

## **The Role of the Natural Resources Conservation Agency in Protection of Protected Animals**

Ahmad Syauqi<sup>1</sup>, Rizanizarli<sup>2</sup>, Efendi<sup>3</sup>

<sup>1</sup>(Country: Indonesia, Students of Master's Degree Program of Law of Syiah Kuala University, Banda Aceh)

<sup>2</sup>(Country: Indonesia, Lecturer of Master's Degree Program of Law of Syiah Kuala University, Banda Aceh)

<sup>3</sup>(Country: Indonesia, Lecturer of Master's Degree Program of Law of Syiah Kuala University, Banda Aceh)

---

### **ABSTRACT:**

**Introduction:** This study aimed to find out the role of the Natural Resources Conservation Agency in the Protection of Protected Animals .

**Research Methods:** This study adopted type of juridical-normative research. The juridical-normative approach is also known as doctrinal research or normative legal research. In this research, law is defined as norms, principles and dogmas.

**Discussion:** The Natural Resources Conservation Agency (Balai Konservasi Sumber Daya Alam) is a 2<sup>nd</sup> level of echelon technical implementation unit for big shelter, under the Directorate General of Forest Protection and Natural Conservation at the Ministry of Forestry of the Republic of Indonesia. The Natural Resources Conservation Agency has the main task of carrying out the management of conservation areas, particularly natural reserve forests and natural tourism parks. In addition, the Natural Resources Conservation Agency also has the task of carrying out efforts to conserve wild plants and animals either within their habitat or outside their habitat.

**Conclusion:** The research regarding the Role of the Natural Resources Conservation Agency indicated that the agency has played a role in controlling and protecting the of protected animals, but the role has not been carried out to the maximum. The Natural Resources Conservation Agency is obliged to guarantee the availability of biodiversity by managing, utilizing, protecting and preserving the protected plants and animals.

**KEYWORDS:** Role; Protection; Protected animals

---

Date of Submission: 08-07-2020

Date of Acceptance: 23-07-2020

---

### **I. INTRODUCTION**

Indonesia is a country that has abundant biodiversity wealth which is very beautiful and diverse. It can be seen in every corner of the islands in Indonesia that possesses various types of plants, forests and animals that are unique from each region. Some of these animals include Sumatran Elephant, Sumatran Tiger, Anoa (Midget Buffalo), Babirusa (Deer-Pig), Orangutan, Javanese Tiger, Cendrawasih (Bird of Paradise), Komodo Dragon and other animals both on land and in water which are endemic animals from certain areas.

The wealth of biological natural resources is spread throughout the regions in Indonesia. This wealth can be seen from the vast forest area existing in and from the diversity of flora and fauna that are spread throughout the provinces in Indonesia. However, this also reflects the proportional number and level of crime in the field of conservation of natural resources, especially the crime of hunting protected animals.

Biological natural resources and their ecosystems are the most important part of natural resources consisting of animal, plant or natural phenomena. They have the function of forming elements of the environment whose presence cannot be replaced both individually and jointly.<sup>1</sup> One of the efforts made by the government to overcome and prevent the extinction of plants and animals that live in the wild is by issuing a law on August 10, 1990 which regulates the conservation of natural resources, namely Law No. 5 of 1990 on Conservation of Biological Natural Resources and its Ecosystem. The substance of this law is related to the provisions concerning natural as a place to live for plants and animals, as well as the survival of animals and plants in the wild, both protected and unprotected.

Regulations regarding legal protection related to protected animals are regulated in the Criminal Code and specifically in Law No. 5 of 1990 concerning Conservation of Biological Natural Resources and

---

<sup>1</sup>.. Bambang Pamuladi, *Forestry Law and Forestry Development*, Rajawali Press, Jakarta, 1995, p. 36

Ecosystems, namely in Article 21 Paragraph (2) which states that every person is prohibited from: 1. Capturing, injuring, killing, saving, owning, maintaining, transporting, and trading the protected animals in a living condition, 2. Saving, owning, maintaining, transporting, and trading the protected animals in a dead condition, 3. Removing the protected animals from a place in Indonesia to another place outside Indonesia,

4. Trading, storing, or possessing body skin or other parts of the protected animals or goods made from such parts or removing from a place in Indonesia to other places inside or outside Indonesia,

5. Taking, destroying, wiping out, exhibiting, storing, or possessing the eggs or nests of the protected animal<sup>2</sup>.

Law enforcement officials based on their authority must work optimally in order to limit forestry criminal acts against protected wild animals. The role of the National Police Investigator in the Criminal Justice system is at the forefront and is the initial stage of the criminal justice process mechanism, namely a preliminary examination.<sup>3</sup> In law enforcement efforts, coordination between the Civil Servant Investigator of Natural Resources Conservation Agency (PPNS BKSDA) and Police Investigators is also needed, specifically in the Special Criminal Investigation section.

The Natural Resources Conservation Agency (BKSDA) has a special role in the efforts to combat poaching, trade and killing of endangered species that are protected today. It has been a hot topic discussed, especially related to the success of a number of Natural Resources Conservation Agency in uncovering and thwarting the criminal act of hunting and trading protected species. Although there have been many achievements from the Natural Resources Conservation Agency (BKSDA) in the disclosure of cases of hunting and trade of protected endangered species, apparently it does not make the case regarding the hunting of protected endangered species to decrease. This shows the need for an assessment of the role of the Natural Resources Conservation Agency in terms of overcoming protected animals including cooperation established by the Natural Resources Conservation Center with other related institutions, especially in Aceh which is one of the regions with high potential for environmental crime.

Therefore, from the explanation above about cases of violation of environmental laws specifically regarding the hunting of protected animals and some criminal rules that govern them, the researchers are interested in conducting legal research with the title of the Role of the Natural Resources Conservation Agency in Protection of Protected Animals.

## II. RESEARCH METHODS

This study uses a type of juridical-normative research, namely legal research that conceptualizes principles, rules, norms and doctrines. This approach is also known by the general public as a normative approach or legal research. This phase of normative research is carried out by conducting a literature study, namely to review the references or written sources either books, journals, or laws and regulations. The main data sources in this study consist of:

1) Primary law materials, which consist of applicable and related legislation, for example:

a) Law Number 8 of 1981 concerning Criminal Procedure

b) Criminal Law Book

c) Law Number 2 of 2002 concerning the Police of the Republic of Indonesia, State Gazette of the Republic of Indonesia of 2002 Number

2 and Supplement to the State Gazette of the Republic of Indonesia Number 4168

d) Law Number 5 of 1990 concerning Conservation of Natural Resources and their Ecosystems, State Gazette of the Republic of Indonesia of 1990 Number 5 and Supplement to the State Gazette of the Republic of Indonesia Number 49

2) Secondary law materials, such as various researches and writings of experts related to the problem studied or that have links to primary law materials, include literatures in the form of books, papers, journals and results of researches.

3) Tertiary law materials, including law materials that have the properties as a complement of primary and secondary law materials such as law dictionaries, language dictionaries, articles in newspapers, magazines and other related materials obtained via internet sites.

---

<sup>2</sup>. Article 21 Paragraph 2 of Law No. 5 of 1990 concerning Conservation of Biological Natural Resources and their Ecosystems

<sup>3</sup>. Adang, Yesmil Anwar, *Criminal Justice System (Concepts, Components and Implementation of Law Enforcement in Indonesia)*, Widya Padjadjaran, Bandung, 2009, p283

### III. DISCUSSION

#### **A. The Role of the Natural Resources Conservation Agency in the Protection of the Protected**

Indonesia owns natural resources that is spread throughout the islands in Indonesia. Various types of animals become endemic animals, namely animals that are in the habitat of Indonesian territory. They are the characteristic of the island. In Indonesia, these animals which are increasingly worrisome are rarely found and are very rare in their own habitat. These animals are rarely found in their natural habitats because of their decreasing population.

The Natural Resources Conservation Agency has a strategic and important role in the efforts to save and protect endangered animals from inappropriate use by humans or damage to nature. The Natural Resources Conservation Agency has made various efforts in overcoming the activities of buying and selling illegal animals such as socialization, placement of forest rangers, patrols, and prosecution if they find illegal wildlife trade activities. The implementation of the agency's task in tackling the rampant wildlife trade has several obstacles, but various measures have been taken to overcome these obstacles.

Conservation of Living Natural Resources is management of Living Natural Resources which must be carried out wisely and in a measured manner to save nature and to ensure the sustainability of its supplies while maintaining and improving the quality of diversity and its value and is also carried out by educating the general public.<sup>4</sup>

According to Law No. 5 of 1990 concerning Conservation of Biological Resources and Their Ecosystems, Article 19 states that:

a. Everyone is prohibited from carrying out activities which may result in changes to the integrity of the nature reserve area

b. The provisions referred to paragraph (1) do not include the activity of fostering habitats for the benefit of animals in wildlife reserves.<sup>5</sup>

The Natural Resources Conservation Agency is a 2<sup>nd</sup> level of echelon technical implementation unit for big shelter, under the Directorate General of Forest Protection and Natural Conservation at the Ministry of Forestry of the Republic of Indonesia. The Natural Resources Conservation Office has the main task of carrying out the management of conservation areas, especially natural reserve forests and nature tourism parks. In addition, the Natural Resources Conservation Agency also has the task of carrying out efforts to conserve wild plants and animals both within their habitat and outside their habitat.

Crimes regarding protected animals are regulated in article 21 paragraph 2 of Law Number 5 of 1990 concerning Conservation of Biological Resources and their Ecosystems stated that Everyone must not hunt wild animals and also injure them. This law also prohibits a person from killing wild animals, deliberately owning wild animals, and also selling wild animals for personal gain.<sup>6</sup> In this article, it is stressed that in order to preserve protected animals, everyone is prohibited from carrying out activities that could threaten the existence of protected animals. Regarding this hunting crime, Bylaw Number 5 of 1990 article 40 explains that anyone intentionally commits an offense by hunting or trading protected animals threatened with imprisonment for five years by paying a hundred million rupiah fine which is charged to the perpetrators who committed the crime.<sup>7</sup>

To protect Indonesia's biodiversity, the Natural Resources Conservation Agency has the duties and roles listed in Minister of Forestry Regulation No. P.02/Menhut-II/2007 that are as follows:<sup>8</sup> Article 1

(1) The Technical Implementation Unit for the Conservation of Natural Resources is an organization carrying out technical tasks in the field of conservation of living natural resources and its ecosystem which is under and is responsible to the Director General of Forest Protection and Nature Conservation.

(2) The Technical Implementation Unit for the Conservation of Natural Resources is led by a Head. 2), Article 2. The Technical Implementation Unit for the Conservation of Natural Resources has the task of carrying out the conservation of the living natural resources and its ecosystem and the management of the area of nature reserves, wildlife reserves, nature parks and hunting parks, technical coordination in the management of grand forest parks and protected forests and the

---

<sup>4</sup>. Muhamad Erwin, *Environmental Law in the Environmental Development Policy System*, PT. Refika Aditama, Bandung, 2008, p. 149

<sup>5</sup>. Article 19 of Law No. 5 of 1990 concerning Conservation of Natural Resources and their Ecosystems

<sup>6</sup>. Article 21 paragraph 2 of Law No. 5 of 1990 concerning Conservation of Biological Natural Resources and their Ecosystems

<sup>7</sup>. See Article 40 of Law No. 5 Year 1990 concerning Conservation of Living Natural Resources and Their Ecosystems

<sup>8</sup>. See Minister of Forestry Regulation No. P.02/Menhut-II/2007

conservation of plants and animals illegal outside conservation areas based on applicable laws and regulations. Conservation of biological natural resources and ecosystems in Indonesia is handled directly by the central government through the Ministry of Environment and Forestry. According to article 1 of the Forestry Minister Regulation, the Natural Resources Conservation Agency is a technical implementing unit which is under and is responsible to the Director General of Forest Protection and Nature Conservation. The authority to carry out conservation is supervised directly by the central government and not by the regional government because conservation is a crucial issue for the country of Indonesia as a country with abundant biodiversity.

Article 2 also explains the forms of conservation areas that are the responsibility of the Natural Resources Conservation Agency, which includes In-situ and Ex-situ conservation. Outside the conservation area, the Natural Resources Conservation Agency does not have the authority to carry out management, protection and utilization of biodiversity. This is except if there are similar laws and regulations that apply and regulate it.

Next, in article 3 it is described about the tasks of technical implementation unit of the Natural Resources Conservation Agency which are to carry out its functions for the achievement of maintained natural conditions, to avoid disasters caused by natural changes, to inhibit extinction, and to realize the environmental balance.

#### IV. CONCLUSION

##### A. Conclusion

As a Technical Implementation Unit of the Ministry of Environment and Forestry, the Natural Resources Conservation Agency has the task of carrying out the conservation of the biological natural resources and its ecosystem, both In-situ and Ex-situ. The Natural Resources Conservation Agency is obliged to guarantee the availability of biodiversity by managing, utilizing, protecting and preserving protected wild plants and animals.

##### B. Suggestions

It is suggested that the Natural Resources Conservation Agency needs to involve other institutions more closely related to the control of hunting and trade of protected animals. It is since the limitations of human resources, funds, and infrastructure will be resolved when establishing good cooperation with other institutions. related to the same issue.

#### BIBLIOGRAPHY

- [1]. Bambang Pamuladi (1995). *Hukum Kehutanan dan Pembangunan Bidang Kehutanan* [Forestry Law and Forestry Development]. Jakarta: Rajawali Press.
- [2]. Muhamad Erwin (2008). *Hukum Lingkungan Dalam Sistem Kebijaksanaan Pembangunan Lingkungan Hidup*. [Environmental Law in the Environmental Development wisdom System]. Bandung: PT. Refika Aditama.
- [3]. Adang, Yesmil Anwar (2009). *Sistem Peradilan Pidana (Konsep, Komponen dan Pelaksanaan dalam Penegakan Hukum di Indonesia)*. [Criminal Justice System (Concepts, Components and Implementation of Law Enforcement in Indonesia)]. Bandung: Widya Padjadjaran.
- [4]. Abdul Rachmad Budiono (2005). *Pengantar Ilmu Hukum* [Introduction to Legal Studies]. Malang: Bayumedia Publishing.
- [5]. Adami Chazawi (2002). *Pelajaran Hukum Pidana* [Criminal Law Lessons]. Jakarta: Raja Grafindo Persada.
- [6]. Bambang Pamuladi (1995). *Hukum Kehutanan dan Pembangunan Bidang Kehutanan* [Forestry Law and Forestry Development]. Jakarta: Rajawali Press.
- [7]. Bambang Sunggono (2006). *Metode Penelitian Hukum*. [Legal Research Methods]. Jakarta: PT. Raja Grafindo Persada.
- [8]. Dominikus Rato (2010). *Filsafat Hukum Mencari: Memahami dan Memahami Hukum* [Philosophy of Law for Looking for: Understanding and Understanding Law]. Yogyakarta: Laksbang Pressindo.
- [9]. Makaro & M. Taufiq. (2011). *Aspek-Aspek Hukum Lingkungan* [Aspects of Environmental Law]. Jakarta: Rajawali Press.
- [10]. Nasir Buloh (2015). *Rekam Jejak Pengelolaan Lingkungan Hidup*. [Track Record of Environmental Management]. Banda Aceh: WALHI Aceh.
- [11]. Suryanto, *Implications of the Implementation of Decentralization and Regional Autonomy Policies on Central-Regional Financial Relations*. Jakarta: Center for Systems Study and State Administrative Law Deputy for State Administration Studies in State Administration Institutions.
- [12]. Andi Hamzah, *Socialization of Draft Law on Criminal Procedures*, Journal Indonesian Legislation, Vol. I, Number 3, November 2004.
- [13]. Abdullah, *Characteristics of the Sumatran Elephant Habitat (Elephas maximus sumatranus) in the Seulawah Ecosystem, Aceh Besar District*, Edubio Tropical Journal, Volume 1, Number 1, October 2013  
Liu, Yesika, *Legal Protection of Protected Animals, According to Law No. 5 of 1990*, Lex Crimen

- Journal, Vol IV, No. 3 May 2015. Meray Hendrik Mejak, *Types, Methods and Approaches in Legal Research*, Journal *Legal: Law Review: Faculty of Law, Pelita Harapan University* Vol. V, No 3, March 2006. Aceh Province Qanun Number 20 of 2002 *Concerning Conservation of Natural Resources*. Said Abdullah, *law enforcement against the perpetrators of poaching and trade in protected wildlife in the area of the conservation of jambi natural resources* (case analysis no.644 / pid.sus / pn.jmb), legality of the December 2016 edition volume 8 number 2 Shafrial, *role Riau Regional Police in law enforcement against illegal trade in protected wildlife in Riau Province*, legal journal, Vol. 1 Agustina Rimbawati, *implementation of investigative and coordinating authority of forestry civil servant investigators with forestry investigators of the Republic of Indonesia related to forestry crimes against protected wildlife*, Joshua Aristides, *protection of endangered species in Indonesia from the perspective of convention on international trade in endangered species of flora and fauna (cites)*, diponegoro law journal, volume 5, number 4, 2016,
- [14]. Law No. 1 of 1946 of the Republic of Indonesia concerning the Criminal Code (KUHP)
- [15]. Law No. 5 of 1990 concerning Conservation of Natural Resources Law No. 2 of 2002 concerning the Police of the Republic of Indonesia
- [16]. Government Regulation No. 7 of 1999 concerning preservation of plant and animal species
- [17]. Regulation of the Minister of the Environment and Forestry of the Republic of Indonesia Number: P. 18/Menlhk-Ii/2015 About the Organization and Work Procedures of the Ministry of Environment and Forestry
- [18]. [www.mongabay.co.id/2017/07/22/dibekuk-pedagang-cula-badak-dan-organ-was-wild-protected-in-Aceh-south/](http://www.mongabay.co.id/2017/07/22/dibekuk-pedagang-cula-badak-dan-organ-was-wild-protected-in-Aceh-south/). Accessed on 4 March 2020, at 20.12 WIB.
- [19]. <https://www.kaskus.co.id/thread/51d00479e374b4775600000b/perburuan-liar-satwa-protected-marak-di-aceh/>. accessed on 6 March 2020, at 11:40 WIB
- [20]. <https://www.dw.com/en/three-elephants-sumatera-died-due-to-ivory-hunting/a-17907547>. Accessed on 6 March 2020, 12.00 WIB.

Ahmad Syauqi, et. al. "The Role of the Natural Resources Conservation Agency in Protection of Protected Animals." *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 25(7), 2020, pp. 49-53.