

Analisis terhadap upaya penegakan hukum perdagangan ilegal satwa yang dilindungi studi kasus perdagangan ilegal burung kakatua kecil jambul kuning = Law enforcement of illegal wildlife trade case study illegal trade of small yellow crested cockatoo

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Abstrak

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Indonesia merupakan negara dengan kekayaan alamnya yang tinggi. Tercatat bahwa negara Indonesia memiliki 10-20% dari jenis tumbuhan dan satwa yang ada di dunia. Namun dewasa ini keberadaan sumber daya alam hayati dan ekosistem di Indonesia sedang terancam. Terancamnya kehidupan mereka disebabkan oleh beberapa faktor salah satunya adalah maraknya perdagangan satwa liar khususnya untuk satwa liar yang dilindungi di Indonesia. Kegiatan perdagangan satwa yang dilindungi merupakan tindak pidana menurut undang-undang Nomor 5 Tahun 1990 tentang Konservasi Sumber Daya Alam Hayati dan Ekosistemnya. Terlebih lagi, Indonesia telah meratifikasi Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) pada tahun 1978 melalui Keputusan Presiden No. 43 tahun 1978, yang pada intinya Konvensi ini memberikan mekanisme internasional untuk mengatur perdagangan satwa liar. CITES mengatur dan mengawasi perdagangan dengan menggunakan 'daftar negatif' seperti perdagangan semua spesies yang diperbolehkan dan tidak diatur kecuali spesies tersebut muncul di appendix. Skripsi ini mengambil studi kasus perdagangan burung Kakatua Kecil Jambul Kuning (*Cacatua sulphurea*) sebagai satwa yang dilindungi. Burung ini termasuk satwa yang dilindungi dan juga termasuk dalam Appendix I CITES. Oleh karena itu baik perdagangan dalam negeri dan untuk tujuan ekspor adalah dilarang kecuali untuk tujuan non-komersil. Namun hingga saat ini perdagangan burung Kakatua Kecil Jambul Kuning masih dapat ditemukan. Hal ini menunjukkan bahwa penegakan hukum terhadap perdagangan satwa liar sebagaimana diatur dalam UU No.5 Tahun 1990 belum dapat dilakukan secara optimal. Hal ini dapat terjadi karena masih banyak para penegak hukum yang belum memahami secara penuh ancaman terhadap keanekaragaman hayati ketika banyak terjadi perdagangan ilegal satwa liar yang dilindungi. Sehingga diperlukan perbaikan di semua faktor yang mempengaruhi penegakan hukum terhadap tindak pidana perdagangan tersebut.

ABSTRACT

Indonesia is a high biodiversity country. Indonesia has 10-20% of plant and animal species that exist in the world. But today the existence of natural resources and ecosystems in Indonesia are being threatened. Endangerment of their lives caused by several factors, one of which is the illegal wildlife trade, especially for the wildlife in Indonesia. Trading protected species is a crimes according to the law No. 5 of 1990 on Conservation of Natural Resources and Ecosystems. Moreover, Indonesia has ratified the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1978 through Presidential Decree No. 43 in 1978. CITES provides an international mechanism for governing wildlife trading by using the "negative list" such as trade of all species are allowed and are not regulated unless these species appear in the appendix. This thesis will take case study of illegal trade Small Yellow-crested Cockatoo Bird (*Cacatua sulphurea*) as one of the protected animals. *Cacatua sulphurea* is protected animals according to the

law No. 7 of 1999 on Preservation of Plants and Animals and also included in Appendix I of CITES. Therefore both domestic and for export purposes is prohibited except for non-commercial purposes. But until now the trade Small Yellow-crested cockatoo birds can still be found. This shows that law enforcement against illegal wildlife trade as stipulated in Law No. 5 of 1990 can not be performed optimally. This can happen because the law enforcers are still many who do not fully understand the threats to biodiversity as prevalent crime of trafficking in protected wildlife. So that the necessary improvement in all factors that affect law enforcement against criminal acts such trade.

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