

ABSTRAK

PENEGAKAN HUKUM TERHADAP TINDAK PIDANA PERDAGANGAN ILEGAL SATWA YANG DILINDUNGI

(Studi Putusan Nomor: 197/Pid.B/LH/2023/PN Tjk)

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Penegakan hukum terhadap perdagangan ilegal satwa dilindungi menjadi tantangan penting dalam perlindungan lingkungan hidup dan keanekaragaman hayati di Indonesia. Perdagangan ilegal satwa yang dilindungi tidak hanya mengancam kelestarian spesies, tetapi juga menunjukkan lemahnya kesadaran hukum masyarakat. Penelitian ini bertujuan menganalisis penegakan hukum terhadap pelaku perdagangan satwa dilindungi dalam Putusan Nomor 197/Pid.B/LH/2023/PN Tjk serta mengkaji hambatan yang memengaruhi efektivitasnya. Pembahasan didukung teori penegakan hukum dan faktor-faktor yang memengaruhinya, dengan landasan yuridis Undang-Undang Nomor 5 Tahun 1990 dan Undang-Undang Nomor 32 Tahun 2024 sebagai pembaruan yang memperkuat instrumen hukum dalam konteks ini.

Penelitian ini menggunakan metode yuridis normatif dengan spesifikasi deskriptif-analitis, berdasarkan studi kepustakaan dan dokumen, khususnya putusan pengadilan terkait tindak pidana perdagangan satwa liar. Data dikumpulkan melalui studi kepustakaan dan dokumentasi, lalu dianalisis secara kualitatif. Selain itu, penelitian juga memakai metode yuridis empiris dengan data dari wawancara bersama aparat penegak hukum dan pihak terkait, yakni Penyidik Polda Lampung, Hakim PN Tanjung Karang, Jaksa Kejari Bandar Lampung, Penyidik PNS BKSDA Lampung, serta Dosen Hukum Pidana Universitas Lampung.

Hasil penelitian menunjukkan bahwa penegakan hukum terhadap pelaku perdagangan ilegal satwa yang dilindungi dalam Putusan Nomor: 197/Pid.B/LH/2023/PN Tjk telah dilaksanakan sesuai prosedur hukum pidana melalui tahap penyidikan, penuntutan, hingga pemeriksaan di persidangan. Terdakwa dijatuhi pidana atas perbuatannya memperdagangkan lutung simpai, burung hantu, dan sisik trenggiling tanpa izin, berdasarkan ketentuan Undang-Undang Nomor 5 Tahun 1990. Namun demikian, penjatuhan hukuman masih dianggap belum menimbulkan efek jera yang kuat. Selain itu, terdapat berbagai

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hambatan yang saling berkaitan dalam proses penegakan hukum, mulai dari lemahnya substansi hukum dalam undang-undang sebelumnya, keterbatasan aparat penegak hukum, kurangnya sarana pendukung, hingga rendahnya kesadaran hukum masyarakat. Hambatan-hambatan ini menunjukkan bahwa persoalan perdagangan ilegal satwa dilindungi bukan hanya persoalan hukum, tetapi juga persoalan struktural dan kultural yang kompleks.

Saran dari penulis berdasarkan temuan tersebut adalah agar aparat menegakkan sanksi pidana lebih tegas dan proporsional untuk menimbulkan efek jera, disertai langkah preventif melalui pengawasan dan koordinasi antarlembaga. Undang-Undang Nomor 32 Tahun 2024 perlu diterapkan secara konsisten dengan peningkatan kapasitas aparat serta dukungan sarana memadai. Masyarakat juga perlu mendapat edukasi hukum berkelanjutan melalui peran tokoh masyarakat dan adat guna membangun kesadaran hukum kolektif. Dengan upaya tersebut, penegakan hukum diharapkan lebih efektif, memberi efek jera, dan mendukung pelestarian satwa dilindungi beserta ekosistemnya.

Kata kunci: Penegakan Hukum, Perdagangan Ilegal, Satwa Yang Dilindungi.

ABSTRACT

LAW ENFORCEMENT AGAINST ILLEGAL TRADE OF PROTECTED ANIMALS

(Decision Study Number: 197/Pid.B/LH/2023/PN Tjk)

By

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Law enforcement against the illegal trade in protected wildlife is a significant challenge in protecting the environment and biodiversity in Indonesia. Illegal trade in protected wildlife not only threatens species sustainability but also demonstrates the public's weak legal awareness. This study aims to analyze law enforcement against protected wildlife traffickers in Decision Number 197/Pid.B/LH/2023/PN Tjk and examine the obstacles that influence its effectiveness. The discussion is supported by law enforcement theory and influencing factors, with a legal basis based on Law Number 5 of 1990 and Law Number 32 of 2024 as updates that strengthen legal instruments in this context.

This study uses a normative juridical method with descriptive-analytical specifications, based on literature and document studies, particularly court decisions related to wildlife trafficking crimes. Data were collected through literature and documentation studies, then analyzed qualitatively. In addition, the study also uses an empirical juridical method with data from interviews with law enforcement officers and related parties, namely Lampung Regional Police Investigators, Tanjung Karang District Court Judges, Bandar Lampung District Attorney Prosecutors, Civil Servant Investigators from the Lampung Natural Resources Conservation Agency (BKSDA), and Criminal Law Lecturers at the University of Lampung.

The results of the study indicate that law enforcement against perpetrators of illegal trade in protected animals in Decision Number: 197/Pid.B/LH/2023/PN Tjk has been carried out in accordance with criminal law procedures through the stages of investigation, prosecution, and examination in court. The defendant was sentenced for his actions in trading langur simpai, owls, and pangolin scales without a permit, based on the provisions of Law Number 5 of 1990. However, the imposition of punishment is still considered to have not had a strong deterrent effect. In addition, there are various interrelated obstacles in the law enforcement process, ranging

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from weak legal substance in previous laws, limited law enforcement officers, lack of supporting facilities, to low public legal awareness. These obstacles indicate that the problem of illegal trade in protected animals is not only a legal issue, but also a complex structural and cultural issue.

The author's recommendation, based on these findings, is for authorities to enforce stricter and more proportionate criminal sanctions to create a deterrent effect, along with preventative measures through inter-agency oversight and coordination. Law Number 32 of 2024 needs to be implemented consistently, with increased officer capacity and adequate infrastructure. The public also needs to receive ongoing legal education through the role of community and traditional leaders to build collective legal awareness. With these efforts, law enforcement is expected to be more effective, provide a deterrent effect, and support the preservation of protected wildlife and their ecosystems.

Keywords: Law Enforcement, Illegal Trade, Protected Animals