

CRIMINAL LIABILITY ANALYSIS FOR ILLEGAL TRADE IN PROTECTED WILDLIFE (KASONGAN PN DECISION NUMBER 48/PID.B/LH/2019/PN KSN)

Ifa Lorenza¹⁾ Aristoteles²⁾ Hilyatul Asfia³⁾ Kiki Kristanto⁴⁾

^{1,2,3,4} Universitas Palangka Raya

Email: ifalorenza234@gmail.com, aristoteles@law.upr.ac.id, hilyatulasfia@gmail.com
kiki.kristanto@law.upr.ac.id

Received: 10 February 2026
Revised : 20 February 2026

Accepted : 12 March 2026
Published : 18 March 2026

Abstract

The illegal trade in protected wildlife constitutes a form of environmental crime that poses serious threats to biodiversity conservation and ecosystem balance. Indonesia, as a country with one of the highest levels of biodiversity in the world, faces significant challenges in enforcing the law against persistent wildlife trafficking practices. This study aims to analyze the legal framework and the application of criminal liability for perpetrators of illegal trade in protected wildlife, as reflected in the Decision of the Kasongan District Court Number 48/Pid.B/LH/2019/PN Ksn. The research employs a normative legal method using a statutory approach and a case approach. The findings indicate that the regulation of protected wildlife trade in Indonesia has been comprehensively established through Law Number 5 of 1990, reinforced by Law Number 32 of 2024, with Government Regulation Number 7 of 1999 serving as its implementing regulation. The analysis further shows that criminal liability is imposed on the offender on an individual basis, based on the fulfillment of criminal elements in the form of intentional trading of protected wildlife without the required authorization. However, the sentence imposed in the case is relatively lenient when compared to the maximum penalties specified by law. This situation reflects a gap between normative legal provisions and sentencing practices, which may undermine the effectiveness of law enforcement and the achievement of sustainable wildlife protection objectives.

Keywords: *Criminal liability, wildlife trade, protected wildlife, environmental criminal law*

A. INTRODUCTION

Biodiversity is one of the natural gifts and strategic assets owned by a country, including Indonesia as a country with the highest level of biodiversity in the world ¹. This wealth includes various types of endemic flora and fauna that have a vital role in maintaining the balance of the ecosystem and are part of Indonesia's natural identity. However, the existence of wildlife currently faces a fairly serious threat due to various factors, including climate change, environmental degradation, habitat destruction, and irresponsible human activities. The focus of this research is targeting the form of trade. The condition of wildlife protection is an urgent issue, not only requiring attention not only from an ecological aspect, but also from a legal perspective. Looking at data from Kompas.com (2025) ², Interpol in a global enforcement operation that took place from mid-September to October 2025 involving officers from 134 countries to eradicate the illegal trade in wildlife and forest products. As a result, more than 30,000 live animals, plants, and protected wood were successfully confiscated, including tens of thousands of cubic meters of illegal wood, more than 30 tons of endangered spices, and a record 5.8 tons of bushmeat, while revealing a significant increase in the bushmeat trade from Africa to Europe. One of the animals in critical condition is the yellow-crested cockatoo (*Cacatua sulphurea*). Based on data from the Natural Resources Conservation Agency as reported in Validnews.id (2025), the population of yellow-crested cockatoos in several regions of Indonesia has decreased drastically. In fact, on Moyo Island, based on data reported by online media, West Nusa Tenggara, the population of this animal is

¹Setiawan, A. (2022). Indonesia's biodiversity: Problems and conservation efforts. *Indonesian Journal of Conservation*, 11 (1), 13-21. P. 13

²Novena, M., Widyanti, NNW, & Editorial Team. (2025, December 15). *Interpol seizes 30,000 illegal animals and plants in 134 trading countries*. Kompas.com. <https://lestari.kompas.com/read/2025/12/15/191620886/interpol-sita-30000-satwa-dan-tanaman-ilegal-di-134-negara-perdagangan?page=all>

reported to be only 51 individuals³. The illegal trade in protected wildlife is a crime that not only harms the state but also threatens environmental and ecosystem sustainability. Cantika *et al.* (2025)⁴ emphasized in their research that this practice is generally carried out for economic reasons, with endangered species traded without official permits and ignoring applicable legal provisions. When examined from a criminal law perspective, the trade in protected wildlife is an unlawful act that is legally and explicitly regulated by laws and regulations, specifically Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and Ecosystems, as well as its implementing regulations.

Despite the legal framework in place, the effectiveness of law enforcement against wildlife trafficking remains a challenge. Bangun (2021)⁵ explains that one indicator can be seen in court decisions imposing criminal sanctions on perpetrators. In practice, there is a discrepancy between the maximum penalty stipulated in the law and the sentence imposed by the judge. This raises questions about the extent to which criminal liability is optimally implemented and whether court decisions reflect the objectives of criminal punishment in environmental criminal law or the opposite. Kasongan District Court Decision Number 48/Pid.B/LH/2019/PN Ksn is part of a study on law enforcement against the crime of trafficking in protected wildlife. This decision is interesting to analyze because it provides an overview of how the elements of the crime are proven, how criminal responsibility is imposed on the perpetrator, and how judges consider legal and justice aspects in sentencing. Therefore, this study is deemed important to conduct in order to examine in depth criminal liability for the illegal trade in protected wildlife from the perspective of criminal law and environmental law enforcement in Indonesia.

So, based on what has been explained, in this case the formulation of the problem proposed is as follows:

1. How are the legal regulations and normative relationships in the legal system that regulates the trade in protected wildlife in Indonesia?
2. How is criminal liability applied to perpetrators of protected wildlife trafficking crimes in the Kasongan District Court Decision Number 48/Pid.B/LH/2019/PN.Ksn in Kasongan?

Based on the formulation of the problem that has been put forward, the objectives of this research are as follows:

1. To analyze the legal regulations and the relationship between norms in the legal regulatory system that regulates the trade in protected wildlife in Indonesia.
2. To analyze the application of criminal liability to perpetrators of criminal acts of trade in protected wildlife based on Kasongan District Court Decision Number 48/Pid.B/LH/2019/PN.Ksn.

The benefits of the research proposed in this case include theoretical and practical benefits, as described below:

1. Theoretical Benefits

This research is expected to contribute to the development of legal science, particularly in the areas of environmental criminal law and natural resource conservation law. Furthermore, this research can enrich academic studies on the concept of criminal liability in the crime of trafficking protected wildlife and clarify the hierarchical relationship between norms and laws governing wildlife protection in Indonesia.

2. Practical Benefits

This research is expected to provide consideration for law enforcement officials, particularly judges, prosecutors, and investigators, in applying criminal provisions to protected wildlife traffickers to align with environmental protection and deterrent objectives. Furthermore, this research can also provide input for the government in formulating more assertive and effective conservation law enforcement policies, as well as raising public awareness of the importance of wildlife protection as part of efforts to preserve Indonesia's biodiversity.

³Validnews.id. (June 19, 2025). *With only the tail left, the yellow-crested cockatoo population is threatened by climate change*. Validnews.id . <https://validnews.id/kultura/tinggal-ekor-populasi-kakatua-jambul-kuning-terancam-ubah-iklim> Valid News

⁴Cantika, C., Maya Shafira, SH, Aisyah Muda Cemerlang, SH, Eko Raharjo, SH, Ginting, MS, & SH, M. (2025). Efforts to Combat Crimes in the Trade of Protected Animals in Lampung Province. *Journal of Legal Development Partners*, 1 (1), 28-36. P. 29

⁵Bangun, H. (2021). *Law Enforcement of Criminal Acts in the Trade of Protected Wildlife in Forest Areas in North Sumatra (Study of Decision No. 800/Pid. B/LH/2019/PN. Mdn)* (Doctoral dissertation, Medan Area University). P. 41

B. LITERATURE REVIEW

1. The Crime of Trade in Protected Wildlife in Indonesian Criminal Law

The trade in protected wildlife is a form of environmental crime that has a serious impact on the preservation of biodiversity⁶. Under Indonesian criminal law, this act is classified as a criminal offense because it violates legal norms aimed at maintaining ecosystem balance and the sustainability of natural resources⁷. The main regulations regarding this crime are contained in Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems, which specifically regulates the prohibition of certain actions against protected wildlife. Article 21 paragraph (2) of Law Number 5 of 1990 expressly prohibits anyone from capturing, injuring, killing, keeping, possessing, caring for, transporting and trading in protected animals while they are alive⁸. A similar prohibition also applies to protected animals that are dead, including their body parts. So it is clear that every form of trading, whether on a small or large scale, is still considered an unlawful act if carried out without permission from an authorized official.

The criminal provisions for these violations are clearly regulated in Article 40 of Law Number 5 of 1990, which stipulates the threat of imprisonment and fines for perpetrators⁹. The threat of criminal penalties in this case reflects the seriousness of the state in providing legal protection for protected wildlife. In practice, the crime of wildlife trafficking is generally carried out with economic motives, where perpetrators exploit the scarcity of animals as high-value commodities. In addition to Law Number 5 of 1990, regulations regarding the crime of wildlife trafficking are also related to other provisions, such as Government Regulation Number 7 of 1999 concerning the Preservation of Plant and Animal Species. This regulation establishes a list of protected animal species and is an important reference in proving the element of "protected animal" in court¹⁰.

2. Criminal Responsibility for Perpetrators of Environmental Crimes

Criminal liability is defined as a legal consequence imposed on a person for actions that fulfill the elements of a crime as defined in statutory regulations¹¹. In the case of environmental crimes, including the trade in protected wildlife, criminal liability aims not only to punish the perpetrator, but also to provide a deterrent effect and protect environmental interests as a public interest¹². In general, criminal liability under Indonesian criminal law requires an unlawful act, the capacity to take responsibility, fault, and the absence of justification or excuse. In this case, the element of fault can be either intent (*dolus*) or negligence (*culpa*)¹³. In cases of protected wildlife trafficking, the most common form of fault is intent, as the perpetrator generally knew or reasonably suspected that the animal being traded was a protected species.

Law Number 32 of 2009 concerning Environmental Protection and Management also broadens the concept of criminal liability in environmental crimes. Article 116 allows for criminal penalties not only for individuals but also for business entities if the crime is committed in the name of or for the benefit of the corporation. Although in wildlife trafficking cases, the perpetrators are often individuals, this provision also opens up space for more comprehensive law enforcement when the crime is committed in an organized manner. In judicial practice, the criminal liability of wildlife traffickers is assessed through proving the elements of the articles charged. The judge will assess whether the defendant's actions fulfill the prohibition elements as stipulated in Article 21 of Law Number 5 of 1990 and whether there is any justifiable error. Court

⁶Darmayanti, E., Oktari, D., Kartika, FB, Yani, F., Kristianta, E., & Khairani, A. (2024). Law Enforcement Against the Sale of Wildlife Through Marketplaces on Social Media. *JUDIMAS*, 5 (1). Pp. 1-2

⁷Sekhroni, SH (2025). *Environmental Law Enforcement in Indonesia: Realizing Sustainable Development*. PT. Nawala Gama Education. P. 3

⁸Hede, AMT, Jamaluddin, J., & Adrian, A. (2025). The Crime of Trading Wild Plants and Animals in the Perspective of Jinayah Fiqh and Law Number 5 of 1990. *AL-QIBLAH: Journal of Islamic and Arabic Studies*, 4 (3), 270-288. Pg 271

⁹Suhariyono, AR (2018). Determining criminal sanctions in a law. *Indonesian Journal of Legislation*, 6 (4), 615-666. P. 615

¹⁰Efendi, I., & Mubarak, R. (2025). Analysis of the Application of Criminal Sanctions for Wildlife Hunting Crimes in the Gunung Leuser National Park Area: (Study of Decision Number 327/Pid. B/LH/2023/Pn Stb). *Locus Journal of Academic Literature Review*, 4 (6), 392-402. P. 393

¹¹Sjawie, HF, & SH, LM (2018). *Corporate criminal liability in corruption cases*. Prenada Media. Pg. 9

¹²Saraya, S., Fatma, M., Rohayati, AC, Juita, SR, Ngeboe, F., Susanto, S., & Utama, AS (2025). *Criminal Law*. Tri Scientific Education Foundation. Pp. 3-4

¹³Utoyo, M., Afriani, K., Rusmini, R., & Husnaini, H. (2020). Intentional and Unintentional in Indonesian Criminal Law. *Lex Librum*, 7 (1), 75-85. P. 76

decisions are an important indicator of the extent to which the principle of criminal liability is applied consistently and proportionally.

3. Arrangement and Hierarchy of Legislation in Wildlife Protection in Indonesia

Wildlife protection regulations in Indonesia are structured in a hierarchical system of laws and regulations, reflecting the hierarchy of legal norms as stipulated in Law Number 12 of 2011 concerning the Formation of Legislation¹⁴. These are outlined as follows:

a. Animal Protection Concept

Animal protection is based on the principle that humans have no right to exploit or arbitrarily exterminate animals¹⁵. Animals, especially wild animals, have the right to live and reproduce in their natural habitat without cruel treatment. This principle aligns with universal notions of animal welfare and human responsibility for maintaining the balance of nature¹⁶.

Normatively, the concept of animal protection in this case is based on the principles of conservation and sustainability, which place wildlife as an integral part of the ecosystem that must be protected for the benefit of present and future generations. This principle is reflected in national conservation policies that emphasize the prevention of extinction through the prohibition of unauthorized exploitation and strict control of utilization. In the case of the Kasongan District Court Decision Number 48/Pid.B/LH/2019/PN.Ksn in Kasongan, this concept became a philosophical basis for the judge in assessing that the act of trading protected animals is not merely an administrative violation, but a violation of the basic principles of biodiversity protection.

b. Legislation at the Law Level

Law Number 5 of 1990 is the primary legal basis for the protection of protected wildlife. This law stipulates prohibitions, obligations, and criminal sanctions for conservation violations. Furthermore, Law Number 32 of 2009 strengthens protection through a comprehensive environmental approach. Furthermore, the main provisions for the protection of protected wildlife are regulated in Law Number 5 of 1990, specifically Article 21 in conjunction with Article 40, which contains prohibitions and criminal threats against the act of trading protected animals without a permit. Also, strengthening environmental norms in general is contained in Law Number 32 of 2009, which expands the approach to environmental criminal liability. Thus, the relationship between the norms of these two laws in the Kasongan District Court case is seen in the application of the *lex specialis* principle, where Law 5 of 1990 is used as the basis for criminalization because it specifically regulates protected wildlife objects.

c. Government regulations

Government Regulation Number 7 of 1999 regulates the preservation of plant and animal species, including the determination of protected animal species. This PP functions as an implementing regulation that provides legal certainty in the application of the law. As an implementing regulation, Government Regulation Number 7 of 1999 establishes a list of animal species that are included in the protected category. The position of this PP in the hierarchy of norms is operational and technical, but has a crucial role in proving the elements of a criminal act in court. In the Kasongan District Court case, the existence of this PP served as a reference to ensure that the animals traded by the defendant were included in the legally protected category. Thus, the normative relationship between Law 5 of 1990 and PP 7 of 1999 is complementary, where the law contains prohibitions and sanctions, while the PP provides certainty regarding objects that are prohibited from being traded.

d. Presidential Regulation and Ministerial Decree

Various presidential decrees and ministerial regulations, such as Ministerial Regulation No. P.106 of 2018, update the list of protected species and align it with scientific developments and international commitments. These technical regulations serve to update and detail the list of protected species in accordance with scientific developments and national conservation commitments. These regulations demonstrate that animal protection is dynamic and responsive to changes in species'

¹⁴Choandry, T. (2025). *Criminal Law Study on the Maintenance of Protected Wildlife (Study of Stabat District Court Decision Number 180/Pid. B. 2023/Pn. Stb)* (Doctoral dissertation, Medan Area University). P. 30

¹⁵Farhaeni, M. (2023). *Environmental ethics, humans and culture*. Deepublish. P. 7

¹⁶Guntoro, B. (2021). *Animal-Based Tourism and Animal Welfare Issues*. UGM Press. P. 5

conservation status. Reflecting on the Kasongan District Court case, these technical regulations clearly reinforce the argument that animal protection is not a static norm, but rather part of an ongoing policy that is constantly updated. Therefore, judges are guided not only by basic statutory norms but also by the technical list in effect at the time the crime was committed to ensure the validity of the object of the case.

e. International Instruments

Indonesia is also a member of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), ratified through Presidential Decree No. 43 of 1978. This instrument strengthens wildlife protection in the context of transnational trade. CITES is an international legal instrument focused on regulating and monitoring international trade in wild plant and animal species to prevent threats to their survival in the wild. It is important to understand that CITES does not directly determine the extinction status of a species, but rather classifies species into several Appendices based on the level of trade control required.

Although the Kasongan District Court case constitutes a domestic crime, the existence of CITES strengthens Indonesia's commitment to combating wildlife trafficking, both nationally and internationally. Clearly, international norms in this regard serve as a macro framework that strengthens the legitimacy of national criminal policy, so that court decisions against perpetrators of illegal wildlife trafficking reflect not only national law enforcement but also the implementation of Indonesia's fundamental international obligations in global conservation and its inherent obligations.

C. RESULTS AND DISCUSSION

1. Legal Arrangements and Normative Hierarchy in Wildlife Protection in Indonesia

Regulations regarding the trade in protected wildlife in Indonesia are based on a multi-layered legal system structured hierarchically in accordance with the principles of statutory regulations. The primary legal norm serving as the foundation for this is Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems, which was subsequently strengthened and refined through Law Number 32 of 2024 as a law that updates and strengthens conservation legal policy, particularly in response to the increasingly complex and organized development of wildlife trafficking crimes. This update was implemented due to the increasingly complex nature of threats to wildlife, stemming from increasing market demand, the involvement of organized trade networks, and the use of information technology in wildlife trade activities. Therefore, through this law, the government emphasizes the state's responsibility for conservation, expands the scope of conservation area regulation, and strengthens oversight and law enforcement mechanisms for the use of biological natural resources. It also aims to introduce strengthened criminal and administrative sanctions to deter violators and encourage the creation of a more effective and sustainable wildlife protection system.

It is clear that the presence of this regulation demonstrates the state's commitment to strengthening the protection of protected animals through adjusting norms, strengthening sanctions, and increasing the effectiveness of law enforcement. The existence of Law 32 of 2024 is crucial as a basis for analysis to assess whether criminal practices in court decisions align with the more progressive and deterrent direction of conservation law policy. Both laws occupy a strategic position as *lex specialis* in regulating the protection of protected plants and wildlife. Law Number 5 of 1990 fundamentally prohibits the taking, possession, care, transport, and trade of protected wildlife, whether alive or dead. This norm is imperative and repressive, as it was originally designed to prevent extinction and maintain ecosystem balance¹⁷. This prohibition is expressly enshrined in Article 21, which subsequently became the primary basis for enforcing criminal law against the illegal wildlife trade. Legal developments and the increasing complexity of conservation crimes led to the enactment of Law No. 32 of 2024, which strengthens conservation law by broadening definitions, sharpening prohibitions, and increasing criminal sanctions. This law does not replace Law No. 5 of 1990, but rather represents the government's effort to update and strengthen it to align with the dynamics of modern environmental crimes, including information technology-based wildlife trade and corporate involvement. Within the hierarchy of norms, Law No. 32 of 2024 remains at the level of legislation, but has stronger binding force.

¹⁷Girsang, A. (2020). Implementation of Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and Their Ecosystems in Cases of Protected Wildlife Trade (A Study of Medan District Court Decision Number 775/Pid. B/Lh/2018/Pn. Mdn). P. 21

Government Regulation Number 7 of 1999 concerning the Preservation of Plant and Animal Species, which serves as an implementing regulation¹⁸. This PP regulates technically the criteria, types, and list of protected animals, thus serving as an important reference in proving the element of "protected animal" in criminal cases. Hierarchically, PP Number 7 of 1999 does not stand alone, but must be interpreted and applied in harmony with the provisions of the laws above it. Therefore, the system of regulating the trade in protected wildlife in Indonesia forms a unified hierarchical norm, where the law serves as the basic norm and the PP as the operational norm. This integration of norms is an important foundation in ensuring legal certainty and the effectiveness of conservation law enforcement. Furthermore, the types of protected animals in Indonesia are also further regulated in the Regulation of the Minister of Environment and Forestry Number P.106 / MENLHK / SETJEN / KUM.1 / 12/2018, the second amendment to the regulation of the Minister of Environment and Forestry Number P.20 / MENLHK / SETJEN / KUM. 1/6/2018 concerning protected types of plants and animals. And also further regulated in the regulation of the Minister of Environment and Forestry Number 18 of 2024 concerning the utilization of wild plant and animal species, which clearly states that protected wild animals are all types of animals officially designated by the government as protected wild plant and animal species (TSL) , namely species whose existence is threatened with extinction or has important value for the balance of the ecosystem so that its sustainability needs to be maintained. The specific list of protected animal species in Indonesia is stipulated in government technical regulations which contain hundreds of species from the mammal, bird, reptile, amphibian and fish groups, such as orangutans, Sumatran tigers, Sumatran elephants, Komodo dragons, various types of turtles, hornbills, yellow-crested parrots and other protected birds, all of which may not be captured, kept, traded or exploited without official permission from the government.

2. Forms and Implementation of Criminal Liability in the Trade of Protected Wildlife Based on Kasongan District Court Decision Number 48/Pid.B/LH/2019/PN Ksn

Criminal liability for perpetrators of protected wildlife trade as stated in the Kasongan District Court Decision Number 48/Pid.B/LH/2019/PN Ksn clearly demonstrates the concrete application of conservation criminal norms as regulated in Law Number 5 of 1990. In this case, the defendant was accused of committing the act of trading protected wildlife without permission from the competent authority, thus fulfilling the elements of a criminal act as formulated in Article 21 in conjunction with Article 40 of the law¹⁹. The form of criminal liability applied is individual criminal liability, as the legal subject in this case is an individual. The panel of judges determined that the defendant possessed the capacity to take responsibility, acted consciously, and knew, or at least should have known, that the traded animal was a protected species. Therefore, with the fulfillment of the element of intent, criminal liability can be legally imposed on the defendant.

Meanwhile, according to the theory of criminal responsibility put forward by Moeljatno²⁰, a person can be held criminally responsible if they fulfill the elements of error (schuld), namely the ability to be responsible, the element of intent or negligence, and the absence of a reason for forgiveness. This principle is also emphasized in Article 36 and Article 37 of Law Number 1 of 2023 concerning the Criminal Code which states that a person can only be punished if they commit a crime with an error. In addition, based on the theory of legal protection according to Satjipto Rahardjo²¹, the law functions to protect the interests of society and the environment, so that criminal regulations regarding wildlife trade are a form of state legal protection for the preservation of protected animals as part of biodiversity. Furthermore, in this case, the defendant DONI HARIYANTO Bin HADI PRAYITNO was proven to be a legal subject who was capable of being responsible for his actions. Which actions were carried out without legal permission and were contrary to the provisions of Article 21 paragraph (2) letter a jo. Article 40 paragraph (2) of Law Number 5

¹⁸Soetoto, EOH, & Graicila, M. (2022). Legal Protection of Edelweiss Flowers in the Mount Gede Pangrango National Park Area Based on Law Number 5 of 1990 Concerning the Conservation of Biological Natural Resources and Their Ecosystems. *Krtha Bhayangkara* , 16 (1). P. 2

¹⁹Rahmadhani, D. (2022). *The Criminal Act of Trading Protected Wildlife According to Law Number 5 of 1990, Hornbill Species (Study of Decision Number 135/Pid. B/Lh/2020/Pn Tkn)* (Doctoral dissertation, UIN Ar-Raniry). P. 11

²⁰Azhari, A. (2025). Criminal Responsibility in the Perception of Islamic Studies. *OR! ENT: Journal of Islamic Studies & Culture* , 1 (01), 40-46. P. 44

²¹Afifah, F., & Warjiyati, S. (2024). Objectives, functions and legal status. *Wijaya Putra Journal of Legal Studies* , 2 (2), 142-152. P. 143

of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems. Which clearly fulfilled the elements of "every person", "intentionally", and "trading protected animals in a living condition", so the defendant was declared guilty. In his deliberations, the judge emphasized that the crime of trafficking in protected wildlife is a formal offense, so the focus of evidence lies not on the consequences, but rather on the act of trading itself²². The fact that the act was carried out without permission is sufficient to prove the crime occurred, without the need to prove direct damage to the ecosystem. This approach is in line with the preventive and protective nature of environmental criminal law. The Kasongan District Court's decision also shows that the judge considered non-judicial aspects, such as the defendant's background and socioeconomic conditions, in determining the punishment. However, the punishment imposed was relatively light when compared to the maximum threat stipulated by law.

In this case, the panel of judges imposed a sentence of 3 (three) months imprisonment and a fine of Rp1,000,000.00 with the provision of subsidiary imprisonment if the fine is not paid. In this case, the panel of judges considered aggravating and mitigating factors. The aggravating circumstance was that the defendant's actions did not support the government's program in preserving protected animals. The mitigating circumstances in this case included the defendant's polite attitude during the trial, his confession and remorse for his actions, his never having been convicted before, and his status as the backbone of the family. Overall, this decision is deemed to have implemented the concept of criminal responsibility in accordance with the applicable legal framework, although it also reveals challenges in optimizing sentencing. The decision in this case demonstrates that even though the elements of the crime have been legally and convincingly proven, the effectiveness of law enforcement still depends heavily on the judge's courage in imposing proportionate sentences for the sake of sustainable wildlife protection.

D. CONCLUSIONS AND SUGGESTIONS

It is concluded that the legal regulations regarding the trade in protected wildlife in Indonesia have been comprehensively formulated through Law Number 5 of 1990 as the main legal basis which is strengthened by Law Number 32 of 2024 and Government Regulation Number 7 of 1999 as implementing regulations. It was also concluded that in the Kasongan District Court Decision Number 48/Pid.B/LH/2019/PN Ksn, criminal liability for perpetrators of illegal trade in protected wildlife has been applied based on the fulfillment of the elements of a criminal act as regulated in Article 21 in conjunction with Article 40 of Law Number 5 of 1990, with the form of individual criminal liability and deliberate error. Although the punishment imposed is relatively light when compared to the maximum threat stipulated in the legislation, thus indicating a gap between the norm of sanctions and criminal practices.

Based on these conclusions, this study provides several suggestions for consideration as follows:

1. Judges in deciding cases of trade in protected wildlife are expected to be able to take into greater consideration the objectives of criminal punishment in environmental criminal law, especially the aspects of prevention and deterrent effects, so that the decisions handed down are able to provide maximum protection for the preservation of wildlife.
2. Law enforcement officials need to increase consistency in implementing criminal provisions stipulated in the law, including utilizing the maximum criminal threat in certain cases that have a serious impact on the sustainability of protected species.
3. The government needs to strengthen conservation law enforcement policies by increasing the capacity of officers, implementing stricter oversight, and updating technical regulations to align with developments in wildlife trade methods.
4. The public is expected to play an active role in wildlife protection efforts by increasing legal awareness and reporting any form of illegal trade in protected animals to the authorities.
5. Further research is recommended to examine the effectiveness of criminal penalties in protected wildlife trade cases through a comparison of court decisions in various regions, which will be useful in obtaining a more comprehensive picture of conservation law enforcement practices in Indonesia.

²²Pakaja, R., Imran, SY, & Muhtar, MH (2024). STUDY OF JUDGES' CONSIDERATIONS IN THE CRIMINAL ACTION OF TRANSPORTING PROTECTED ANIMALS (STUDY ON THE GORONTALO PN DECISION NO. 72/PID. B/LH/2023/PN GTO. *SINERGI: Scientific Research Journal*, 1 (5), 267-281. Pg. 268

REFERENCES

Book

- Farhaeni, M. (2023). *Etika lingkungan, manusia dan kebudayaan*. Deepublish.
- Guntoro, B. (2021). *Animal based tourism dan isu kesejahteraan hewan*. UGM Press.
- Saraya, S., Fatma, M., Rohayati, A. C., Juita, S. R., Nggeboe, F., Susanto, S., & Utama, A. S. (2025). *Hukum pidana*. Yayasan Tri Edukasi Ilmiah.
- Sekhroni, S. H. (2025). *Penegakan hukum lingkungan hidup di Indonesia: Terwujudnya sustainable development*. PT Nawala Gama Education.
- Sjawie, H. F. (2018). *Pertanggungjawaban pidana korporasi pada tipikor*. Prenada Media.

Peraturan Perundang-Undangan

- Undang-Undang Nomor 5 Tahun 1990 Tentang konservasi sumber daya alam hayati dan ekosistemnya. (Lembaran Negara Republik Indonesia Tahun 1990 Nomor 49, dengan Tambahan Lembaran Negara Nomor 3419)
- Undang-Undang Nomor 32 Tahun 2024 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup. (Lembaran Negara Republik Indonesia Tahun 2024 Nomor 138, dengan Tambahan Lembaran Negara Nomor 6953)
- Undang-Undang Nomor 11 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup. (Lembaran Negara Republik Indonesia Tahun 2009 Nomor 140, dengan Tambahan Lembaran Negara Nomor 5059)
- Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang Undangan (hierarki norma). (Lembaran Negara Republik Indonesia Tahun 2011 Nomor 82, Tambahan Lembaran Negara Nomor 5246)
- Undang- Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP). (Lembaran Negara Republik Indonesia Tahun 2023 Nomor 6, dengan Tambahan Lembaran Negara Nomor 6733)
- Peraturan Pemerintah Nomor 7 Tahun 1999 Tentang Pengawetan Jenis Tumbuhan dan Satwa. (Lembaran Negara Republik Indonesia Tahun 1999 Nomor 14, dengan Tambahan Lembaran Negara Nomor 3803)
- Peraturan Menteri Lingkungan Hidup dan Kehutanan Nomor P.106 Tahun 2018 Tentang Jenis Tumbuhan dan Satwa yang Dilindungi. (Lembaran Negara Republik Indonesia Tahun 2019 Nomor 32)
- Peraturan Menteri Lingkungan Hidup dan Kehutanan Nomor 18 Tahun 2024 Tentang Pemanfaatan Jenis Tumbuhan dan Satwa Liar Dalam Bentuk Penangkaran, Pemeliharaan untuk Kesenangan, Perdagangan, dan Peragaan. (Lembaran Negara Republik Indonesia Tahun 2024 Nomor 754)

Jurnal Ilmiah

- Afifah, F., & Warjiyati, S. (2024). Tujuan, fungsi dan kedudukan hukum. *Jurnal Ilmu Hukum Wijaya Putra*, 2(2), 142–152.
- Azhari, A. (2025). Pertanggungjawaban pidana dalam persepsi kajian Islam. *OR! ENT: Journal of Islamic Studies & Culture*, 1(01), 40–46.
- Cantika, C., Shafira, M., Cemerlang, A. M., Raharjo, E., & Ginting, M. (2025). Upaya penanggulangan kejahatan perniagaan satwa yang dilindungi di Provinsi Lampung. *Jurnal Mitra Pengembangan Hukum*, 1(1), 28–36.
- Darmayanti, E., Oktari, D., Kartika, F. B., Yani, F., Kristianta, E., & Khairani, A. (2024). Penegakan hukum terhadap penjualan satwa liar melalui marketplace dalam media sosial. *JUDIMAS*, 5(1).
- Efendi, I., & Mubarak, R. (2025). Analisis penerapan sanksi pidana terhadap tindak pidana perburuan satwa liar di kawasan Taman Nasional Gunung Leuser (Studi Putusan Nomor 327/Pid.B/LH/2023/PN Stb). *Locus Journal of Academic Literature Review*, 4(6), 392–402.
- Hede, A. M. T., Jamaluddin, J., & Adrian, A. (2025). Tindak pidana memperniagakan tumbuhan dan satwa liar dalam perspektif fikih jinayah dan Undang-Undang Nomor 5 Tahun 1990. *Al-Qiblah: Jurnal Studi Islam dan Bahasa Arab*, 4(3), 270–288.
- Pakaja, R., Imran, S. Y., & Muhtar, M. H. (2024). Kajian pertimbangan hakim dalam tindak pidana pengangkutan satwa dilindungi (Studi pada Putusan PN Gorontalo No. 72/Pid.B/LH/2023/PN GTO). *SINERGI: Jurnal Riset Ilmiah*, 1(5), 267–281.
- Setiawan, A. (2022). Keanekaragaman hayati Indonesia: Masalah dan upaya konservasinya. *Indonesian Journal of Conservation*, 11(1), 13–21.
- Soetoto, E. O. H., & Graicila, M. (2022). Perlindungan hukum bunga edelweis di kawasan Taman Nasional Gunung Gede Pangrango berdasarkan Undang-Undang Nomor 5 Tahun 1990 tentang konservasi sumber daya alam hayati dan ekosistemnya. *Krtha Bhayangkara*, 16(1).

CRIMINAL LIABILITY ANALYSIS FOR ILLEGAL TRADE IN PROTECTED WILDLIFE (KASONGAN PN DECISION NUMBER 48/PID.B/LH/2019/PN KSN)

Ifa Lorenza *et al*

- Suhariyono, A. R. (2018). Penentuan sanksi pidana dalam suatu undang-undang. *Jurnal Legislasi Indonesia*, 6(4), 615–666.
- Utoyo, M., Afriani, K., Rusmini, R., & Husnaini, H. (2020). Sengaja dan tidak sengaja dalam hukum pidana Indonesia. *Lex Librum*, 7(1), 75–85.

Skripsi / Tesis / Disertasi

- Bangun, H. (2021). Penegakan hukum tindak pidana dalam perdagangan satwa yang dilindungi di kawasan hutan di Sumatera Utara (Studi Putusan No. 800/Pid.B/LH/2019/PN.Mdn) (Disertasi). Universitas Medan Area.
- Choandry, T. (2025). Kajian hukum pidana terhadap pemeliharaan satwa liar yang dilindungi (Studi Putusan Pengadilan Negeri Stabat Nomor 180/Pid.B/2023/PN Stb) (Disertasi). Universitas Medan Area.
- Girsang, A. (2020). Penerapan Undang-Undang Nomor 5 Tahun 1990 tentang konservasi sumber daya alam hayati dan ekosistemnya dalam kasus perdagangan satwa liar yang dilindungi (Kajian terhadap Putusan Pengadilan Negeri Medan Nomor 775/Pid.B/LH/2018/PN Mdn).
- Rahmadhani, D. (2022). Tindak pidana memperniagakan satwa liar yang dilindungi menurut Undang-Undang Nomor 5 Tahun 1990 jenis burung rangkong (Studi Putusan Nomor 135/Pid.B/LH/2020/PN Tkn) (Disertasi). UIN Ar-Raniry.

Website / Berita Online

- Novena, M., & Widyanti, N. N. W. (2025, December 15). Interpol sita 30.000 satwa dan tanaman ilegal di 134 negara perdagangan. *Kompas.com*. <https://lestari.kompas.com/read/2025/12/15/191620886/interpol-sita-30000-satwa-dan-tanaman-ilegal-di-134-negara-perdagangan?page=all>
- Validnews.id. (2025, June 19). Tinggal ekor, populasi kakatua jambul kuning terancam perubahan iklim. *Validnews.id*. <https://validnews.id/kultura/tinggal-ekor-populasi-kakatua-jambul-kuning-terancam-perubahan-iklim>