



Revealing the Cause of Selling Protected Animals in Gorontalo in View from a Criminological Perspective

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Abstract: The purpose of the study is to find out and analyze through a Criminology review what factors cause the occurrence of the Crime of Selling Protected Wildlife in Gorontalo. The type of research used is Empirical research and uses Qualitative analysis techniques. The results of this study show that the sale of protected wildlife in Gorontalo is caused by several factors including, economic factors, environmental factors, and educational factors. Upaya prevention carried out so that the community is not involved in buying and selling protected wildlife includes, Preventive Efforts made employing Obstruction on transportation routes, and conducting forest patrols, the community is required to report if they see a criminal act of buying and selling wildlife, and conducting education. Repressive efforts, the enforcement efforts carried out by Gakkum himself are to hand over the perpetrators to the Police.

Keywords: Gorontalo; Criminology; Animals.

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1. Introduction

According to Article 21 paragraph (2) letter d of Law No.5 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems, the definition of wildlife is summarized in Article 1 point 7 of the law, namely

"Wildlife is all animals that live on land, and/or in water and/or in the air that still have wild traits, both free-living and kept by humans".¹

Protected wildlife is prohibited, kept, owned, hunted, or sold, but the public cannot distinguish between protected and unprotected animals. The high demand for wildlife that causes massive hunting, trade, and smuggling is the cause of the reduction in endangered wildlife species, moreover the offer of high selling prices for very rare species of animals. The lack of supervision and law enforcement on the exploitation of endangered animals has led to a decrease in endangered species so that the community itself unconsciously participates in reducing the population of endangered animals. Based on WWF (World Wide Fund for Nature) Indonesia data, crimes against animals in Indonesia recorded 8 tons of elephant ivory circulating in Sumatra over the past 10 years, more than 100 orangutans smuggled out of the country each year, more than 2,000 slow lorises traded in Java and also smuggled abroad, and 2,000 mills illegally traded out of the country every month and every year 1 million turtle eggs are traded throughout Indonesia. In recent years, 74 orangutans have been traded online and 15 tigers traded on Facebook. ² Considering that Indonesia is a country of law, the management of conservation of biological natural resources and their ecosystems needs to be given a legal basis, the Government has enacted laws and regulations to protect protected animals from all crimes that can cause their extinction. Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems reads:

Everyone is prohibited from:

- a. Capture, injure, kill, store, possess, possess, transport, and trade protected animals alive
- b. Storing, possessing, maintaining, transporting, and trading protected animals in a dead state

¹ "Law No.5 of 1990 concerning Natural Resources Conservation," Pub. L. No. Article 21 paragraph (2) letter d (1990).

² Risanti, "Traffickers of protected wildlife will be ensnared by the Money Laundering Law," www.internationalanimalrescue.or.id, 2017, <https://www.internationalanimalrescue.or.id/pelaku-perdagangan-satwa-liar-dilindungi-akan-dijerat-uu-pencucian-uang/>.

- c. Removing protected animals from one place in Indonesia to another place inside or outside Indonesia
- d. Trading, storing, or possessing the skin, body, or other parts of protected animals or goods made from such parts or spawning from one place in Indonesia to another place inside or outside Indonesia
- e. Take, damage, destroy, trade, store, or possess eggs or nests of protected animals

So, for all the prohibitions that have been stipulated in Article 21 paragraph (2) of Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and their Ecosystems to be obeyed by everyone, there need to be sanctioned. Article 40 paragraphs (2) and (4) contain criminal sanctions to protect protected animals, which reads:

Paragraph (2) Whoever intentionally violates the provisions as stated in Article 21 paragraphs (1) and (2) and Article 33 paragraph (3) shall be punished with a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 100,000,000.00 (one hundred million rupiahs).

Paragraph (4) Whoever because of his negligence violates the provisions as referred to in Article 21 paragraphs (1) and (2) and Article 33 paragraph (3) shall be punished with a maximum imprisonment of 1 (one) year and a maximum fine of Rp. 50,000,000.00 (fifty million rupiahs).

Crimes against protected wildlife continue to occur, especially in Gorontalo. Gorontalo itself has Bogani Nani Wartabone National Park, Bogani Nani Wartabone National Park is the largest land conservation area in Sulawesi, which is administratively located in two provincial areas. The area in the eastern part, located in the area of North Sulawesi Province covering an area of 177,115 hectares, is bordered by three areas, namely Bolaang Mongondow, North Bolaang Mongondow, and South Bolaang Mongondow. Meanwhile, the area in the western part is in the Gorontalo Province area of 104,893,757 hectares which borders only the Bone Bolango area.³ Bogani Nani Wartabone National Park has a high diversity of flora and fauna and important habitats for Sulawesi's distinctive species. There are lowland anoa "Bubalus depressions", babirusa "babyroussa", maleo "Macrocephalon maleo", yaki "Macaca nigra and Macaca nigrescens", as well as Sulawesi bear cuscus "Ailurops Ursinus". Currently, 125 species of birds, 24 species of mammals, and 23 types of amphibians and reptiles have been identified.⁴

³ Hanom Bashari et al., *Status Keragaman Jenis Satwa Dan Tumbuhan Di Kawasan Taman Nasional Bogani Nani Wartabone, Sulawesi Utara-Gorontalo*, ed. Ika Tri Lestari (Kota Kotamobagu, Sulawesi Utara, 2020).

⁴ Christopel Paino, "Bogani Nani Wartabone is Not an Ordinary National Park," www.mongabay.co.id, 2016, <https://www.mongabay.co.id/2016/06/30/bogani-nani-wartabone-yang-bukan-taman-nasional-biasa/>.

Although there are clear rules containing criminal sanctions for criminal acts on wildlife protected by Gorontalo still occur, the author can prove this by finding several cases in the field through the Gorontalo Natural Resources Conservation Center and Gakkum of the Ministry of Environment and looking for some data via internet access sourced from the Gorontalo City Court Case Tracing Information System, the Directory of Supreme Court Decisions of the Republic of Indonesia and several articles related to the case of catching protected wildlife in Gorontalo. The following is the data that the author presents:

Number of Cases of Sale of Protected Wildlife in Gorontalo

NO	NUMBER OF CASES	YEAR
1	3 Cases	2017
2	3 Cases	2018
3	1 Case	2019
4	1 Case	2020
5	-	2021
6	1 Case	2022

Source: Gorontalo Region Natural Resources Conservation Center, Gakkum Ministry of Environment of Gorontalo Region, Gorontalo City District Court Case Tracing Application System, Supreme Court Repository.

From the preliminary data presented above, it can be concluded that almost every year there are criminal acts against protected wildlife in Gorontalo. Based on this, researchers are interested in conducting an in-depth study and research on phenomena related to the criminal act of selling protected wildlife in Gorontalo to reveal the causes of the sale of protected wildlife in Gorontalo using an analytical approach to the concept of Legal Criminology.

Based on the background above, the formulation of the problem in this study is what factors cause the crime of selling protected wildlife in Gorontalo from a criminological perspective. The goal to be achieved in this study is to find out what caused the Criminal Act of Selling Protected Wildlife in Gorontalo Province. Theoretically, this research can provide benefits for scientific advances in the Field of Criminal Law. Khsusunya in this study focuses on criminological studies of the Crime of Selling Wildlife in Protection. It can practically provide answers or solutions to the problems studied. And from the results of this study, can be an input for parties in this case academics, law enforcement officials, the government, and the general public in preventing and minimizing the crime of selling protected wildlife.

2. Method

The type of research used by researchers in compiling this research is a type of empirical research or field research method. Where data collection is carried out by interviewing, observation, and several questionnaires on parties related to the formulation of research

topic problems. In this empirical research method, researchers describe the results of an in-depth study of the application of criminological theories and also analyze the causes of criminal acts of selling protected animals in Gorontalo. The approach used by researchers in compiling this research is the *case approach*. Approach techniques carried out in this data collection include Literature Studies, Interviews, and Questionnaires.⁵ The types of data sources that will be used in writing this thesis are divided into two, namely Primary data, Primary data is data obtained directly from community information as the main source and through field research. Secondary Data, The use of secondary data is usually used as preliminary data or as a comparison in sociological legal research. The study is based on social facts cited in books, research findings, and law journals. Therefore, in this study, researchers determined the Gakkum Center of the Gorontalo Forestry Environment Ministry and the Gorontalo Natural Resources Conservation Center as the research population.⁶

3. Discussion

3.1 Impact of the sale of protected wildlife

The following are the effects if hunting or sale of protected wildlife continues to occur:

- a. Kerusakan ecosystem. In their fight against wildlife, criminals have threatened the destruction of nature in forest areas. This can happen because the perpetrators while committing crimes often go deep into the forest area and into the main area of the national park. Offenders often carelessly slash or cut wild plants or pick up protected animals arbitrarily. This damage to nature can also be caused by the breaking of the food chain of animals growing in the forest. Not a few animals are caught in animals with an upper predatory position. With the loss of upper predator duties in the forest, the number of animals at lower levels is not controlled, so there can be overcrowding that can cause damage to the ecosystem until it becomes extinct.⁷
- b. Kextinction of endemic species. Crimes against protected wild flora and fauna in the long term will result in the extinction of endemic or typical species of Indonesian flora and fauna. For example, in the past year, experts concluded that Javanese tigers and Balinese tigers were declared extinct from Indonesia and currently, Sumatran tigers, orangutans, Javanese rhinos, Sumatran rhinos, and Sumatran elephants are in danger.⁸

⁵ Mukti fajar dan yulianto achmad, *Dualisme Penelitian Hukum (Normatif Dan Empiris)* (yogyakarta: pustja pelajar, 2013).

⁶ Mukti Fajar dan yulianto achmad.

⁷ Indonesia Working Group on Forest Finance & Pusat Pelaporan dan Anilisis Transaksi Keuangan, *Panduan Pelatihan Penyidikan Tindak Pidana Kehutanan Melalui Pendekatan Anti Korupsi Dan Anti Pencucian Uang* (Pusat pelaporan analisis transaksi keuangan dan Lembaga indonesia working group on forest finance , 2012).

⁸ Indonesia Working Group on Forest Finance & Center for Financial Transaction Reporting and Anisis.

- c. Resiko health. Illegal buying and selling of animals in animal markets in big cities have the risk of spreading wild animal diseases to other animals so that they can transmit the disease to humans.⁹
- d. Financialmischief. In 2010 the Ministry of Forestry reported that state financial income from the export of wild animals such as mammals, amphibians, corals, crocodiles, and fish could generate an export value of around 2,918,840,600 Rupiah. Of the total amount, the largest export value was obtained from the export of Arowana fish amounting to 1.989 billion rupiahs.¹⁰

However, the above figure only refers to legal buying and selling, and the financial potential of illegal trade is much higher. According to the Non-Governmental Organization Masyarakat Pro Fauna, the global sale and purchase of illegal flora and fauna are estimated at 10-20 billion dollars a year. This is the second largest illicit trade after drug trafficking. Indonesia's wildlife trade turnover reaches Rp 9 trillion per year.

¹¹

3.2 Efforts of the Gorontalo Regional Natural Resources Conservation Center and the Gakkum of the Gorontalo Ministry of Environment in tackling the sale of wildlife in Gorontalo

From a criminal policy perspective, crime prevention can be carried out using a Non-Penal (Preventive) Approach, or a Penal (Repressive) Approach. In this study, the efforts made by related agencies are:

1. Preventive Efforts

Preventive efforts are focused on preventing potential opportunities for committing crimes. The purpose of this effort is to prevent the occurrence of the crime of selling protected wildlife. Some of the efforts made by the relevant agencies:

a. Obstruction on the transport line

The trade-in protected wildlife is caused by outsiders who then enter Gorontalo bring protected animals and then carry out buying and selling transactions in Gorontalo. This was reinforced based on the results of an interview with the head of the Gorontalo Natural Resources Conservation Agency, they got orangutans brought by outsiders into Gorontalo. What is meant by blocking transportation routes here is to carry out patrols or raids on the routes in and out of residents such as ports, airports, and trans roads. The enforcement of obstruction on transportation routes aims at controlling and supervising official routes as well as direct supervision of illicit circulation routes with the aim of blocking or preventing the sale and purchase of protected wildlife.¹²

⁹ Indonesia Working Group on Forest Finance & Center for Financial Transaction Reporting and Anisis.

¹⁰ Indonesia Working Group on Forest Finance & Center for Financial Transaction Reporting and Anisis.

¹¹ Indonesia Working Group on Forest Finance & Center for Financial Transaction Reporting and Anisis.

¹² Samsudin Hadju dan Agus Abadi, "Kepala Balai Konservasi Sumber Daya Alam Wilayah Gorontalo Dan Kepala GAKKUM KLHK Gorontalo" (August 1, 2022).

b. Forest Operations (Patrol)

Crime control in *Walter Reckless's* theory, namely external control where strong and binding social ties that can prevent someone from committing a crime, including here are institutions. G¹³akkum The Ministry of Environment and Forestry conducts this patrol activity as a preventive activity carried out to prevent disturbances in the security of forest areas and prevent the occurrence of forestry crimes to maintain the integrity of the forest area. If Party G Bakkum gets animals from poaching wildlife, then the animals are given to the Gorontalo Natural Resources Conservation Center and then given captive breeding and rehabilitation measures. ¹⁴

c. Education (Socialization)

This education aims to make the public understand the importance of knowing what animals are protected, what are the impacts if animals become extinct, and what consequences are obtained if someone is caught buying and selling protected wildlife. This is valued at being able to prevent the occurrence of crime as in the concept of criminal hygiene by W.A Bonger who explained that this effort aims to prevent the occurrence of crime through counseling^{15,16}

d. The public is urged to report if they see a criminal act of selling protected wildlife

According to the author, this effort is by *Control Theories* where if social ties or relationships are good, social control will occur and crimes can be prevented. Head B of ¹⁷Gorontalo Natural Resources Conservation and head of Gakkum maximize prevention efforts by urging the public to be swift to report all criminal acts against protected wildlife because the agency receives community complaints.¹⁸

2. Repressive Efforts

When referring to the retributive theory or absolute theory proposed by Immanuel Kant and Hegel where "evil is viewed as an immoral act so it must be reciprocated with punishment where the purpose of retribution is focused on retaliation in proportion". ¹⁹ So this is used in the event of a criminal act in the form of criminal prosecution by providing sanctions.²⁰

The law is for man, so society expects expediency from the implementation or enforcement of the law. Do not let it happen, in the implementation or enforcement of this law, there will be unrest in the community. Countermeasures consist of taking action against the perpetrator according to what he or she is doing and evaluating them to make them understand that their actions are illegal. Regarding repressive efforts

¹³ Topo Santoso and Eva Achjani Zulfa, *Kriminologi* (Jakarta: Raja Grafinda Persada, 2001).

¹⁴ Samsudin Hadju dan Agus Abadi, "Kepala Balai Konservasi Sumber Daya Alam Wilayah Gorontalo Dan Kepala GAKKUM KLHK Gorontalo."

¹⁵ Samsudin Hadju and Agus Abadi.

¹⁶ Topo Santoso and Eva Achjani Zulfa, *Criminology*.

¹⁷ Topo Santoso and Eva Achjani Zulfa.

¹⁸ Samsudin Hadju dan Agus Abadi, "Kepala Balai Konservasi Sumber Daya Alam Wilayah Gorontalo Dan Kepala GAKKUM KLHK Gorontalo."

¹⁹ Moh U Rusdiyanto Puluhulawa et al., "Kebijakan Kriminal Dalam Penanggulangan Tindak Pidana Penganiayaan Menggunakan Panah Wayer Oleh Anak Di Kota Gorontalo," *Jurnal Yuridis* 6, no. 2 (2019): 93–117, <https://kbbi.kemdikbud.go.id/entri/penganiayaan>.

²⁰ Fence M Wantu, *Hukum Acara Pidana Dalam Teori Dan Praktek* (Yogyakarta: Reviva Cendekia, 2011).

against perpetrators of the sale of protected wildlife carried out by the G²¹²²akkum party. Efforts are made if the Gakkum party gets information about the occurrence of criminal acts of crimes against wildlife, especially its sale, The information can come from public reports, or mass media, known directly by the authorities. Repressive efforts carried out by the Gakkum party by established procedures or orders from superiors. The enforcement of the sale and purchase of animals protected by GAKKUM itself is only up to the stage of the investigation, then the case or perpetrator is handed over to the Police.²³

3.3 Factors that cause the criminal act of selling protected animals in Gorontalo

After the author conducted research both with literature techniques obtained from legal literature, as well as with field techniques, namely interviews with several audiences, several factors caused the community to be involved in the sale of protected wildlife in Gorontalo, namely :

a) Economic Factors

According to the 8th UN Congress, One of the contributing factors as a cause of crime is Poverty factor. According to the author, this factor is one of the Economic Theories proposed by *W.A Bonger* who said that the cause of crime is one of the Economic Factors. in criminology that discusses economic inequality, where the concept of criminology believes that difficult economic times make people more willing to commit crimes. some Gorontalo communities commit crimes of selling protected wildlife Caused of the fulfillment of high economic needs. This was also confirmed by the head of the Gorontalo Natural Resources Conservation Center, Mr. Sjamsudin Hadju. Some Gorontalo people are dissatisfied with their income and then look for shortcuts as an excuse to make a living by doing business selling protected wildlife. This factor is also in line with the opinion of the head of GAKKUM of the Ministry of Environment, Mr. Agus Abadi^{24, 25}

b) Environmental Factors

According to the Author, This is in line with the Environmental Theory in *Criminology proposed by Enrico Ferry*. According to this theory, a person commits a crime because it is influenced by surrounding or environmental factors, whether family, economic, social, or cultural environment. ²⁶ If these conditions are met then malicious behavior

²¹ Fenty Pulu Hulawa dan Lusiana M. Tijouw, "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim Tindak Pidana Korupsi," *Gorontalo Law Review* 3, no. 2 (2020): 173.

²² M Ali Zaidan, *Kebijakan Kriminal* (Jakarta: Sinar Grafika, 2016).

²³ Samsudin Hadju dan Agus Abadi, "Kepala Balai Konservasi Sumber Daya Alam Wilayah Gorontalo Dan Kepala GAKKUM KLHK Gorontalo."

²⁴ Topo Santoso and Eva Achjani Zulfa, *Criminology*.

²⁵ Samsudin Hadju dan Agus Abadi, "Kepala Balai Konservasi Sumber Daya Alam Wilayah Gorontalo Dan Kepala GAKKUM KLHK Gorontalo."

²⁶ Made Darma Weda, *Kriminologi* (Jakarta: PT Raja Grafindo, 1996).

can arise as a result of social interaction. This means that a person will carry out deviant behavior according to the conditions of his environment and positive association which will later prevent a person from carrying out the behavior of storing.²⁷

The factors that cause the sale of protected wildlife in Gorontalo, namely environmental factors where Gorontalo itself has strong customary beliefs that are still diverse in each region. One of the causes of the illegal trade in wildlife is an environment that considers it reasonable to hunt protected wildlife. This is reinforced by the statement of the Head of the Gorontalo Regional Natural Resources Conservation Center, Mr. Sjamsudin Hadju, who said that people hunting protected wildlife and then selling it is a hereditary tradition that has been considered reasonable, such as making pig fangs as protective charms, turtle eggs that have benefits as a medicine to increase libido, consuming shark fins as medicine, consume crow meat to get immune knowledge, even in the north to be precise in tomohon there is an extreme market where I can sell Sulawesi Black Ape meat which is already quitelangka.²⁸

In addition, community activities that open land for gardening or other things make the wildlife population decrease. For example, in the Panua Nature Reserve located in Pohuwato Regency, Gorontalo Province, the community began to exploit the forest by clearing land for gardening and opening mines. Wide open access to reach forest areas or commonly referred to as forest encroachment causes the loss of natural wildlife habitat. Wildlife that has lost their natural habitat is forced into plantations or residential areas and is considered a pest that must be expelled, hunted, and killed. Wildlife is often treated in sadistic ways such as being poisoned, shot, electrified with high voltage, ensnared, and burned, the dead can be traded in whole form or only body parts.²⁹

c) Educational Factors

The author judges based on the facts found in the field that the perpetrators of the sale of protected wildlife are people who on average have low education and some even drop out of school. In line with the³⁰ *theory of quetelet* from Adholfe Quetelet explains that the high crime rate is caused by the impossibility and low education The relationship between crimes committed by society and educational factors is because if the person lacks education, especially legal education, then they do not know what they are doing and the consequences of the actions they do, so education and understanding are needed for them Regarding the impact and consequences of the crimes they commit, that when people commit crimes or unlawful acts then the perpetrators will deal with law enforcement.³¹

²⁷ Yayuk Rizki Hulukati, Dian Ekawaty Ismail, and Novendri M Nggilu, "Penyalahgunaan Narkotika Oleh Pegawai Negeri Sipil Dilihat Dari Perspektif Kajian Kriminologi," *Jurnal Legalitas* 13, no. 1 (2020): 20.

²⁸ Samsudin Hadju dan Agus Abadi, "Kepala Balai Konservasi Sumber Daya Alam Wilayah Gorontalo Dan Kepala GAKKUM KLHK Gorontalo."

²⁹ Samsudin Hadju and Agus Abadi.

³⁰ Samsudin Hadju and Agus Abadi.

³¹ Topo Santoso and Eva Achjani Zulfa, *Criminology*.

According to the author, the relationship between crimes committed by society and educational factors is because if the person lacks education, especially legal education, then they do not know what they are doing and the consequences of the actions they do, so it requires education and understanding to them about the impact and consequences of the crimes they commit, that when people commit crimes or acts against then the culprit will deal with law enforcement. In general, those who commit crimes are people who have a low level of education or drop out of school. The reason is that since childhood they received an average education only up to the level of junior high school or high school.³²

4 Conclusion

From the results of research and discussion on Revealing the Causes of The Sale of Protected Animals in Gorontalo in View from a Criminological Perspective, the author concludes that the factors that cause the sale and purchase of protected wildlife in Gorontalo that the author found during the study include Economic Factors, Environmental Factors, Educational Factors. Criminal acts against these wild animals have led to widespread destruction, including the destruction of ecosystems, the extinction of typical species, health risks, and financial consequences. In terms of tackling the criminal act of selling protected wildlife, several efforts must be made, including Preventive Efforts, prevention efforts before the crime occurs. Efforts are made by an obstruction in transportation routes, conducting forest operations (patrols), the community is required to report if they see a criminal act of buying and selling wildlife, and conducting this education. Repressive efforts, the enforcement efforts carried out by G Bakkum himself against the perpetrators of buying and selling protected wildlife are by handing over the perpetrators of wildlife sales to the Police, Because the enforcement stage carried out by G akkum only reaches the stage of investigation carried out by forestry investigators.

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³² Samsudin Hadju dan Agus Abadi, "Kepala Balai Konservasi Sumber Daya Alam Wilayah Gorontalo Dan Kepala GAKKUM KLHK Gorontalo."

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