CHAPTER ONE

INTRODUCTION

A. Background

The most precious things that exist in nature that could be utilized by human beings are natural resources. One of the natural resources which is provided in Indonesia is biological resources. Furthermore, fauna is categorized as biological resources, because it is part of a biotic component in the ecosystem which has value to the human being and environment.[1]

As a megadiverse country,[2] Indonesia has more than 300,000 species which is equal to 17% of the world wildlife species live in Indonesia.[3] In terms of total endemic species, Indonesia is placed in second rank compared to the other countries.[4] In contrast to the data, the number of wildlife crimes in Indonesia is high. In 2015, it was found approximately 5,000 of protected animal online trading in some regions in Indonesia.[5]

Due to the high number of wildlife crime in Indonesia, the government must put serious concern on the eradication of protected animal

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[1] Eleonora Crenna et al, "Natural Biotic Resources in LCA: Towards an Impact Assessment Model for Sustainable Supply Chain Management." *Journal of Cleaner Production,* vol. 172 (2018), no.1, p.4.

[2] Adelaida Salikha, 2018, *"Meet The 10 Megadiverse Countries in The World",* https://seasia.co/2018/01/29/meet-the-10-megadiverse-countries-in-the-world, (accessed on January 20, 2020 at 8.00 a.m).

[3] Profauna, "Facts about Indonesian Wildlife", https://www.profauna.net/en/facts-about-indonesian-animals#.XlZI9Kgza01, (accessed on 20 January, 2020, 8.00 a.m).

[4] *Loc.cit*

[5] Profauna, 2015, *"Tahun 2015 Ada 5000 Kasus Perdagangan Satwa Liar dan 370 Kasus Perburuan Satwa Liar",* https://www.profauna.net/id/content/tahun-2015-ada-5000-kasus-perdagangan-satwa-liar-dan-370-kasus-perburuan-satwa-liar#.XlZQMagza01, (accessed on January 20, 2020 at 10.00 a.m).

crime. Sustainable Development Goals (SDGs) could drive the government to strengthen legal policy in order to wipe out the wildlife crime in Indonesia. Combating wildlife trafficking is in line with SDGs goal 15th which committed to take serious action on illegal wildlife trade.[6]

The more cases of wildlife trading exist means the weak of law enforcement. Because one of the ways to measure the fruitfulness of law enforcement is by looking at the cases that growing rapidly. Based on Wildlife Crime Unit of Wildlife Conservation Society Indonesian Program (WCS-IP) data, the number of conventional protected wildlife crime cases has increased sharply from 106 cases in 2015 to 120 cases in 2016,[7] and from 2017 to 2019 there was an accumulation of 15,610 cases of illegal trade in protected wildlife.[8] Even in 2020 the Ministry of Environment and Forestry recorded an increase in cases that were identified as many as 1,733 cases.[9]

Because the wildlife trade issues are getting worse recently, and the populations of protected species have declined.[10] Indonesia issued a

[6] UN, 2015, *"Transforming Our World: the 2030 Agenda for Sustainable Development"*, https://sustainabledevelopment.un.org/post2015/transformingourworld, (accessed on January 20, 2020 at 10.00 a.m).

[7] Laeny Sulistyawati, 2018, *"Jumlah Kasus Kejahatan Satwa Liar di Indonesia Meningkat",* https://www.republika.co.id/berita/nasional/umum/18/12/14/pjqhko349-jumlah-kasus-kejahatan-satwa-liar-di-indonesia-meningkat, (accessed on January 20, 2020 at 11.00 a.m)

[8] Mustafa Silalahi, 2019, *"Jejak Transaksi di Taman Safari"*, https://majalah.tempo.co/read/laporan-utama/157438/jejak-transaksi-di-taman-safari, (accessed on October 18, 2021 at 04.16 p.m.)

[9] Y.Y. Akhmadi, 2020, "Tahun 2020, Ada Perdagangan 1700 Satwa Liar Dilindungi", https://betahita.id/news/lipsus/5835/tahun-2020-ada-perdagangan-1700-satwa-liar-dilindungi.html?v=1633596324, accessed on October 18, 2021 at 04.21 p.m.

[10] R Dirzo, et al, "Defaunation in the Anthropocene", *Science*, vol. 6, no. 1 (2014), pp. 345-401.

regulation on wildlife animals which is divided into two types of groups such as protected animals and unprotected animals. The distribution of protected species can be seen in the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia P.106/MENLHK/SETJEN/KUM.1/12/2018 concerning Types of Protected Animal and Plants. This latest regulation revokes the appendix of Government Regulation No. 7 of 1999 concerning Preservation of Wild Plants and Animals.

In addition, there are also specific laws and regulations governing protected wildlife trade as well as regulating criminal threats contained in the Law No. 5 of 1990 concerning on Conservation of Living Resources and Their Ecosystem. So, based on this issue of illegal protected animal trading in Indonesia, it is interesting to analyze the issue under the title: "Legal Policy in Realizing Sustainable Development Goals with Special Reference to Controlling Protected Animal Trading in Indonesia".

Several previous related studies can be used as contemplation and reference, for instance research conducted by Benedikt Heid and Laura Márquez Ramos. This study discussed the evaluation of The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) implementation affecting on the wildlife populations. The result of their research is that the wildlife population increased by 20% after the inclusion of the species into CITES. The correlation between this research and the study conducted by Benedikt Heid is the legal policy on protected

animals trading which become the subject to be analyzed. It has been proven in research conducted by Benedikt Heid and Laura Márquez Ramos that legal policy in regulating protected animal trading will decisively determine the sustainability of the protected animal population in a country, which become one of the targets of the SDGs program.[11] Hence, the distinguishes between this research from the previous one is in this study, the researcher try to evaluate and analyze the existing legal policy specifically in Indonesia, in relation to controlling the trade of protected animals in Indonesia.

Further research was carried out by Hollie Booth et al who conducted an assessment of regulations on the use and trade of wildlife in complex situations and insufficient data. In this paper, an example of a case study is given, namely the impact of regulations in Indonesia on Manta Rays (*Mobula alfredi and Mobula Birostris*) as an animal that is categorized as a protected animal with a vulnerable status. The results of this study indicate that the Indonesian government is properly tightening the regulations on the trade of Manta Rays, but international demand is still there and even causing illegal trade from several locations that are the subject of the study.[12] There is a link between the research conducted by Hollie Booth et al and this research, namely the researcher analyzes the regulations in Indonesia on the protected animals trading, but the difference is that the author will analyze

[11] Benedikt Heid et al, "Wildlife Trade Policy and the Decline of Wildlife", *CESifo Working Paper,* No. 8757 (2020), p. 48.
[12] Hollie Booth et al, "Assessing the Impact of Regulations on the Use and Trade of Wildlife", *Global Ecology and Conservation,* vol. 22 e00953 (2020), p. 15.

the Indonesian legal policy generally regarding with the protected animal trading in Indonesia and examine whether the policy is that have been concluded are already in accordance with the SDGs program.

Likewise, a study on the protected animals trading in Indonesia is also discussed by Syakirun Aruan in his research focused on the crime of protected animals trading by providing illustrations of case studies in it. The results of the research focus on the judge's decision which already in accordance with the sense of justice.[13] This research can be used as a base in analyzing the law enforcement against the protected animals trading in Indonesia. The dissimilarity that can be seen between the research conducted by Syakirun Aruan and this research is the normative studies of regulations enacted by policy makers are the focus of the authors. Moreover, the authors try to manifest things that become the obstacles for the government in enforcing the law on the protected animal trading.

From the review of related previous literature above, it can be concluded that this research has dissimilarity between those researches, such as *first*, the research focuses on the Indonesian legal policy. Many publications are focused on endangered animals as the main object of the research, in this research the writer will focus on all protected animals that listed in Indonesian regulations which already justify by the International Union for Conservation of Nature (IUCN). There are some stages of animal

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[13] Syakirun Niam Aruan, 2021, "Analisis Yuridis Memperniagakan Satwa yang Dilindungi dalam Keadaan Hidup", (Skripsi, Ilmu Hukum, Fakultas Hukum Universitas Sumatera Utara).

conservation status, this research is not only reviewing the endangered status of animal but also cover all status listed by IUCN which is termed as protected animal.[14] *Second*, this research is also focused on the Indonesian legal policy in dealing with the issue of protected animal trading to achieve SDGs agenda.

Third, through this research, the writer will analyze Indonesian legal policy to control protected animal trading and examine the capability of law enforcers in realizing sustainable development goals through the existence of related legal policy. The author hopes that the results of this research can find a solution and give recommendation to the government.

B. Statement of Problems

1. How does Indonesian legal policy achieve sustainable development goals agenda in controlling protected animal trading in Indonesia?

2. What are the obstacles faced by the government in enforcing legal policies regarding with the issue of controlling protected animal trading in Indonesia?

C. Objectives of Research

1. To analyze whether Indonesian current legal policy capable to realize sustainable development goals 2030 agenda.

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[14] IUCN, 2020, *"The IUCN Red List Categories and Criteria"*, https://www.iucnredlist.org/, (accessed on January 22, 2020 at 10.00 a.m).

2. To understand the obstacles faced by government in enforcing legal policies regarding with the issue of controlling protected animal trading in Indonesia.

D. Benefit of Research

1. Theoretical Aspect

    The study gives the benefit to find out how important of realizing sustainable development goals 2030 agenda to keep the diversity of fauna in Indonesia and how vital the role of Indonesian legal policy to protect the diversity of Indonesian fauna.

2. Practical Aspect

    This research will give the recommendation for the Indonesian government to strengthen legal policies for law enforcers in realizing sustainable development goals 2030 agenda.