31.1% endemic animals, meaning they are only found in Indonesia, and 9.9% are threatened with extinction (Permatasari, 2021).

Criminal law enforcement is the application of criminal law specifically by law enforcement officials, which is a unified process starting from investigation, arrest, detention, trial, and correction of



crimes. Law enforcement only occurs if these components can synergize well in implementing the mandate of laws passed by the state (Widiyani et al., 2022). Criminal law enforcement and policy are almost similar daily. Criminal law policy is a direct translation of the term penal policy, but sometimes the term penal policy translates also to the politics of criminal law (Shuai & Liu, 2023); (Wolfe & Lawson, 2020). The term penal policy has the same meaning as the terms criminal law policy and Criminal law policy that these two terms are also translated with criminal law politics or criminal law policy, but from the previous explanation that the term policy is taken from the term Policy in English or Politics in Dutch (Ariyanti, 2019); (Kenedi, 2020).

Thus, criminal law policy can also be called criminal politics, which means rational efforts to overcome crime through criminal law channels. The meaning of criminal law policy or politics can be seen in jurisprudence, politics, and political policy (Asphianto, 2023); (White & Gibson, 2019). Establishing a good criminal law policy cannot be separated from the purpose of crime prevention, so criminal policy is also part of criminal politics. The importance of criminal law policy in Indonesia is that people think more in advance if they want to commit a crime; for example, people want to damage the ecosystem in Indonesia (Maruf, 2021).

The wealth of biological resources must be accompanied by a great responsibility to protect all biological resources, and this should put Indonesia in a high enough position in efforts to manage the use of animal and plant potential for the benefit of the economy of all Indonesian people (Vinata, 2017). But in fact, Indonesia's wealth of flora and fauna is decreasing dramatically every year due to people who seek personal benefits without caring about their sustainability by misusing the use of exploitation of biological resources (Erlina et al., 2021).

Endangered species whose natural habitat is increasingly difficult because the population is almost extinct, the government has to make laws and regulations to protect endangered species from extinction. Of the several provisions in the existing laws and regulations, the types of crimes in wildlife are Poaching, Plant and Wildlife Trade, and Plant and Wildlife Smuggling (Mozer & Prost, 2023). Common patterns of wildlife crimes are Illegal wildlife trade or use, Illegal possession of wild animals, Poaching of wildlife, Counterfeiting of nature businesses, Smuggling of protected species, Bribery of officials in wildlife trade, Issuance/misuse of false documents related to wildlife ownership, and Falsification of species (by including different information on the packaging) (Mozer & Prost, 2023).

Protected animals are animals that get protection from the government, and the public cannot take actions that violate the provisions set by the government on these animals. In this case, the government has paid special attention to wildlife or non-wild animals by enacting protection and law enforcement rules on animals. Indonesia has now signed and ratified an international convention related to the protection of animals in Indonesia (Wantu et al., 2021). These conventions include the Convention on

Biological Diversity (Convention on Biological Diversity) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention on International Trade in Wild Plants and Stawa). Indonesia acceded to the convention on 28 December 1978, entered into force on 28 March 1979, and enforcement of norms in the convention was returned to national law enforcement (McGregor & Setiawan, 2019).

At this time, wildlife trade and poaching are increasingly rife in Indonesia. Wildlife trade, especially protected or rare, is classified as a criminal act; this is regulated in Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems (KSDA). Wildlife trade begins with hunting, possession, and animal trade because there is still demand for these animals (Macdonald et al., 2021). The wildlife trade has become a serious threat to wildlife conservation in Indonesia. More than 95% of the animals sold in the market are caught in the wild, not farmed from captivity (D'Cruze et al., 2021). Various protected and extinct animals are still traded freely in Indonesia. Up to 40% of wild animals sold die due to difficult fishing, inadequate transportation, cramped fields, and feeding that does not suit the needs of animals (Cartoni Mancinelli et al., 2018).

Trafficking, smuggling, and poaching are criminal offenses. Criminal acts that specifically or generally violate the provisions of the Criminal Code so that they must be subject to crimes that have been determined to achieve legal certainty. Wildlife trade is included in the criminal act because wildlife trade has been included in the Criminal Act of Animal Destruction, Careless Maintenance, and Animal Mistreatment in the Draft Law of the Criminal Code in Chapter VIII Part Six (Khan & Sultana, 2021). The elements of criminal acts, as Andi Hamzah mentioned, are the existence of *Mens rea* (the intention of the subject of law or the existence of an element of intentionality to commit a criminal act or not). *Mens rea* is classified as an element of subjectivity because this element is inherent in the subject (criminal offender or dander) (Setiawan et al., 2021); (Bright et al., 2021). According to Andi Hamzah, the second element is the existence of *Actus reus*, which includes crimes or criminal acts committed by perpetrators that cause harm to others, contradict legal provisions, and disturb public order. Based on that, two things must be met to be convicted of a person, namely criminal acts or deeds (*actus area*) and despicable or evil mental attitudes (*mens area*) (Tanjung et al., 2021).

However, in Indonesia at this time, there are still very many who commit criminal acts against these wildlife because of the lack of supervision and Legal efforts for perpetrators who commit these crimes. Therefore, from the background presentation above, the author wants to discuss legal policies toward protected wildlife. Namely, several formulations of problems are aspects of discussion in this study. First, What is the rule of law against protecting protected wildlife? Second, How are efforts to protect protected wildlife? Third, What is the form of criminal law policy toward protecting protected wildlife? The purpose of this study is to answer the problems mentioned above.

Previous research relevant to this study revealed that the government's efforts to protect endangered species were good but needed to be improved, considering Indonesia's geographical conditions and rapid trade mode (Nugraha et al., 2022; Prabowo et al., 2021). Because illegal trade has a direct economic impact and affects Indonesia's sovereignty, it can be concluded that animal protection in Indonesia is not by government policy. So that legal certainty has yet to be formed perfectly (Fajrini et al., 2022).

## **2. METHODS**

This research uses normative legal research methods, namely legal research that examines the law listed through various points of view from various articles, customs, and certainties, which include laws and legal language used. The approach to this research is in terms of existing legislation and conceptual approach by examining the problem to be analyzed. Normative legal research is where the object of study is purely normative law. So, it is not possible to use social research methods in general. Secondary data is used as research data in this juridical normative manner. Secondary data consists of primary, secondary, and tertiary legal materials. The three legal materials were analyzed qualitatively (Adi, 2021).

The source of this legal material uses primary legal materials, namely the Criminal Code (KUHP) and Law of the Republic of Indonesia No. 5 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems, and several other laws and regulations relevant to the topic of discussion. Secondary legal materials include legal materials in law book literature, legal articles, and other relevant literature. To obtain primary and secondary legal materials, it is necessary to have techniques for reading books, studying, and recording relevant laws and regulations associated with concrete events in the field. Qualitative descriptive analysis was used in this study, which was deepened thoroughly.

## **3. FINDINGS AND DISCUSSION**

### **3.1 Legal Regulations Against the Protection of Protected Wildlife in Indonesia**

Regulations governing endangered species' legal protection have been regulated: Law No. 5 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems and Law No. 18 of 2013 concerning Forest Prevention and Eradication (Law P3H) have become important regulations and complement existing laws. Furthermore, Government Regulation of the Republic of Indonesia Number 8 of 1999 concerning the Utilization of Plant and Wild Animal Species, Government Regulation of the Republic of Indonesia Number 7 of 1999 concerning the Preservation of Plant and Animal Types with the aim of good utilization of natural resources in supporting the improvement of community welfare while still paying attention to sustainable environmental functions by the mandate of the 1945

Constitution (Firdaus & Setiawan, 2022).

In addition, there are also several national laws and regulations aimed at protecting regulations for wildlife.

1. Presidential Decree of the Republic of Indonesia (KEPPRES) Number 43 of 1978 concerning Ratifying the "CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA"
2. Law No. 32 of 2009 concerning Environmental Protection and Management
3. Law No. 41 of 2014 concerning Amendments to Law No. 18 of 2009 concerning Livestock and Animal Health
4. Government Regulation No. 8 of 1999 concerning the Utilization of Plant and Wildlife Types
5. Government Regulation of the Republic of Indonesia No. 7 of 1999 concerning the Preservation of Plant and Animal Types
6. Government Regulation of the Republic of Indonesia No. 68 of 1998 concerning Nature Reserve Areas and Nature Conservation Areas
7. Government Regulation of the Republic of Indonesia No. 13 of 1994 concerning Hunting of Hunting Animals
8. Presidential Decree of the Republic of Indonesia No. 4 of 1993 concerning National Animals and Flowers
9. Forestry Decree No. 26/Kpts-II/1994 concerning the Utilization of Long-tailed Macaques (*Macaca fascicularis*), Macaques (*Macaca nemestrina*), and Arowana Fish (*Scleropages formosus*) for Export Purposes
10. Forestry and Plantation Decree No. 104/KPTS-II/2000 concerning Procedures for Taking Wild Plants and Catching Wildlife
11. PermenLHK Number P.106/Menlhk/Setjen/Kum.1/12/2018 concerning the Second Amendment to the Regulation of the Minister of Environment and Forestry Number P.20/Menlhk/Setjen/Kum.1/6/2018 concerning Protected Plant and Animal Species
12. Minister of Environment and Forestry No. P.20/MENLHK/SETJEN/KUM.1/1/2018 regulates **procedures for** permitting the use of protected plants and animals.
13. Draft Criminal Code Chapter VIII Part Six on Animal Abuse, Carelessness of Keepers, and Mistreatment of Animals in Articles 337 (1)(2)(3) and 338 (1)(2)

Law No. 5 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems contained in Articles 19, 21, and 33., which includes criminal acts, criminal liability, and criminal sanctions relating to all human activities in protected areas, as well as protected and unprotected plants and animals including their habitats.

Law No. 5 of 1990 regulates prohibited matters with the threat of criminal penalties as in Article 21, paragraphs (1) and (2):

(1) Everyone is prohibited from:

- a. Take, cut, possess, damage, destroy, maintain, transport, and trade protected plants or their parts, alive or dead;
- b. Remove protected plants or their parts in a state of life or death from one place in Indonesia to another place in a living or dead state from one place in Indonesia to another place inside or outside Indonesia;

(2) Everyone is prohibited from:

- a. Capture, injure, kill, keep, possess, keep, transport, and trade protected animals alive;
- b. Keeping, owning, keeping, transporting, and trading protected animals in a dead state;
- c. Removing protected animals from one place in Indonesia to another place inside or outside Indonesia;
- d. Trade, store, or possess the skin, body, or other parts of protected animals or goods made from such parts or remove them from a place in Indonesia to another place within or outside Indonesia;
- e. Take, damage, destroy, trade, store, or possess eggs and nests of protected animals.

The above prohibition does not apply to research, science, or saving animal species. Animal conservation includes providing or exchanging animal species to other parties with state permission to foreign parties, among several provisions in the current laws and regulations. Laws and regulations become the legal framework for nature conservation in Indonesia (Wolfe & Lawson, 2020; Zulyadi, 2020). Although this law already exists, there are some challenges in its implementation. Therefore, further study and evaluation are needed to overcome these barriers and improve law enforcement and the effectiveness of laws in protecting wildlife in the country (Aminah et al., 2021; Pahlevi et al., 2021).

In addition, the need for more public awareness of the importance of protecting wildlife is another factor that complicates the implementation of this law. Many societies regard wildlife as objects of trade and engage in illegal trade without considering the consequences (Susanto et al., 2020). In addition, the need for more budget for implementing conservation measures is also a major obstacle to wildlife protection in Indonesia (Christine & Situmeang, 2018; Zakiyuddin & Ridwan, 2022). These factors continue to pose various challenges in implementing Law Number 5 of 1990 concerning the Protection of Biological Natural Resources and their Ecosystems.

### **3.2 Efforts to Protect Wildlife in Indonesia**

The Government of Indonesia and its relevant organizations are implementing efforts to implement animal protection laws. Some of these efforts include:

- 1) The government has established a working group to improve the implementation of environmental and forestry regulations. The illegal trade and destruction of wildlife are under the control of a task team tasked with stopping both. This task force comprises the Police, TNI, and the National Crime Mitigation Agency (BARESKRIM).
- 2) Public Awareness Campaign: The government and related organizations have organized the importance of nature conservation. This campaign uses Television, Radio, Billboards, and even Social Media is also used in the campaign. The aim is to raise public awareness of the conservation and dangers of illegal wildlife trade.
- 3) Wildlife Rehabilitation: Several organizations and governments have undertaken rehabilitation efforts to protect endangered wildlife. For example, the Natural Resources Conservation Agency (BKSDA) rehabilitates wildlife confiscated from illegal trade (Yuwono et al., 2020). In addition, there are also rehabilitation centers such as Taman Safari Indonesia, Ragunan Wildlife Park, Wildlife Rescue Center Jogja, and many more rehabilitation centers that result from confiscation, community handover, and animal conflicts with residents.
- 4) International Law Enforcement: The Indonesian government is working with others to combat illegal wildlife trafficking around the world. Some of these steps include joining international agreements to protect endangered species, such as CITES (Convention On International Trade in Endangered Species), an international trade convention on endangered species of flora and fauna (Purnawati and Ambo, 2020).
- 5) Active Role of the Community: The government also invites the community to participate in nature conservation. Some programs include community awareness through education in schools, conservation campaigns for tourist attractions, and involving the community in wildlife breeding.

The efforts outlined above are part of efforts to improve law enforcement of animal protection laws in Indonesia (Budiman & Said, 2021). In addition, efforts to protect animals there are two protections, namely: (Wang et al., 2019)

#### 1. Preventive Legal Protection

Preventive legal protection is also the beginning of the protection provided by law, especially in criminal cases. About the provisions of criminal law, Article 1, paragraph 1 reads: "No act can be punished except for the provisions of the criminal rules in the legislation that existed before the act was committed." From the article, it is clear why preventive action is the first step the government must take. Otherwise, repressive efforts, especially the imposition of criminal sanctions to provide a deterrent effect for perpetrators, cannot be implemented. This is because the rules of criminal law adhere to the principle of legality.

Preventive legal protection efforts are all efforts to prevent the occurrence of impacts or efforts

before a problem occurs, while the form of protection can be in the form of signs for the community to carry out every action. The government provides Preventive legal protection designed to prevent violations before they occur. This is contained in legislation that prevents violations and references or restrictions on fulfilling obligations.

The government has taken preventive measures by establishing regulations related to the prohibition of wildlife trade, socializing regulations related to animal trade, monitoring, and cooperating with institutions. This effort has been carried out, and the governments in several regions have prevented dozens of animal smuggling cases. Detailed precautions taken by the government include:

- a. Formation of regulations through the Law on the Conservation of Natural Resources and the regulation of its derivatives.
  - b. To conduct cooperation between the Board
  - c. Regulatory socialization
  - d. Supervision
2. Repressive Legal Protection

Repressive legal protection is the final protection in the form of sanctions such as fines, imprisonment, and additional penalties if there has been a dispute or violation. Repressive legal protection is designed to sanction anyone who commits violations and actions by law. Thus, the government warns and threatens criminal sanctions against perpetrators who commit crimes to protect endangered species.

### **3.3 Criminal Law Policy on the Protection of Protected Wildlife**

The discussion of criminal policies and regulations on wildlife protection, namely crimes against wildlife, is explained by three main criminal law issues. That is, deeds (criminal matters), people (criminal guilt or liability issues), and criminal/criminal offenses. There is no regulation on the criminal act of protected animals, but the closest is the one regulated in Article 302 Chapter XIV concerning the Crime of Decency (Bariun et al., 2022).

#### **a) Criminal**

The element of the criminal offense referred to in Article 302 (1) is "intentional." Because it lies in the formulation of criminal law provisions, the element of "intentional" includes the following: a. causing pain to animals, b. causing animal injury, c. endangering animal health.

#### **b) Criminal Liability**

The formulation element of Article 302, which regulates animal abuse, imposes criminal liability on humans and can also be emphasized in Article 59 of the Criminal Code (KUHP) in cases where



violations are determined to be criminal against management, members of the governing body, or commissioners, who do not interfere in violations are not criminalized.

c) Pitana/Bemidanan

The division of crime/punishment consists of several parts, from the criminal offense, which is explained. The offense consists of the type of crime (transport), the manner of committing the crime (strafmodus), the length of punishment (strafmaat), and a criminal threat formulation system.

Based on the wording in Article 302, 3 subsections can be analyzed, namely:

a) Strafmect (of lamanya sankasi pain)

Based on Article 302 of the Criminal Code, the length of criminal sanctions is three months in prison or a maximum fine of four thousand five hundred rupiah. The maximum imprisonment of 3 months is a special maximum system because of its arrangement in the second book of the Criminal Code, while the general maximum and minimum systems are regulated in the first book of the Criminal Code.

b) Straaf species (jenis pidana)

Based on Article 302 of the Criminal Code, the types of crimes contained in this Article are imprisonment and fines.

c) Criminal threat formulation system

Based on Article 302 of the Criminal Code, the criminal threat formulation system contained in this Article adheres to an alternative formulation system because it uses the word "or" Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems (KSDAHE), namely article 40 paragraphs 1, 2, 3, 4, and 5, in the criminal provisions contained in Law Number 5 of 1990 paragraph 5 divides criminal acts into two groups, namely criminal acts are said to be crimes for paragraphs 1 and 2 and a criminal offense is said to be an offense for paragraphs 3 and 4.

The formulation of criminal sanctions in the criminal act of protected animals is contained in the Law on the Protection of Conservation of Biological Natural Resources and their Ecosystems Number 5 of 1990 spread in article 40, including:

- (1) Whoever intentionally violates the provisions as referred to in Article 19 paragraph (1) and Article 33 paragraph (1) shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah).
- (2) Whoever intentionally violates the provisions as referred to in Article 21 paragraph (1) and paragraph (2) and Article 33 paragraph (3) shall be punished with a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah).
- (3) Whoever, due to his negligence, violates the provisions as referred to in Article 19 paragraph (1) and Article 33 paragraph (1) shall be punished with a maximum imprisonment of 1 (one) year and a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah)

- (4) Whoever, due to his negligence, violates the provisions as referred to in Article 21 paragraph (1) and paragraph (2) and Article 33 paragraph (3) shall be punished with a maximum imprisonment of 1 (one) year and a maximum fine of Rp. 50,000,000.00 (fifty million rupiah).
- (5) Criminal acts, as referred to in paragraph (1) and paragraph (2), are crimes, and criminal acts, as referred to in paragraph (3) and paragraph (4), are offenses.

In legal policy, juridical qualifications are important because if the special law does not contain a crime, be it a serious or a minor crime, then legal problems will arise in applying the law in the field. In the event of a trial, assistance, participation, concomitant criminal acts, and so on (Young & Goodman-Delahunty, 2021). In this law, juridical qualifications are contained in Article 40, paragraph (2), which reads as follows: Criminal acts referred to in paragraphs 1 and 2 are serious crimes, and crimes referred to in paragraphs 3 and 4 are misdemeanors (Adhyatma et al., 2023; Putra & Ahyani, 2022).

Several cases of crime occur in Indonesia, so the protection of protected animals is disrupted.

1. One of the people in Medan City Regency, precisely in Medan Marelan District, named Junaidi, is suspected of trafficking endangered animals against five Luwak cats (*Prionailurus bengalensis*) and one brown baning turtle (*Manouria emys*). His actions are against the law because he has secretly traded rare animals in Indonesia. Then the defendant Junaidi was found guilty of "being prohibited from catching, injuring, killing, storing, possessing, keeping, transporting, and trading protected animals in a living condition" as regulated and threatened with crime in Article 21 Paragraph (2) letter a Jo Article 40 paragraph (2) of RI Law No.5 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems Jo Government Regulation of the Republic of Indonesia No.7 of 1999 concerning Preservation Plant and Animal Types Jo Regulation of the Minister of Environment and Forestry Number: P.106/ MENLHK/ SETJEN/ KUM.1/ 12/ 2018 concerning the Second Amendment to the Regulation of the Minister of Environment and Forestry Number: P.20/ MENLHK/ SETJEN/ KUM.1/ 6/ 2018 concerning Protected Plant and Animal Types as stated in the Public Prosecutor's indictment. Thus, the defendant **Junaidi** was sentenced to imprisonment for **1 (one) year and 6 (six) months and a fine of Rp2,000,000 (two million rupiah)**. If the fine is not paid, it is replaced with imprisonment for **6 (six) months. This made the defendant admit and regret his actions and promise not to repeat them or other criminal acts.**
2. Animal trafficking cases occurred in North Sumatra, where the defendant deliberately trafficked protected animals as regulated and threatened with crime in Article 40 paragraph (2) Jo. Article 21 paragraph (2)(a) of Law of the Republic of Indonesia Number 5 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems charged the defendant with a sentence of 1 year and six months imprisonment because the defendant had traded some pangolin scales and ten hornbill beaks in a dead state so that the defendant is charged with a sentence of 1 year and six

months imprisonment and a fine of IDR 1 million subsidiary three months with a verdict handed down by the judge according to Article 21 paragraph (1) and paragraph (2) and Article 33 paragraph (3) punishable with a maximum imprisonment of 1 year six months and a maximum fine of Rp.10 million (Fadilah et al., 2023).

3. Smuggling of 89 protected wildlife and one bag of deer antlers from Papua on the MV Vision Global ship will be sent to Probolinggo, East Java, on October 22, 2022. Where this smuggling was successfully stopped by the Marine Security Patrol Team of the Banjarmasin Navy Base (Lanal) and the Alpha Team of the Intel Mandau L 22 Operation Task Force when the ship docked and unloaded in the waters of the estuary base, Central Kalimantan, in its action six suspects were charged with articles 21 (2)(a) and 40(2) of the Law on the Conservation of Biological Natural Resources and their Ecosystems and threatened with four years in prison and a fine of Rp.100 million.
4. The trafficking of protected animals of 2 children of orangutans (*pongo abelii*) in Medan, where the defendant was caught carrying out transportation activities in the form of orangutan children from Langsa City to Medan. The defendant has violated Article 40 paragraph (2) juncto Article 21 paragraph (2)(a) of Law of the Republic of Indonesia Number 05 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems juncto Article 55 (1) 1st of the Criminal Code. Then, the defendant was charged with a 3-month prison sentence and fined Rp50 million (Cartoni Mancinelli et al., 2018; Macdonald et al., 2021).

#### 4. CONCLUSION

Based on the discussion, it can be concluded that First, the legal rules for the protection of protected wildlife in Indonesia are regulated in Law No. 5 of 1990 concerning the Conservation of Biological Natural Resources and Ecosystems, more precisely in article 21 paragraphs (1) and (2), namely in paragraph (1) explains about prohibitions on the community from doing damage to plants such as taking, cutting, and transporting protected plants and prohibitions on moving protected plants in conditions dead or alive from Indonesia to other places both within Indonesia and abroad. Then, in paragraph (2), the community is prohibited from carelessly catching, keeping, killing, etc., related to the expulsion of animals and their eggs or nests. In addition, there are still many laws that the government has passed as protection rules for wildlife and their ecosystems in Indonesia to strengthen legal protection for endangered animals in Indonesia. Second, efforts to protect wildlife in Indonesia, namely 1) Improving the implementation of regulations made by the government is to form a working group. This working group, such as the Police, TNI, and Bareskrim, is like an organization that collaborates with the government to protect animals. 2) The public awareness campaign is to socialize the community about how important it is to preserve nature and its ecosystems so as not to trade wildlife

again. 3) Create wildlife rehabilitation. Namely, the government and several related organizations participate in animal protection to preserve and provide protection to animals confiscated by the task force to capture perpetrators who want to commit crimes against animals, namely smuggling and then trading illegally. 4) The Government of Indonesia has cooperated with other parties, namely international law enforcement, to protect endangered species. Because many perpetrators carry out trade transactions or smuggle animals in Indonesia outside the country of Indonesia, they generate an active role in the community by inviting the community and involving the community in wildlife breeding. In addition to the above efforts, there are other efforts in protecting wildlife, namely: 1). Preventive legal protection, where this protection is provided to prevent problems that become signposts for the community before taking action. This effort has had a huge impact on wildlife protection. As a result of this effort, the task force has had a lot of success in preventing smuggling cases in Indonesia. 2). Repressive legal protection, where this protection effort provides criminal sanctions against those who commit crimes against protected wildlife. Third, the criminal law policy on protecting protected wildlife is mentioned in Article 302 Chapter XIV concerning decency crimes, which discusses criminal acts, criminal liability, and punishment directed against perpetrators of wildlife protection crimes. Then, the punishment against the perpetrators was reaffirmed in Article 40, namely in Law No. 5 of 1990 concerning the Conservation of Natural Resources and their Ecosystems.

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