

Legal Protection of Protected Animals from Illegal Trade as an Effort to Maintain Environmental Conservation

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Abstract

The research entitled "Legal Protection of Protected Animals from Illegal Trade as an Effort to Maintain Environmental Conservation" aims to 1) find out and analyze legal protection for protected animals from illegal trade as an effort to preserve the environment. 2) analyze the execution process carried out towards the judge's decision regarding illegal animal trade. The research method used is normative legal research, using a juridical approach, primary data obtained from interviews with secondary legal materials (books and other related literature), and tertiary legal materials (internet), data collection techniques in the form of interviews and literature studies, and Data analysis is in the form of qualitative descriptive. Based on the results of the research and discussion, it was concluded that 1) efforts to legally protect protected animals are not only through enforcing applicable laws and regulations, but can also be done through approaches and raising awareness in Special Region of Yogyakarta citizen through outreaching activities and information about the importance of preserving animals and understand the types of animals that are protected. 2) the process of executing the judge's decision regarding illegal animal trade is different from that of human victims because it requires special treatment, especially for animals that are still alive, by handing over protected animals to the Natural Resources Conservation Center Special Region of Yogyakarta for care and restoration of their condition before being returned to their habitat.

1. Introduction

Based on Article 33, paragraph (3) of the Constitution of the Republic of Indonesia, the earth, water, and natural resources contained within are under state control and are to be utilized for the greatest possible benefit of the people. The natural resources referred to in this provision are diverse, including the rich biodiversity found in Indonesia. Indonesia is one of the nations with the highest levels of biodiversity, each possessing its own distinctive characteristics and uniqueness. This potential offers significant opportunities for development, making it crucial to prevent actions that could lead to environmental degradation. According to Muntasib's opinion, the factors contributing to the degradation of natural resources are as follows:

The reality of life on this planet reveals that natural resources, whether biotic or abiotic, require millions of years to evolve and become the foundation of human life. However, they have undergone changes and degradation, with many even leading to the extinction of civilizations. These changes, degradation, and extinctions have been caused by natural factors or human activities.

The degradation of natural resources is primarily caused by the disruption of ecosystem balance, wherein wildlife, plants, and their surrounding environment form an inseparable unity that must be carefully maintained to preserve its sustainability. Among these three elements, wildlife requires particular attention, as several species are on the brink of extinction. According to Chaerul Saleh, Imelda Hilaludin, and Fatni Hanif, the decline in species populations would not occur if all parties committed to preserving nature, which includes both wildlife populations and the ecosystems in which they thrive, while also preventing environmental damage caused by human activities.

As a natural resource that can be directly obtained from the environment, wildlife can be utilized for various human needs and interests, contributing to human well-being. However, this does not imply that all wildlife species should be exploited indiscriminately, given that some species are increasingly in need of protection due to their dwindling populations. As a country often referred to as the "lungs of the world," Indonesia's wildlife conservation is intrinsically linked to the preservation of its natural environment. Wildlife depends on a natural habitat that provides shelter and facilitates access to food, thereby ensuring the continuity of their existence.

Biodiversity represents an essential component of nature's invaluable assets, supplying numerous human necessities and acting as a safeguard against environmental catastrophes. However, scientists have yet to reach a unanimous agreement on a precise definition of biodiversity.

As an effort to ensure the survival of wildlife, the enactment of Law Number 5 of 1990 on the Conservation of Living Natural Resources and Their Ecosystems was introduced. This law regulates the protection of endangered species, both those owned by the public and those that cannot be owned due to their imminent risk of extinction and the rarity of their natural habitats. Additionally, Law Number 41 of 2014, amending Law Number 18 of 2009 concerning Animal Husbandry and Animal Health, was established as a governmental response to the increasing exploitation of wildlife. As one of the natural resources, wildlife is a gift from Allah

SWT that must be managed with wisdom, given the limitations in its usage. To ensure the sustainable use of living natural resources, conservation measures are essential to maintain biodiversity and its ecosystems, thereby achieving ecological balance.

Despite the government's implementation of various regulations aimed at protecting wildlife utilized for economic purposes, these measures have not significantly impacted the welfare of the animals. Often, the care provided to these animals fails to consider their well-being. It is crucial to educate the public on the importance of understanding that humans are not the only living beings; other creatures such as animals and plants also require a balanced ecosystem to avoid disruptions that could lead to extinction. With an increased awareness among the public regarding the importance of other living beings, it is expected that the natural environment will be better preserved.

However, in reality, illegal exploitation of protected wildlife continues to occur in Indonesia, driven by individuals seeking profit due to the high market value of these animals. In the case referenced as Decision Number 99/Pid.B/LH/2022/PN.Yyk, it was revealed that "The perpetrator deliberately kept or traded a protected species, the Javan porcupine, while it was still alive." In another case, referenced as Decision Number 93/Pid.B/LH/2020/PN.Wno, a more severe action was uncovered: "The protected species, a pangolin, was not only illegally traded alive but was intentionally killed by the perpetrator to harvest its scales, which have a high market value, solely for profit."

Based on these instances, one of the driving factors behind the illegal trade of endangered species, whether alive or killed for their body parts, is economic motivation. Furthermore, Nyoman Wijana highlights the consequences of the rampant illegal wildlife trade: "The widespread illegal trade of endangered species will gradually lead to the extinction of these species in Indonesia. Therefore, to protect and preserve wildlife for the present and future, there must be clear restrictions on individual actions and behavior, enforced through strict legal mechanisms and orderly implementation in society. This will allow wildlife trade activities to be controlled through oversight by authorized officials tasked with wildlife protection and management, who must carry out their duties earnestly, thereby raising public awareness of the importance of wildlife protection."

This situation reflects the insufficient, widespread efforts by all relevant parties, including oversight and law enforcement roles, in protecting endangered species, leading to the continued occurrence of such cases in Indonesia. The issues explored in this study include "What is the legal protection for endangered species against illegal trade as a measure to preserve the environment? and what is the execution process for judicial decisions concerning the illegal trade of Javan porcupines and pangolins?"

Indonesia is renowned as a mega biodiversity country, being one of the three nations with the highest biodiversity in the world. According to records from The World Conservation Monitoring Centre, Indonesia's biodiversity includes 3,305 species of amphibians, birds, mammals, and reptiles. Of this biodiversity, 31.1% is endemic—found only in Indonesia—and 9.9% is threatened with extinction. Indonesia's marine territory spans approximately 5.8 million square kilometers, encompassing biodiversity that includes 590 species of coral reefs, representing 37% of the world's marine species and 30% of the world's mangrove species.

However, Indonesia's rich biodiversity also makes it one of the most susceptible locations for wildlife crime. Poaching and the illegal trade of wildlife are significant factors in the decline of native Indonesian species. The impact of poaching, particularly of protected species, has long-term consequences, even if the immediate damage to the ecosystem is not apparent. The disruption of the food chain and the extinction of ecosystems will ultimately have profound effects on humanity. Environmental disasters are one potential outcome of such ecological damage. Poaching and the illegal trade of protected wildlife are criminal acts. Indonesia is one of the countries grappling with widespread wildlife crime, which has escalated in response to the global trend of increasing demand for wildlife.

Legal protection for wildlife in Indonesia is stipulated in Law No. 5 of 1990, specifically in Article 20, paragraph (1), where the conservation of plant and wildlife species is categorized into two groups: (a) Protected plants and animals, and (b) Non-protected plants and animals. Further clarification in Article 20, paragraph (2) specifies that protected species include: (a) Plants and animals in danger of extinction, and (b) Plants and animals with rare populations.

The term "protection," as defined in the Great Dictionary of the Indonesian Language (KBBI), refers to "a place of refuge, an act of safeguarding, and the process, method, or action of protecting." Utrecht's legal perspective states that "Law is a set of life guidelines, comprising commands and prohibitions within a society that must be obeyed by its members; violations of these rules will result in punitive actions." CST Kansil views legal protection as a universal concept within a legal state. The subjects of legal protection include: "Legal protection must be reflected in the functioning of the law, the legal process, and the consequences of implementing or enforcing the law. This can be seen in the various relationships within society. Interactions among members of society give rise to laws that regulate and protect the interests of each member. The diversity of these legal relationships necessitates regulations that can ensure balance and prevent chaos within society."

According to Muchsin, legal protection is something that safeguards the existence of legal subjects through the enforcement of applicable laws, which are coercive and accompanied by strict sanctions. In relation to wildlife protection, the legal basis is Law No. 5 of 1990 concerning the Conservation of Living Natural Resources and Their Ecosystems. From a sociological perspective, this law was enacted to ensure the proper utilization of living natural resources through conservation efforts.

Article 1, paragraph 5 of Law No. 5 of 1990 on the Conservation of Living Natural Resources and Their Ecosystems defines "wildlife" as "all types of living natural resources that inhabit the land, water, or air." Wiranto and colleagues define protected wildlife as "species whose populations are critically low and have a very slow rate of reproduction. The decline in protected species can be prevented through the establishment of legal protections for endangered wildlife. Endangered species must not be killed, owned, captured, hunted, or traded to preserve their existence."

Another definition of protected wildlife is provided by Mahrus Ali and Izza Elvany, who state that "endangered wildlife refers to species with small or rare populations, making them difficult to reproduce, or what are known as endemic species whose populations are limited to certain areas." Therefore, countries that are home to endemic wildlife must exercise caution in maintaining the populations of these species. Among the various cases, there are many legal loopholes, leading to significant gaps in enforcing these regulations. This highlights the importance of the government finding solutions. One of the most frequent violations is the smuggling of endangered species, which is a common issue with many opportunities for exploitation due to lax regulations and oversight.

Article 4, paragraph (1) of Government Regulation No. 7 of 1999 on the Preservation of Plant and Animal Species classifies wildlife into two groups: protected and non-protected species. Furthermore, Article 4, paragraph (2) specifies that "The classification of protected wildlife is attached to this Government Regulation."

The classifications of protected wildlife include the following:

- a. Mammals (Mammalia): The wildlife classified under mammals includes the elephant (*Elephas indicus*), porcupine (*Hystrix brachyura*), and pangolin (*Manis javanica*).
- b. Birds (Aves): The wildlife classified under birds includes the cassowary (*Casuarius casuarius*), Bali starling (*Leucopsar rothschildi*), and maleo bird (*Macrocephalon maleo*).
- c. Reptiles (Reptilia): The wildlife classified under reptiles includes the loggerhead sea turtle (*Caretta caretta*), green tree python (*Chondropython viridis*), and saltwater crocodile (*Crocodylus porosus*).
- d. Insects (Insecta): The wildlife classified under insects includes the painted jezebel butterfly (*Cethosia myrina*), Rajah Brooke's birdwing butterfly (*Trogonotera brookiana*), and common birdwing butterfly (*Troides amphrysus*).
- e. Fish (Pisces): The wildlife classified under fish includes the Maninjau loach (*Homaloptera gymnogaster*), coelacanth (*Latimeria chalumnae*), and cave barb (*Puntius microps*).
- f. Anthozoa: The wildlife classified under anthozoa includes black coral and all species from the genus Anthipates.
- g. Bivalves (Bivalvia): The wildlife classified under bivalves includes the coconut crab (*Birgus latro*), trumpet triton (*Charonia tritonis*), and China clam (*Hippopus porcellanus*).

According to Article 18, paragraph (1) of Government Regulation No. 8 of 1999 concerning the Utilization of Wild Plant and Animal Species, only non-protected wild animals and plants may be traded.

Biological resources refer to any natural resources derived from living organisms, commonly known as biological resources. Updated data indicate that renewable resources also include biological resources, such as animal resources, plant resources, and microorganisms. The richness of Indonesia's natural resources often entices irresponsible individuals to exploit these biological resources for profit. Numerous cases have occurred in Indonesia, but they have

not effectively deterred perpetrators. Among the various cases, significant legal gaps allow for exploitation of these regulations, highlighting the need for the government to address these issues. One of the most frequent violations involves the smuggling of endangered animals, a common occurrence facilitated by lenient regulations and oversight.

The illegal trade of wildlife is a crime falling within the domain of criminal law, with perpetrators subject to sanctions as stipulated in the Criminal Code. Strict and coercive criminal sanctions are necessary to deter offenders and prevent recidivism. Romli Atmasasmita opines that "This crime is highly organized, with extensive and robust networks, employing methods of possession, maintenance, and smuggling of protected wildlife that continue to evolve." This development is evident in several cases where protected wildlife trade is conducted by licensed exporters.

According to Wildanu S. Guntur and Sabar Slamet, "The illegal trade of protected wildlife refers generally to wildlife trafficking or poaching, defined as an illegal practice or form of crime (legal violation) and an infringement of the rights of animals. The practice of illegal wildlife trade encompasses processes such as poaching, transportation, torture/killing, shipment, transfer, sheltering, and receiving wildlife for exploitation purposes. Poachers are individuals (including hunters) involved in illegal wildlife trade or those who profit from the value of protected wildlife, whether alive or dead, whole or in part, in illegal markets, be it on a local, national, or international scale. Humans are the primary cause of illegal wildlife trade and, undeniably, one of the main threats to the extinction of wildlife."

Wildlife trafficking, alongside agricultural activities, pollution, and climate change, is one of the primary drivers of this issue (Maxwell, Fuller, Brooks, and Watson, 2016). The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is the most significant agreement addressing wildlife trafficking. It classifies threatened species according to the level of protection needed, providing a framework for national implementation by each Party. However, wildlife trafficking remains a significant issue and is even considered one of the most profitable illegal activities, trailing only drug trafficking and counterfeiting (Cao Ngoc and Wyatt, 2013).

The growing prevalence of illegal trade in protected wildlife, whether regulated by CITES or other legislation, is closely linked to advancements in information technology. This has shifted the trade of protected wildlife from conventional (offline) methods to online platforms. For instance, the illegal trade of birds has moved online. Once thriving in large, popular bird markets in Indonesian cities, trade is increasingly shifting to social media and e-commerce platforms due to increased pressure from Indonesian law enforcement agencies. Online platforms have substantially lowered the barriers to entry into criminal markets, enabling traders to expand their networks and reach a broader consumer audience more easily. This shift is further supported by improved transport and connectivity, making online purchases easier, more accessible, and faster.

The tolerance of animal abuse and exploitation of endangered species can erode national morality, fostering harmful habits and cruelty in humans. Exploiting endangered species also depletes biodiversity and threatens to disrupt ecological balance, posing risks to the environment. Weak law enforcement leads to public apathy toward animal welfare, which is

essential for a balanced coexistence with humans. Therefore, stringent criminal laws must be applied to those who commit animal abuse and exploit endangered species to create a deterrent effect.

2. Research Method

The research method employed is normative legal research, utilizing a juridical approach (statute approach) and a case approach. The data utilized in this study consists of secondary data, which includes primary legal materials such as legislation and court rulings, and secondary legal materials comprising literature and academic journals. Data collection techniques involve document study, literature review, and interviews. The data analysis used in this research is qualitative descriptive, where the data gathered is presented descriptively and analyzed qualitatively (content analysis) through the following steps: classifying the research data according to the issues addressed in the study, systematizing the qualified data, and subsequently analyzing the systematized data to form the basis for concluding.

3. Result and Discussion

Various efforts to protect biological resources and their ecosystems have been established through several pieces of legislation, as mentioned in the discussion above. However, in reality, illegal trade involving various protected wildlife species continues to persist and has even been on the rise in recent times. The factors contributing to the continued prevalence of illegal wildlife trade in Indonesia will be outlined as follows:

Factors Contributing to the Illegal Trade of Protected Wildlife

a. Ineffective Law Enforcement

Law enforcement is the responsibility of the legal authorities. However, their execution of this duty, particularly in cases involving the illegal trade of protected wildlife, has not been fully effective due to a lack of awareness regarding the violations occurring. According to an interview with a Yogyakarta District Court Judge who presided over a criminal case involving the illegal trade of protected wildlife, it was revealed that "Sentencing for perpetrators of wildlife trade crimes is based solely on the provisions of the applicable law, specifically Law Number 5 of 1990 concerning the Conservation of Living Natural Resources and Their Ecosystems, and the relevant charges depend on whether the offender was involved in trading or also in killing the animals."

This perspective highlights that the penalties imposed on offenders tend to be lenient, as they are still primarily focused on the aforementioned law, despite the evolving nature of these crimes. Nowadays, illegal wildlife trade no longer relies solely on face-to-face transactions but has also expanded to the internet, necessitating the inclusion of regulations outlined in Law Number 19 of 2016, which amends Law Number 11 of 2008 concerning Electronic Information and Transactions. Furthermore, the punishments meted out to those involved in the illegal trade of protected wildlife often fall short of delivering justice, with sentences typically ranging from four months of imprisonment for trading to eight months for those who also engage in killing.

This leniency contributes to the continued prevalence of illegal wildlife trade. Additionally, the widespread tolerance of these violations further complicates the issue. Therefore, it is imperative that the public also plays a role in ensuring comprehensive law enforcement by refusing to condone illegal activities in their communities, such as the illegal keeping and trading of protected species, and by providing valid information to legal authorities to aid in the prosecution of non-compliant individuals.

b. Lack of Ecological Awareness and Information

The dissemination of ecological knowledge and information related to environmental conservation is crucial in fostering a foundational understanding among the public about the importance of protecting wildlife from the threat of extinction. A basic yet essential aspect of this understanding is recognizing the protection status of various species—whether they are classified as protected or non-protected. This awareness is vital to prevent the public from inadvertently exploiting biological resources, such as wildlife, in ways that could harm their survival. Therefore, there is a need for widespread and early education and information campaigns to establish a solid foundation for addressing wildlife conservation issues, which have not been adequately managed up to now.

c. Low Public Awareness of Protected Wildlife

One of the contributing factors to the illegal trade of protected wildlife is the low level of public awareness regarding the presence of protected species in their vicinity. In more concrete terms, when unauthorized keeping or trading of protected wildlife occurs within their community, people often turn a blind eye, assuming that the exploitation of animals is less significant since it does not involve human life. This perception undervalues the lives of animals, failing to recognize their intrinsic worth as fellow creations of God. This lack of awareness must be urgently addressed to prevent it from becoming a persistent problem.

d. Low Forest Security

As a country recognized as one of the "lungs of the world" due to its vast forested areas, it is imperative to enhance environmental care for these forests continually. Forests serve as natural habitats for many species and provide essential feeding grounds for survival. However, with the relatively sparse human presence in these areas and the limited number of law enforcement personnel deployed to monitor the forests, the security of these environments and the wildlife within them is increasingly at risk. The lack of strict protection for forest areas, coupled with their often isolated and unguarded state, allows poachers to hunt any animals they encounter freely. These animals are either consumed by the hunters, have parts of their bodies harvested for sale, or are exploited for other commercial purposes.

Impact of Illegal Trade in Protected Wildlife

a. Disruption of Ecosystems

The decline in the population of protected wildlife directly affects the food chain within their habitats. These habitats serve as both living spaces and feeding grounds for various species, whether protected or not. When the food chain is disrupted, it leads to an imbalance in the ecosystem, compromising its overall stability.

b. Extinction of Species

The illegal trade of endangered wildlife significantly contributes to the extinction of protected species. As this trade becomes more rampant, the populations of these species are further threatened, leading to a higher risk of extinction. The situation is exacerbated by events such as forest fires, like those in Riau, which not only devastate the habitats of these species, resulting in their deaths, but also harm human populations through the spread of toxic haze. Therefore, it is crucial to preserve the environment to prevent the loss of these protected species.

c. Decline in Biodiversity

The presence of rare species plays a vital role in maintaining the biodiversity of Indonesia. As a country renowned for its rich biodiversity, Indonesia stands out globally for its unique array of fauna. However, this uniqueness is at risk of being lost if the natural environment is not properly maintained, as rare species' existence becomes increasingly threatened.

Challenges Faced

Efforts to break the chain of illegal trade in protected wildlife through international agreements, such as the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES), which includes provisions banning cross-border trade, appear insufficient to address this issue fully. One of the driving factors behind this persistent problem is the economic motivation of individuals who exploit protected species for commercial gain, attracted by the lucrative market value of certain animal parts. Therefore, it is essential to incorporate economic factors as a key consideration within the provisions of such agreements.

Fundamentally, addressing the root cause of illegal wildlife trade, which is largely driven by economic factors, requires more than simply prohibiting or punishing the perpetrators. Given Indonesia's reputation as a country rich in natural resources, there must be strong and decisive efforts to combat the trade of wildlife, particularly protected species, to prevent their scarcity. If these efforts are not taken seriously, it will lead to environmental degradation in Indonesia and tarnish its international reputation as a nation renowned for its biodiversity. Although Indonesia still possesses significant forested areas, the lack of rigorous law enforcement threatens the survival of forest-dwelling species, as their habitats continue to deteriorate.

Execution Process of the Judicial Rulings on the Illegal Trade of Javan Porcupines and Pangolins

a. Review of Yogyakarta District Court and Wonosari District Court Decisions

a.1. Javan Porcupine Trade Case (Yogyakarta District Court Decision No. 99/Pid.B/LH/2022/PN.Yyk)

In the case ruled by the Yogyakarta District Court, under Decision No. 99/Pid.B/LH/2022/PN.Yyk, the court concluded that the defendant, Eko Silih, also known as Eko Landak Bin Harmanto, was proven beyond doubt to be guilty of the offense of "intentionally keeping and trading protected wildlife in a live state," as charged. The court sentenced the defendant to 4 (four) months of imprisonment and imposed a fine of

IDR 2,500,000 (two million five hundred thousand rupiahs), with the provision that failure to pay the fine would result in an additional 2 (two) months of imprisonment. Furthermore, the court ordered the confiscation of 14 (fourteen) Javan porcupines (*Hystrix javanica*) as state property, to be returned to their natural habitat through the Yogyakarta Natural Resources Conservation Agency (BKSDA Yogyakarta). The defendant was also required to pay court fees amounting to IDR 2,500 (two thousand five hundred rupiahs).

Case Analysis:

In this case, it was revealed that a transaction was set to take place between the seller of the Javan porcupine and a prospective buyer through the social media platform Facebook, highlighting that such illegal activities are still prevalent and are even evolving with the use of technology to facilitate these crimes. The sentence imposed on the defendant is relatively lenient, consisting of only 4 months of imprisonment and a fine of IDR 2,500,000, which is further reduced by the time the defendant has already spent in detention. The sentencing should also consider Law Number 19 of 2016, which amends Law Number 11 of 2008 concerning Electronic Information and Transactions, since the crime was committed using the internet as a medium for trading Javan porcupines. Moreover, this type of crime often involves multiple parties, as it typically includes individuals responsible for capturing the endangered species, distributing them, and purchasing them for specific purposes. Therefore, the provisions of Article 55 of the Indonesian Criminal Code (KUHP) should also be considered. Given these factors, judges need to re-evaluate such rulings in the future to prevent society from trivializing the illegal trade of protected wildlife and to curb the increasing prevalence of these offenses.

a.2. Pangolin Trade Case (Wonosari District Court Decision No. 93/Pid.B/LH/2020/PN.Wno)

In this case, the court determined that the defendant, Hengki Prasetyo Bin Suparno, was legally and convincingly guilty of the crime of "possessing and trading the skin or parts of a protected wildlife species." The court sentenced him to 8 (eight) months of imprisonment and imposed a fine of IDR 2,000,000 (two million rupiahs). If the fine is not paid, the sentence will be replaced with 2 (two) months of imprisonment. The court also decreed that the time already served by the defendant during detention would be fully credited against the sentence. The defendant was ordered to remain in custody, and the evidence, including 2.5 kilograms of pangolin scales, was ordered to be confiscated and destroyed. Additionally, the defendant was required to pay court fees amounting to IDR 2,000 (two thousand rupiahs).

Case Analysis:

Public awareness remains low, as evidenced by the fact that the pangolins involved in this case were sourced from local communities living near the forest, which serves as the natural habitat for these endangered animals. The sentence handed down by the

judge, which involved the illegal trade and killing of a protected species, is considered too lenient when compared to sentences for human trafficking and homicide. The judge imposed a prison sentence of only 8 months, which will be further reduced by the time the defendant has already served in detention, along with a fine of IDR 2,000,000. This penalty is lighter than that imposed in the Javan porcupine case, which involved trading but not killing. As fellow living beings, it is essential to respect and uphold the intrinsic value of life, especially for endangered species, whose existence is threatened. The disparity in sentencing highlights the need for a more equitable approach to justice that recognizes the importance of protecting all forms of life.

b. Execution of Judge's Decision on Illegal Trade of Javan Porcupine and Pangolin

In executing a criminal court decision, it must be grounded on the principle of legality as stipulated in Article 1, paragraph (1) of the Indonesian Criminal Code (KUHP), which states that "An act cannot be punished except by virtue of a criminal provision in an existing statutory regulation." This provision serves as a guiding principle in execution, ensuring that any determination of guilt or innocence is based on applicable laws, particularly through a court ruling. Following a court's decision, criminal law specifies the authority responsible for executing the judge's ruling, which, according to Article 270 of the Indonesian Criminal Procedure Code (KUHP), is entrusted to the prosecutor. The article essentially mandates that the execution of a final and legally binding court decision is carried out by the prosecutor.

However, in the cases of the illegal trade of Javan porcupines and pangolins mentioned above, the court's rulings did not only involve sentencing the defendants but also addressed the handling of the wildlife victims. In the pangolin trade case, where the object of trade was 2.5 kg of scales from pangolins that had been killed for their high market value, the prosecutor executed the court's decision to destroy the evidence, as stated in Decision No. 93/Pid.B/LH/2020/PN.Wno. Conversely, in the case involving 14 Javan porcupines, the execution differed. Decision No. 99/Pid.B/LH/2022/PN.Yyk instructed that the 14 porcupines be handed over to the Natural Resources Conservation Agency (BKSDA).

This scenario presents a particular challenge, as the prosecutor cannot proceed with the further execution related to the recovery and care of the animals before they are returned to their natural habitat. Therefore, in cases involving live protected wildlife, a specialized agency, such as the BKSDA, is required to carry out conservation efforts. This is supported by Article 2 of the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.8/Menlhk/Setjen/OTL.0/1/2016 on the Organization and Work Procedures of the Natural Resources Conservation Technical Implementation Unit, which states that: "The Natural Resources Conservation Technical Implementation Unit, as referred to in Article 1, is responsible for the conservation of natural resources and ecosystems in nature reserves, wildlife sanctuaries, nature tourism parks, and hunting parks, as well as the technical coordination of the management of forest parks and essential ecosystem areas, based on statutory regulations."

Based on the theory of law enforcement, it can be concluded that there are weaknesses in the enforcement of the law through the execution of the judge's rulings, as evidenced by Decision No. 99/Pid.B/LH/2022/PN.Yyk. These weaknesses include the judge's decision to impose a lenient sentence on the defendant, consisting of only 4 months of imprisonment and a fine of IDR 2,500,000. Additionally, the public's lack of understanding regarding the importance of preserving protected wildlife contributes to the continued occurrence of illegal wildlife trade. Similarly, in Decision No. 93/Pid.B/LH/2020/PN.Wno, another weakness in law enforcement is evident, where the judge, again acting as a law enforcer, imposed a sentence of only 8 months of imprisonment and a fine of IDR 2,000,000, which is even lower than the penalty for merely trading protected wildlife. In this case, the defendant's actions were more severe, involving the killing of pangolins. The sentencing of the defendant should also take into account Law No. 19 of 2016, which amends Law No. 11 of 2008 on Electronic Information and Transactions, as the wildlife trade in this case was conducted through the internet. Moreover, given that the crime involved multiple parties—including those who captured the endangered species, distributed them, and purchased them for specific purposes—consideration should also be given to Article 55 of the Indonesian Criminal Code (KUHP).

From the perspective of the public, there is still a lack of awareness regarding the importance of protecting endangered species. This weakness perpetuates the prevalence of illegal wildlife trade in Indonesia. Judges should reconsider the sentences imposed on defendants, akin to the penalties for human trafficking and premeditated murder, given that both involve living beings as victims. Longer sentences could serve as a repressive measure to curb the increasing incidence of similar cases. Furthermore, the principle of legality outlined in Article 1, paragraph (1) of the KUHP serves as the primary foundation for law enforcement in Indonesia. The execution of the judge's ruling in the cases of the Javan porcupine and pangolin trade was carried out based on Article 270 of the Indonesian Criminal Procedure Code (KUHP), which grants the prosecutor the authority to execute the judge's decision. In these cases, there was a distinction in the treatment of the live wildlife, involving the Natural Resources Conservation Agency (BKSDA) of Yogyakarta as part of the conservation efforts in the aftermath of the judicial decisions.

4. Conclusion

Legal protection for endangered wildlife against illegal trade has not been effectively enforced. This ineffectiveness stems from the fact that criminal penalties for those involved in the illegal trade of protected species are currently based solely on the provisions of Law No. 5 of 1990 concerning the Conservation of Living Natural Resources and Their Ecosystems. The charges are primarily focused on the act of trading or killing the animals, with the resulting penalties being relatively lenient. To strengthen the deterrent effect, criminal sanctions should not only adhere to the provisions of Law No. 5 of 1990 but also apply the provisions of Law No. 19 of 2016, which amends Law No. 11 of 2008 concerning Electronic Information and Transactions.

The execution of rulings concerning the traded protected wildlife, as demonstrated in the cases of illegal trade involving Javan porcupines and pangolins, involves more than just the criminal sentencing of the defendants. The court's decisions also address the handling of the wildlife victims. The prosecutor is instructed to hand over any surviving animals to the Natural Resources Conservation Agency (BKSDA), a specialized agency responsible for conservation efforts. This is in accordance with Article 2 of the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.8/Menlhk/Setjen/OTL.0/1/2016 on the Organization and Work Procedures of the Natural Resources Conservation Technical Implementation Unit.

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