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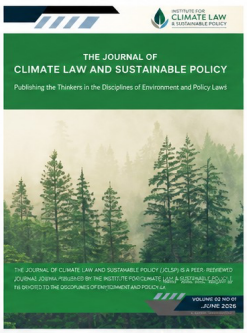

Reformulation of Regulations Governing Protected Animal Keeping as a Legal Reform Initiative for Animal Enthusiasts

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ABSTRACT

This paper analyzes the reformulation of regulations on protected animal conservation activities in Indonesia as an effort to reform the law for animal lovers while ensuring ecosystem sustainability. This study uses a normative legal research method with a legislative and conceptual approach through the analysis of legal provisions regarding the protection and maintenance of protected animals and their implementation in law enforcement practices. The results show that the applicable regulations have provided a strong basis for protection, but there are still weaknesses in distinguishing the keeping of animals for non-exploitative purposes from the acts of trade, hunting, and exploitation. The implementation of regulations also still tends to use a penal approach to maintenance without permission, including for people who have good faith to save or care for animals. This condition has the potential to cause injustice and legal uncertainty. Therefore, it is necessary to reformulate regulations through the differentiation of acts and perpetrators, the application of proportional sanctions, and the establishment of a simple, transparent, and easily accessible licensing mechanism. Reformulation also needs to include limited maintenance permits, rehabilitation, conservation breeding, registration, reporting, and supervision by conservation authorities. Thus, animal lovers can be placed as conservation partners, while law enforcement can be focused on actions that threaten the sustainability of animals and the balance of ecosystems.

1. INTRODUCTION

Indonesia is famous for its unique and abundant natural resources. Such diversity includes not only plants, but also wildlife.[1] Protected animals are an integral part of biodiversity that has a fundamental role in maintaining ecosystem balance. Animal diversity is not only a natural asset, but also an important indicator for environmental health[2]. The loss of one species from its habitat can affect the food chain and disrupt the overall ecosystem balance. This confirms that efforts to preserve protected animals are a strategic step to ensure the sustainability of ecological functions.[3]

In addition to having ecological value, protected animals also have social, cultural, and spiritual value. Many indigenous peoples in Indonesia consider certain animals to be part of a belief system, cultural symbol, and even a guardian spirit.[4] For example, Komodo dragons in East Nusa Tenggara not only serve as an important endemic animal, but have also become a national identity as well as an economic source through the tourism sector. Thus, the protection of protected animals is not solely related to environmental aspects, but also concerns the preservation of cultural and spiritual values of the community.

Protected wildlife also contributes to sustainable economic development, particularly through ecotourism. Animal conservation has a direct link to improving the welfare of the community around the conservation area.[5] The existence of animals in their natural habitat provides economic benefits through tourism, scientific research, and sustainable development opportunities. However, these benefits will be lost if animals become extinct due to poaching and overexploitation.

Unfortunately, the threat to protected animals is becoming more and more real. Illegal hunting, wildlife trafficking, and exploitation practices for entertainment and consumption have caused many species to be on the verge of extinction. The wildlife trade, especially in Southeast Asia, including Indonesia, is one of the biggest factors causing the decline in protected animal populations.[6] This threat is further exacerbated by the low legal awareness of the public. Most people still keep protected animals without permission for reasons of love, even though it is legally categorized as a violation.

The need for a more in-depth study of wildlife protection in Indonesia is based on several important reasons. First, Indonesia is known as one of the global biodiversity centers because of its extraordinary biodiversity.[7] The country's wildlife includes many unique and rare species, including endemic species found only in certain regions. The existence of this wildlife not only has great ecological value, but also provides significant economic and aesthetic benefits to society.

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[1] RCF Jannah, Y. Yusmardono and.., "Turtle Conservation and Management: The Role of the Private Sector in the Protection of Endangered Animals", Learning Society: jurnal.fkip.unmul.ac.id, 2022

[2] Garole, K., Reddy, K. K., & Lippert, K. (2025). Preserving nature's balance in the intelligent systems era: Exploring ecological systems and biodiversity. In *Integration of AI, quantum computing, and semiconductor technology* (pp. 367-390). IGI Global Scientific Publishing.

[3] Otto Soemarwoto, *Ekologi, Lingkungan Hidup, dan Pembangunan*. (Jakarta: Djambatan, 1997)

[4] Hadi Alikodra, *Natural Resources and Environment Conservation*. (Jakarta: IPB Press, 2010), p. 112.

[5] Brooks, T. M, dkk, "Habitat Loss and Extinction in the Hotspots of Biodiversity." *Conservation Biology* Vol. 16, No. 4 (2002): 909–923,

[6] Vincent Nijman, "An Overview of International Wildlife Trade." *Biodiversity and Conservation* Vol. 19, No. 4 (2010): 1101–1114,

[7] Rahayu, M. I. F., Susanto, A. F., & Sukma, L., *Religious Cosmology Indonesian Legal Studies (Basic Philosophical Understanding of Indonesian Law Based on Wisdom),* Review of International Geographical Education Online, 2021, 11(8).

Wildlife has an important role in maintaining the balance of the ecosystem. They play a role in the process of pollination, seed dispersal, and habitat regeneration[8]. The presence of wildlife also helps control pest populations and maintains the balance of the food chain in nature. Third, wildlife protection is closely related to environmental conservation and sustainable natural resource management. By ensuring the survival of wildlife populations, we also conserve ecosystems and natural resources that provide long-term benefits to humans.

Wildlife has a high cultural and spiritual value. Many communities in Indonesia have strong cultural ties to wildlife, which are often considered symbols of strength, beauty, or sacred creatures. Protecting wildlife also means preserving local cultural heritage and wisdom. Finally, significant declines in wildlife populations and the threat of extinction can disrupt ecosystem sustainability and biodiversity in Indonesia. If not addressed immediately, wildlife extinctions can have serious impacts on ecosystems and the balance of nature.

The legislative framework in Indonesia for protecting wildlife is based on several important laws and regulations. The main law that regulates this is Law No. 5 of 1990 concerning the Conservation of Biological Natural Resources and Their Ecosystems[9], which has been in force for more than three decades and was finally renewed in 2024, becoming the basis for the protection of wildlife in Indonesia.[10] In addition, Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction (P3H Law) also plays an important role, complementing existing regulations by imposing criminal sanctions for environmental crimes, including forest destruction and wildlife hunting.

In addition to these laws, there are also government regulations that provide special guidelines related to the preservation and protection of plants and animals. Government Regulation No. 7 of 1999 concerning the Preservation of Plant and Animal Species regulates the procedures for the preservation of plants and animals, including the protection of protected wildlife.[11] Meanwhile, Government Regulation No. 8 of 1999 lists protected plant and animal species and protection measures that must be taken.

In addition, the Ministry of Environment and Forestry also issued a ministerial regulation that supports wildlife protection efforts. Regulation of the Minister of Environment and Forestry No. P.106/MENLHK/SETJEN/KUM.1/4/2018 regulates the list of protected plant and animal species in Indonesia.[12] These laws and regulations form the legal basis for wildlife protection in Indonesia. However, even though the regulation is already in place, its implementation still faces various challenges. Therefore, more in-depth studies and evaluations are needed to overcome these barriers and improve law enforcement and the effectiveness of laws in protecting wildlife in Indonesia.[13]

Unfortunately, the threat to protected animals is becoming more and more real. Illegal poaching, wildlife trade, and exploitation practices for entertainment and consumption have caused many species to be on the verge of extinction Wildlife trade, especially in Southeast Asia, including Indonesia, is one of the biggest factors causing the decline in the population of protected animals. This threat is further exacerbated by the low legal awareness of the public.

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[8] Brockerhoff, E. G., Barbaro, L., Castagneyrol, B., Forrester, D. I., Gardiner, B., González-Olabarria, J. R., ... & Jactel, H. (2017). Forest biodiversity, ecosystem functioning and the provision of ecosystem services. *Biodiversity and conservation*, *26*(13), 3005-3035.

[9] Nurhidayah, L., & Alam, S. (2020). The forest and its biodiversity: Assessing the adequacy of biodiversity protection laws in Indonesia. *Asia Pacific Journal of Environmental Law*, *23*(2), 178-201.

[10] N Permatasari, "Analysis of Government Policy in the Protection of Endangered Animals in Indonesia", Adjudication: Journal of Law, e-jurnal.lppmunsera.org, 2021

[11] Government Regulation No. 7 of 1999 on the Preservation of Plant and Animal Species

[12] Regulation of the Minister of Environment and Forestry No. P.106/MENLHK/SETJEN/KUM.1/4/2018

[13] IN Fernanda and W Yulianingsih, "Law Enforcement of the Crime of Trafficking in Protected Animals Based on Law Number 5 of 1990 concerning Resource Conservation...", PROHUTEK, prohutek.upnjatim.ac.id, 2020, http://prohutek.upnjatim.ac.id/index.php/prohutek/article/view/26

Most people still keep protected animals without permission for reasons of love, even though it is legally categorized as a violation.[14]

On the other hand, many individuals and communities want to keep and breed rare species for conservation purposes, education, or simply as a hobby. However, in the absence of clear regulations, this goodwill is often hampered by inadequate legal provisions, which can result in sanctions for those who seek to conserve the animals. From a legal perspective, the state has a constitutional obligation to protect animals as part of citizens' rights to a good and healthy environment. Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia emphasizes that "Everyone has the right to live a prosperous life in birth and mind, to live, and to have a good and healthy living environment.[15]" This norm is not only declarative, but also contains juridical consequences for the state to ensure environmental sustainability, including the protection of animals that are an important part of the ecosystem. In other words, the state's responsibility to protect protected animals is a constitutional mandate that cannot be ignored.

To implement the mandate of the constitution, the state presents a legal instrument in the form of Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and Their Ecosystems[16]. This law is a milestone in conservation law in Indonesia that aims to regulate the protection, conservation, and sustainable use of biological natural resources. One of the important articles is Article 40A which regulates criminal sanctions for the act of keeping, possessing, maintaining, transporting, or trading protected animals without a permit. However, the formulation of this article raises serious problems because it generalizes all types of acts with the same threat of criminal sanctions, regardless of the different backgrounds, objectives, and consequences of the acts.

The uniformity of criminal threats in Article 40A raises a justice problem. This is because modern criminal law requires differentiation based on the level of offense. In criminal law theory, there are two fundamental aspects that must be considered, namely *mens rea* (intention, inner attitude, or subjective mistake of the perpetrator) and *actus reus* (real deeds or consequences caused)[17]. The care of protected animals that a person does out of love, for example to care for an animal found injured or to be cared for with affection, is clearly different from criminal acts such as hunting, capturing, or killing animals for commercial purposes. From a moral, social, and ecological perspective, this distinction should have implications for distinguishing criminal threats.

Unfortunately, in practice, current laws do not accommodate these differences. As a result, animal lovers who intend to preserve have the potential to be criminalized with the threat of punishment as severe as illegal animal hunters. This is certainly contrary to the principle of proportionality in criminal law which requires that sanctions be commensurate with the level of the offense. This principle is in harmony with the principle of justice, which according to Gustav Radbruch includes a balance between justice, certainty, and utility. If criminal sanctions are applied uniformly without considering the context of the act, then the law loses its essence of justice.

In addition, the absence of a differential sanction in Article 40A also causes legal *uncertainty*. Animal lovers who are in good faith but do not have access to adequate information and licensing can be entangled in criminal sanctions, while at the same time there

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[14] Setiawan, A. "Analisis Kesadaran Hukum Masyarakat dalam Pemeliharaan Satwa Dilindungi." *Jurnal Hukum Lingkungan Indonesia* Vol. 4, No. 2 (2018): 145–162,

[15] Yunendar, B. (2025). Integrating Pancasila Values into Environmental Law: A Green Constitutional Approach for Sustainable Development, Human Rights, and Climate Resilience in Indonesia. *KnE Social Sciences*, *10*(26), 256-288.

[16] De Klemm, C., & Shine, C. (1993). *Biological diversity conservation and the law: legal mechanisms for conserving species and ecosystems* (No. 29). IUCN.

[17] Gardner, M. R. (1993). The mens rea enigma: Observations on the role of motive in the criminal law past and present. *Utah L. Rev.*, 635.

are still illegal poaching practices and illegal trade of animals that are difficult to eradicate due to weak supervision. This unclear distinction creates a negative perception of the law, namely that the law is seen as more frightening to ordinary people who have good intentions, but are not effective in dealing with organized criminals.

From the perspective of *ecological justice*, the equating of punishment between the maintenance of animals without a permit and the killing of animals is also inappropriate[18]. Killing protected animals clearly has a permanent destructive impact on populations and ecosystems, while the unauthorized keeping of animals, while legally wrong, still allows for positive aspects, such as caring for animals and preventing them from dying. Therefore, within the framework of legal reformulation, there should be a firm separation between categories of acts that have different ecological consequences.

This situation creates a dilemma for animal enthusiasts and conservationists who are trying to preserve the survival of endangered species[19]. Without adequate regulation, they risk facing legal consequences even if their intention is not to engage in illegal trading practices. A clear example of this problem can be seen in the case of Nyoman Sukena, who was sentenced for raising Javan hedgehogs. The case reflects a lack of clarity in regulation and demonstrates a lack of understanding of the importance of individual contributions to conservation efforts[20].

Recently there was a case involving protected animals, and the perpetrator was named I Nyoman Sukena. The Bali Police initially received reports from the community about residents who kept wildlife.[21] Following up on the report, on Monday, March 4, 2024 at around 11.00 WITA, Unit 1 Sub-Directorate IV of the Bali Police Directorate of Criminal Investigation inspected a house that allegedly stored, possessed, and maintained Javan hedgehogs, a protected wildlife. The house belongs to Sukena, which is located in Bongkasa Pertiwi Village, Abiansemal, Badung, Bali. During the examination, the police found four Javan hedgehogs as evidence.[22]

The Bali Police sent a summons to Sukena and on Tuesday, March 26, 2024, Sukena was questioned by the police. Then, on Thursday, June 20, 2024, the first phase of the case file was sent to the Bali High Prosecutor's Office. On June 27, 2024, the prosecutor's office stated that the file was complete or P-21. On Monday, August 12, 2024, the transfer of suspects and evidence (Phase II) was carried out to the Bali High Prosecutor's Office. Currently, according to Jansen, the case is being processed at the Denpasar District Court. Sukena was charged with violating Article 21 paragraph (2) letter a Jo Article 40 paragraph (2) of Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and Their Ecosystems.[23]

According to him, his party has coordinated with the public prosecutor and other related parties. This was done because Sukena was proven to keep wild animals that were protected by law without having an official permit. On September 5, 2024, in a trial with the agenda of examining witnesses, it was revealed that the hedgehog originally belonged to Sukena's in-laws who were arrested for damaging plants. Initially, there were only two hedgehogs, but after being raised by Sukena, the number increased to four.

Sukena also stated that he did not know that the hedgehog he raised was a protected animal. In the development of the case, the panel of judges of the Denpasar District Court suspended Sukena's detention, changing his status from detention to house arrest from

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[18] White, R. (2013). *Environmental harm: An eco-justice perspective*. Policy Press.
[19] Norton, B. G., Hutchins, M., Maple, T., & Stevens, E. (Eds.). (2012). *Ethics on the ark: zoos, animal welfare, and wildlife conservation*. Smithsonian Institution.
[20] McLauchlan, L. (2024). *Hedgehogs, killing, and kindness: the contradictions of care in conservation practice*. MIT Press.
[21] Metro Tempo, https://metro.tempo.co/read/1918303/hakim-vonis-bebas-nyoman-sukena-kronologi-kasus-landak-jawa, retrieved October 5, 2024.
[22] *Ibid.*
[23] *Ibid.*

September 12 to 21, 2024, with the obligation to report twice a week. At the September 13, 2024 hearing, the public prosecutor proposed that Sukena be released, because it was considered that he did not have the intention to trade or kill Javan hedgehogs.

Sukena was proven to have possessed a Javanese hedgehog without a permit, but it was not proven to have the intention to trade or kill the animal. Gede Gatot Hariawan, Dewa Gede Ari Kusumajaya, and Isa Uli Nuha from the Public Prosecutor Team (JPU) of the Bali High Prosecutor's Office used Article 21 paragraph 2 letter a jo. Article 40 paragraph 2 of Law No. 5 of 1990 concerning the Conservation of Biological Natural Resources and Their Ecosystems (KSDAHE Law).[24] In the charges read, they stated that the defendant Nyoman Sukena did not have malicious intent or *mens rea* to violate these articles.

Evidence in the form of four Javan hedgehogs confiscated by the state was handed over to the Natural Resources Conservation Agency (BKSDA). In the prosecutor's demand letter, there were no things that were considered incriminating for Nyoman Sukena. On the contrary, several things that alleviate Sukena are listed, namely that he regrets his actions, does not have commercial intentions related to the Javanese hedgehog, is not a recidivist, does not understand that the hedgehog is a protected animal, and behaves politely and admits his actions so as to facilitate the trial. The prosecutor charged Sukena with violating Article 21 paragraph 2 letter a jo. Article 40 paragraph 2 of the KSDAHE Law, with a maximum criminal threat of 5 years in prison.[25] However, the facts of the trial revealed that Sukena did not know that the hedgehog she kept was a protected animal.

Various cases of keeping protected animals in the field often start from ignorance or lack of socialization of licensing procedures. For example, on September 5, 2022, the Manado Police Criminal Investigation Police detained Stevie Salimin (43), a driver who kept a long-tailed monkey (*Macaca nigrescens*) in his garden without official permission from the North Sulawesi BKSDA[26]. Salimin admitted that he accepted the animal as a family inheritance, but never took care of the licensing documents because he did not understand the applicable administrative flow.[27]

In the West Sumatra region, law enforcement against the ownership of dead animals is still carried out. On January 3, 2020, the Agam Police arrested a Lubukbasung resident with the initials S (62) after a preserved carcass of a crested hornbill (*Berenicornis comatus*) was found in the living room of his house. Although the animal is dead, its status as a protected species under Law No. 5 of 1990 makes the possession of carcasses without official reporting a serious offense. This case raises the need for a special procedure for the use of carcasses of protected animals in the context of education or research, as long as they remain non-commercial and reported to the relevant authorities.[28]

In Bangli, Bali, goodwill to save the Balinese starling (*Leucopsar rothschildi*) led to legal proceedings. On March 28, 2018, I Ketut Regen, a timber transport worker, was caught keeping a Balinese starling that suddenly came to his yard by himself. He takes care of the bird in the hope of restoring it before it is released back into the wild. However, without official permission from the BKSDA, Regen was arrested and charged with violating the provisions of Law No. 5/1990 on the Conservation of Biological Natural Resources and Their Ecosystems. The trial at the Bangli District Court highlighted the defendant's conservation motives, but the

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[24] Online Law, https://www.hukumonline.com/berita/a/pelihara-landak-jawa-tanpa-mens-rea--nyoman-sukena-dituntut-bebas-lt66e642d333af6/, retrieved October 5, 2024

[25] *Ibid.*

[26] Riley, E. P. (2010). The endemic seven: Four decades of research on the Sulawesi macaques. *Evolutionary Anthropology: Issues, News, and Reviews: Issues, News, and Reviews*, *19*(1), 22-36.

[27] Trisno Mais, "Keeping Monkeys Without Permission, Driver in Manado Arrested by Police," *detikSulsel*, September 6, 2022, https://www.detik.com/sulsel/berita/d-6275853/pelihara-monyet-tanpa-izin-sopir-di-manado-ditangkap-polisi (accessed July 1, 2025).

[28] Altas Maulana and Yusrizal, "Agam residents arrested by police over collection of protected animals," *Antara News*, January 4, 2020, https://www.antaranews.com/berita/1235368/warga-agam-ditangkap-polisi-karena-koleksi-satwa-dilindungi (accessed July 1, 2025).

judge confirmed that the exemption from licensing only applies to authorized agencies, not individual initiatives, so Regen remains administratively sanctioned.[29]

In Cikarang, West Java, an animal lover, LTO (initials), has kept two estuarine crocodiles, a bondol eagle, and a Javan langur in his yard for 25 years with the intention of caring for and protecting these animals. According to his confession, the LTO received the animals from various donors who entrusted the care of crocodiles and rare primates to him. He even coordinated with the BKSDA and the Zoo, although he never obtained official permits. In November 2017, Bekasi Police officers together with BKSDA searched LTO's house and confiscated the four endangered animals. LTO was then charged with Article 21 paragraph (2) *juncto* Article 40 paragraph (2) of Law No. 5 of 1990 concerning KSDAHE with a threat of imprisonment of up to five years and a fine of Rp 100 million for keeping protected animals without permission, even though the intention was solely to care for and save.[30]

On January 9, 2019, the North Sumatra KSDA Center officially handed over the case of the maintenance of Sumatran orangutans (*Pongo abelii*) in Karo Regency to the Sumatra Regional Environmental and Forestry Law Security and Law Enforcement Center. This case began when a local resident had been raising baby orangutans since June 2018 with the intention of raising and caring for them until they were healthy, even begging the government for a treatment fee of Rp 7-10 million. However, this practice triggered law enforcement because Law No. 5 of 1990 prohibited any form of keeping protected animals without official permission. Although the intention of the residents is fairly conservative, the authorities emphasized that the exception only applies to rescue actions initiated by the authorized agencies, not by the general public. The process of summoning witnesses, field examinations, and the preparation of the Minutes finally signaled a violation of Article 21 paragraph (2) letter a jo. Article 40 paragraph (2) of Law No. 5/1990, so that the case file is submitted to the Sumatra Regional Gakkum Center for follow-up investigation until trial.[31]

Not only ordinary citizens, but public officials are also not spared from sanctions. On January 26, 2022, the North Sumatra BKSDA together with the KPK confiscated seven protected animals, including two Sumatran orangutans (*Pongo abelii*), three Sulawesi monkeys, and two Balinese starlings (*Leucopsar rothschildi*), from the official house of the inactive Langkat Regent Terbit Perangin Angin Plan. The investigation revealed that even though they were kept in an official environment, the animal did not have a permit, so the regent was threatened with a sentence of up to five years in prison. This case underscores the importance of transparency and accountability in the reporting of animal assets belonging to state apparatus.[32]

The public's attitude towards the hobby of collecting endangered animals also sometimes runs into regulations. On January 24, 2019, the Bali Police arrested I Ketut P. in Badung for keeping two green peacocks (*Pavo muticus*), one cassowary (*Casuarius casuarius*), one Sulawesi eagle (*Spilornis rufipectus*), and one hornbill (*Buceros rhinoceros*), all listed in Appendix I CITES, without permitting documents. Rumah I Ketut P., which functions as a mini

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[29] Dayu Swasrina, "Keeping Balinese Starlings, Timber Transport Workers Disidang," *BaliPost.com*, September 14, 2018, https://www.balipost.com/news/2018/09/14/55543/Pelihara-Jalak-Bali%2CBuruh-Angkut...html (accessed July 4, 2025).

[30] Edward Febriyatri Kusuma, "Pelihara Buaya Tanpa Izin, Pria di Cikarang Ditangkap," *detikNews*, October 5, 2017, https://news.detik.com/berita/d-3671922/pelihara-buaya-tanpa-izin-pria-di-cikarang-ditangkap (diakses 4 Juli 2025).

[31] North Sumatra KSDA Center, "Law Enforcement Process of the Case of Sumatran Orangutan Babies in Karo," *PPID of the Ministry of Environment and* Forestry, January 14, 2019, https://ksdae.menlhk.go.id/info/5270/proses-penegakan-hukum-kasus-bayi-orangutan-sumatera-di-karo.html (accessed July 4, 2025).

[32] Ahmad Arfah Fansuri Lubis, "Pelihara 7 Satwa Dilindungi, Bupati Langkat Terancam 5 Tahun Penjara," *detikNews*, 26 Januari , 2022, https://news.detik.com/berita/d-5916177/pelihara-7-satwa-dilindungi-bupati-langkat-terancam-5-tahun-penjara (diakses tanggal 1 Juli, 2025).

tourist park, shows how mere hobbies can contribute to the reduction of animal populations in the wild, so law enforcement against private collections is very important.[33]

The range of criminal judgments released by the court from 2017 to 2024 confirms that misunderstandings in the mechanism of conservation permits continue to result in people being charged with Article 21 paragraph (2) and Article 40 paragraph (2) of Law Number 5 of 1990. The most recent verdict was born at the Sidoarjo District Court on October 22, 2024; Aris Dwi Witanto was sentenced to one year and two months in prison and a fine of IDR 5,000,000 for storing 34 Cucak Daun Besar without official release or captivity documents.[34] Previously, on August 8, 2024, the same panel sentenced Sumardi to six months in prison and a fine of IDR 5,000,000 for the possession of one pariah eagle, two Moluccan parrots, and a minor parrot in the yard of his house.[35]

The trend of criminalization continues at the appeal level. On October 9, 2023, the Medan High Court upheld the verdict of Terbi Rencana Perangin Angin, the former Regent of Langkat, who kept a Sumatran orangutan, a Sulawesi black monkey, two parrots, and a brontok eagle at his official residence without a conservation permit; he was sentenced to ten months in prison and a fine of Rp50,000,000 and all animals were confiscated for the state.[36] On January 6, 2022, the Denpasar District Court sentenced I Wayan Sukasna to two months in prison and a fine of IDR 500,000 for keeping two bondol eagles and a blue-tailed white starling without documents.[37] Two days earlier, on January 3, 2022, the Semarapura District Court sentenced I Wayan Lendon to one month in prison and a fine of IDR 1,000,000 for the ownership of three loggerhead turtles found by fishermen that were never reported to the BKSDA.[38]

The 2020 ruling also emphasized that the motive for personal rescue does not remove the obligation to obtain a permit. On October 8, 2020, the Pontianak High Court upheld a six-month prison sentence and a fine of IDR 5,000,000 for Orisza Dimas Anom who kept sun bears, sloths, binturongs, and other animals in his yard.[39] Meanwhile, on March 11, 2020, the Mukomuko District Court sentenced Suwandi to four months in prison and a fine of Rp10,000,000 for keeping a siamang as a "family gift"".[40]

The 2018 and 2017 rulings reveal that the scale of collection is not always a determinant of the severity of the crime. The Amlapura District Court on October 11, 2018 sentenced I Wayan Putu Mudita to four months in prison and a fine of Rp5,000,000 for exhibiting hedgehogs, langurs, forest cats, and antelope without permission in private tourist attractions.[41] On February 21, 2018, the Bengkulu District Court sentenced Dolly Wahyudi to three months in prison and a fine of Rp5,000,000 for keeping a black eagle given to a friend without legality.[42] Finally, on January 25, 2018, the Cibinong District Court sentenced Willianto Sudjiman to two years in prison and a fine of Rp100,000,000 after authorities confiscated two binturongs, two estuarine crocodiles, two Balinese starlings, and several reptiles from his private farm that were not registered.[43]

This case raises big questions about the public's understanding of the law on the ownership of endangered animals. The main problem in the implementation of laws related to endangered and protected animals in Indonesia is the lack of adequate socialization and education to the community. Member of Commission IV of the House of Representatives

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[33] Aditya Mardiastuti, "Keeping Peacocks to Hornbills, Pak Ketut Arrested by the Police," *detikNews*, February 1, 2019, https://news.detik.com/berita/d-4410361/pelihara-merak-hingga-rangkong-pak-ketut-ditangkap-polisi (accessed July 1, 2025).
[34] Sidoarjo District Court. Decision Number 511/Pid.SusLH/2024/PN Sda. October 22, 2024.
[35] Pengadilan Negeri Sidoarjo. Putusan Nomor 391/Pid.Sus-LH/2024/PN Sda. 8 Agustus 2024.
[36] High Court of Medan. Decision Number 1374/Pid.BLH/2023/PT MDN. October 9, 2023.
[37] Denpasar District Court. Decision Number 868/Pid.Sus/LH/2021/PN Dps. January 6, 2022.
[38] Semarapura District Court. Decision Number 79/Pid.B/LH/2021/PN Srp. January 3, 2022.
[39] Pontianak High Court. Decision Number 174/Pid.B-LH/2020/PT PTK. October 8, 2020.
[40] Pengadilan Negeri Mukomuko. Putusan Nomor 9/Pid.B/LH/2020/PN Mkm. 11 Maret 2020.
[41] Amapura District Court. Decision Number 70/Pid.Sus/2018/PN Amp. October 11, 2018.
[42] Bengkulu District Court. Decision Number 47/Pid.Sus/2018/PN Bgl. February 21, 2018.
[43] Cibinong District Court. Decision Number 733/Pid.Sus/2017/PN Cbi. January 25, 2018.

Daniel Johan stated that the government should be more active in socializing and providing education about conservation regulations, so that the public understands the risks and consequences of owning protected animals. Moreover, some of the rules are still relatively new.[44]

The government through the Ministry of Environment and Forestry, the Natural Resources Conservation Agency (BKSDA), and related agencies need to create a clear and comprehensive educational program about this regulation, and disseminate it widely. Daniel said when people are not given adequate information about endangered or protected animals, they risk facing severe punishment without realizing that their actions are against the law.[45] The legislator from the West Kalimantan I electoral district also emphasized that currently access to information about protected animals is very limited, so many people do not realize that they have violated the law when keeping endangered animals.

As a member of the House of Representatives Commission that oversees agriculture, marine, forestry, and environmental policies, Daniel argues that the government needs to release a list of protected animals as well as areas where they are still frequently found. He emphasized that this information must be disseminated more widely through various channels. In addition to mass media and social media, Daniel also suggested that socialization be carried out immediately, especially in areas that are prone to violations of laws related to protected animals.[46]

Cases like this should be more focused on coaching, not direct criminal punishment. There should be special regulations or a more flexible mechanism for citizens who inadvertently violate laws related to endangered animals, especially if the animals are properly kept and not traded.[47] For example, give them the opportunity to hand over the animal to the authorities without the threat of severe sanctions. If there is a punishment, it is better in the form of coaching, such as attending training and assisting the government in socializing conservation rules. From the case of I Nyoman Sukena, this tends to encourage the emergence of new regulations for hobbyists who keep animals, because they also play a role in helping breeding and keeping these animals from becoming extinct.

Law Number 5 of 1990 on the Conservation of Biological Natural Resources and Their Ecosystems is the main legal basis for the protection of protected animals in Indonesia[48]. Through the provisions of Article 21 paragraph (2), this law expressly prohibits various forms of acts against protected animals, whether capturing, injuring, killing, storing, possessing, maintaining, transporting, or trading. All of these actions are positioned equally as violations of the law, without any distinction between acts committed for the motive of love and acts committed for the purpose of exploitation or economic gain[49]. In Article 40 paragraph (2) it is stipulated that every person who deliberately commits such an offense is threatened with imprisonment at the latesta lima tahun dan denda paling banyak seratus juta rupiah, while Article 40 paragraph (4) stipulates a maximum of one year imprisonment and a maximum fine of fifty million rupiah for violations committed unintentionally.

The construction of this sanction from the beginning caused problems, because the law did not provide a differentiation between acts whose nature and consequences were

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[44] Teropong Senayan, https://www.teropongsenayan.com/133145-sukena-piyono-dipidana-karena-pelihara-satwa-dilindungi-dpr-dampak-sosialisasi-yang-gagal, diakses tanggal 5 Oktober 2024

[45] *Ibid.*

[46] *Ibid.*

[47] *Ibid.*

[48] Riyadi, A., & Setiono, J. (2023). Legal Protection of Biological Resources and Its Ecosystems in Indonesia. *International Journal of Law and Politics Studies*, *5*(1), 77-85.

[49] Stephens, B. (2002). The amorality of profit: Transnational corporations and human rights. *Berkeley J. Int'l L.*, *20*, 45.

different[50]. An animal lover who keeps protected birds in his home without permission is considered the same as a hunter who kills animals for sale on the black market. In fact, morally, socially, and ecologically, the two types of acts are clearly different. Maintenance without permission can depart from the intention of caring for and protecting, while hunting and killing animals is based on economic interests that are detrimental to populations and ecosystems[51]. However, because the law does not discriminate, both are still threatened with equally severe criminal sanctions.

These weaknesses are then tried to be overcome through changes outlined in Law Number 32 of 2024 concerning Amendments to Law Number 5 of 1990[52]. One of the important points in this change is the inclusion of new provisions in the form of Article 40A. Through this article, the criminal threat of violation of Article 21 paragraph (2) is aggravated by adding a minimum penalty. The formulation of Article 40A states that every person who deliberately violates Article 21 paragraph (2) shall be sentenced to imprisonment for a minimum of one year and a maximum of five years, as well as a fine of at least fifty million rupiah and a maximum of one hundred million rupiah. Thus, in addition to maintaining the maximum penalty as previously regulated, this article adds a minimum sanction so that the judge does not have the discretion to impose sentences under these provisions.

This change actually does not solve the problem of legal justice that has arisen since the enactment of Law No. 5 of 1990[53]. The substance of the regulation remains the same, which is to generalize all acts—from keeping protected animals without permits to hunting and killing animals—into one category of offenses. Instead of fixing it, Article 40A actually strengthens the repressive nature of conservation law by increasing the minimum sanctions that must be imposed. As a result, animal lovers who carry out maintenance without permission are threatened with a minimum prison sentence of one year and a fine of at least fifty million rupiah, as if their actions are equivalent to the act of hunting or killing animals whose impact is much more destructive.

From the perspective of modern criminal law, this policy clearly contradicts the principle of proportionality which demands that the punishment be commensurate with the degree of error and the consequences caused. *Mens rea* (mental attitude) and *actus reus* (deeds) should be important benchmarks in distinguishing the degree of error. However, through Article 40A, that distinction is ignored. As a result, the law has the potential to give birth to excessive criminalization of animal lovers who may simply not understand the licensing mechanism, while the perpetrators of organized illegal poaching are still treated with sanctions that are no different from those who keep protected animals without a permit[54].

In this context, it can be understood that the changes presented through Law No. 32 of 2024 do affirm the criminal threat, but do not provide answers to the substantive problems that have been attached to Law No. 5 of 1990 since the beginning. Conservation regulations in Indonesia still place all acts in the same prohibition category, without differentiation, and even narrow the space of judges in giving more proportionate rulings. This is the strong basis for the need for regulatory reformulation so that the maintenance of animals without permission is strictly separated from the act of hunting, capturing, and killing protected animals, so that the law can be more fair, balanced, and in line with the purpose of ecosystem protection.

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[50] Hart, H. L. A. (2008). *Punishment and responsibility: Essays in the philosophy of law*. Oxford University Press.

[51] Gunn, A. S. (2001). Environmental ethics and trophy hunting. *Ethics & the Environment*, *6*(1), 68-95.

[52] Mehndi, A. (2025). Theoretical Perspectives on the Constitutional Development of Minority Rights in Pakistan (2008–2024): A Multidimensional Analysis through Liberal Pluralism, Critical Race Theory, Postcolonial Theory, and Legal Pluralism. *Journal of Economics, Management & Business Administration*, *4*(1), 48-86.

[53] Cappelletti, M. (1993). Alternative dispute resolution processes within the framework of the world-wide access-to-justice movement. *The Modern Law Review*, *56*(3), 282-296.

[54] Massé, F. (2020). Conservation law enforcement: Policing protected areas. *Annals of the American Association of Geographers*, *110*(3), 758-773.

Proper regulation is essential to provide a legal framework that allows individuals and communities to play an active role in the maintenance and breeding of protected animals[55]. With clear regulations, they can participate in conservation efforts without having to worry about legal sanctions. Supportive regulations can also encourage research and development of better maintenance methods, which can ultimately benefit the survival of species in the wild.

In addition, good regulation not only protects these animals, but also increases public understanding of the importance of conservation[56]. Public education and awareness will be stronger if there is a clear and supportive legal framework. Thus, the right regulation functions not only as a tool of law enforcement, but also as a means of education and counseling for the community.

Based on this background, u. This research is important because the existence of protected animals is not only related to conservation aspects, but also to the need to create legal certainty for the community, especially animal lovers who have concerns about the maintenance, rescue, and breeding of animals. Therefore, this study is directed to analyze the need for regulations that are able to provide space for responsible maintenance and breeding of protected animals, while still placing the protection and preservation of animals as the main goal. Through a study of the applicable legal provisions and various problems in their application, this research is expected to find the weaknesses of existing regulations and formulate a more proportionate, fair, and sustainability-oriented legal construction.

Furthermore, this research is not only directed to identify the existence and substance of regulations regarding the maintenance of protected animals, but also to examine how these regulations are implemented in practice. This is important because there are problems when people keep protected animals without knowing their protection status or without understanding the applicable licensing mechanisms, including people who keep animals with the intention of caring, rescuing, or maintaining the survival of these animals. Such conditions show the need for a balance between the interests of animal protection and legal protection for people who have good faith. Thus, this study is also directed to analyze whether the implementation of the applicable regulations has reflected the legal objectives in the form of justice, legal certainty, and utility, as well as whether the sanctions applied have considered the motive, purpose, level of error, and consequences of the acts committed. Based on this analysis, the research is expected to be able to provide an argument basis for legal reform that is not only repressive, but also preventive, educational, and supports community participation in animal conservation.

On the basis of this thought, this research is directed to answer three main interrelated problems. First, how are the regulations for protected animal husbandry activities in Indonesia, including the legal basis, form of prohibition, licensing mechanism, and sanctions provisions that govern it. Second, how to implement regulations on protected animal conservation activities in Indonesia, especially in law enforcement practices against people who keep animals without permits and various obstacles that arise in their implementation. Third, how to reformulate regulations on protected animal conservation activities as an effort to reform the law for animal lovers in order to achieve legal goals, so as to create a balance between animal protection, certainty and justice for the community, as well as the benefits of the law for ecosystem sustainability. Based on these three problems, this study was compiled with the title "Reformulation of Regulations for Protected Animal Conservation Activities as an Effort to Reform the Law for Animal Lovers."

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[55] Morgera, E., & Wingard, J. (2009). *Principles for developing sustainable wildlife management laws*. CIC-International Council for Game and Wildlife Conservation.

[56] Zhang, L., Hua, N., & Sun, S. (2008). Wildlife trade, consumption and conservation awareness in southwest China. *Biodiversity and conservation*, *17*(6), 1493-1516.

2. Research Method

This research uses normative legal research methods, which are research oriented towards the study of legal norms, principles, principles, and provisions that govern protected animal conservation activities in Indonesia[57]. The normative approach is used to analyze the suitability between the construction of applicable regulations and the objectives of animal protection, legal certainty, justice, utility, and ecosystem sustainability. This research is not directed to measure the phenomenon quantitatively, but to find normative problems in the regulation and implementation of the maintenance of protected animals and formulate a more proportionate legal construction for the community, especially animal lovers.

The research approach was carried out through a statute approach and a conceptual approach. The legislative approach is used to review the provisions that are the basis for the protection and maintenance of protected animals, including the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1990 as amended by Law Number 32 of 2024, Government Regulation Number 7 of 1999, Government Regulation Number 8 of 1999, and ministerial regulations regarding protected plant and animal species[58]. The analysis focused on provisions regarding maintenance prohibitions, licensing mechanisms, community obligations, supervision, and sanction provisions. Meanwhile, a conceptual approach is used to analyze the principles of proportionality, justice, legal certainty, utility, *mens rea*, *actus reus*, and *ecological justice* in determining the form of legal responsibility for the maintenance of protected animals[59].

The legal materials used consist of primary, secondary, and tertiary legal materials. The primary legal material is in the form of laws and regulations related to the conservation of biological natural resources and animal protection[60]. Secondary legal materials include legal literature, research results, scientific journals, doctrines, and expert opinions relevant to conservation law and legal reform. The tertiary legal material is used as supporting material to provide an explanation of the terms and concepts used in the research. The collection of legal materials is carried out through library research by identifying, inventorying, and examining legal materials that are relevant to the research problem.

Furthermore, legal materials are analyzed qualitatively-juridically and prescriptively. The analysis was carried out by connecting legal norms with the issue of implementing animal husbandry without permission, then identifying the gap between *das sollen* norms and *das sein practices*. The results of the analysis were used to formulate recommendations for legal reform in the form of differentiation of acts and perpetrators, the application of proportionate sanctions, a voluntary surrender mechanism, and a licensing system for limited maintenance, rehabilitation, and conservation breeding. The reformulation model is directed to build a legal system that is not only repressive, but also preventive, educational, rehabilitative, and conservative[61].

3. Result and Discussion

3.1 Regulation of Protected Animal Conservation Activities in Indonesia

1) Constitutional Basis for the Protection of Protected Animals

Regulations regarding the maintenance of protected animals in Indonesia are basically inseparable from the state's obligation to ensure environmental sustainability

[57] Van Hoecke, M. (2011). Methodologies of legal research.
[58] Tyler, T. R. (2017). Methodology in legal research. *Utrecht law review*, *13*(3).
[59] Bhat, P. I. (2019). *Idea and methods of legal research*. Oxford University Press.
[60] Chynoweth, P. (2008). Legal research. *Advanced research methods in the built environment*, *1*, 670.
[61] Matviichuk, A., Shcherbak, V., Sirko, V., Malieieva, H., & Leheza, Y. (2022). Human principles of law as a universal normative framework.

and the preservation of biological natural resources[62]. Wildlife is an integral part of biodiversity that has ecological, social, cultural, and economic functions. The existence of animals not only has intrinsic value as part of the ecosystem, but is also related to the balance of the food chain, pollination, seed dispersal, habitat regeneration, and ecosystem sustainability. Therefore, the protection of protected animals is part of environmental policies and natural resource conservation.

Constitutionally, this protection can be attributed to Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia which gives everyone the right to a good and healthy environment. This right has the consequence that the state is not only obliged to ensure the quality of the environment for humans, but also to maintain the environmental components that support life. Animals as part of the ecosystem are one of the components that must be maintained. Thus, animal protection is not solely a conservation policy, but also a manifestation of the state's constitutional responsibility[63].

In this context, the state has two interests that must be balanced. First, the state has an interest in providing maximum protection for endangered animals so that their existence and ecological function are maintained. Second, the state must ensure that the protection policy does not result in disproportionate laws against people who own animals without the intention of exploitation. The research paper shows that the main problem lies not in the need to protect animals, but in how the law distinguishes between actions that have different levels of error and ecological impact.

2) Regulation Based on Law Number 5 of 1990

Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and Their Ecosystems is the main basis for regulating the protection of protected animals. The law establishes a conservation legal system that includes the protection, preservation, and utilization of biological natural resources and their ecosystems.

The provision that has direct relevance to animal husbandry activities is Article 21 paragraph (2). Based on the construction of the norms discussed in the document, the provision prohibits anyone from capturing, injuring, killing, storing, possessing, keeping, transporting, and trading protected animals in a live state. The formulation shows that maintenance activities are not activities that can be freely carried out by everyone. The maintenance of animals that are classified as protected animals must be placed within the framework of conservation and subject to licensing provisions.

The problem arises because Article 21 paragraph (2) places several types of acts that have different characters in one prohibited group. Keeping, possessing, capturing, injuring, killing, and trading are acts that factually have different characters, purposes, and consequences. Keeping animals that are found injured with the aim of saving is certainly not synonymous with catching animals from natural habitats to then be sold[64]. Similarly, the ownership of one animal without a permit due to ignorance cannot be

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[62] Wardhani, L. T. A. L., Diamantina, A., & Rafsanjani, L. H. (2025). Conservation efforts of wildlife habitats through the formulation of local regulations on biodiversity conservation management areas. *AMCA Journal of Community Development*, *5*(2), 36-47.

[63] Syaikhu, S., Pelu, I. E. A., Badarulzaman, M. H., Ihsan, R. N., & Patrajaya, R. (2024). Community, Family and Animal Conservation Sustainability in the Perspective of Normative Law and Maqasid Sharia. *El-Usrah: Jurnal Hukum Keluarga*, *7*(2), 521-540.

[64] Sollund, R. A. (2019). *The crimes of wildlife trafficking*. London: Routledge.

automatically equated with the ownership of dozens of animals in illegal trade activities[65].

From the perspective of criminal law policy, this distinction is important because criminal law not only serves to state that an act is prohibited, but also determines the appropriate level of guilt and sanctions against the perpetrator[66]. If all acts are included in the same category without considering the purpose, motive, intensity, and consequences of the acts, then the law has the potential to produce disproportionate punishment. that before the 2024 law change, Article 40 paragraph (2) of Law No. 5 of 1990 regulates the criminal penalties for people who deliberately violate the provisions of animal protection, with a maximum penalty of five years in prison and a maximum fine of one hundred million rupiah. Meanwhile, Article 40 paragraph (4) regulates the consequences of violations committed unintentionally.

This construction shows that the element of intentionality has actually gained a place in the criminal accountability system. However, the problem lies in how the element of intentionality is applied to various types of actions. In the case of animal husbandry, a person may intentionally keep an animal, but have no intention of exploiting, trading, or causing harm to the animal population. Thus, there is a difference between intentionality towards the act and intentionality towards a certain result or purpose of the act[67].

3) Amendments through Law Number 32 of 2024

The further development of regulations was marked by the birth of Law Number 32 of 2024 concerning Amendments to Law Number 5 of 1990. The amendment includes presenting Article 40A which regulates criminal threats against violations of Article 21 paragraph (2). Based on research documents, Article 40A provides a criminal threat of imprisonment for a minimum of one year and a maximum of five years as well as a fine of at least fifty million rupiah and a maximum of one hundred million rupiah against people who deliberately violate Article 21 paragraph (2). Thus, the change strengthens the repressive aspect in the enforcement of conservation laws through the imposition of minimum penalties[68].

From an animal protection perspective, the strengthening of sanctions can be understood as a response to the increase in poaching, trade, and exploitation of wildlife. Threats to protected animals do require effective legal instruments. However, problems arise when the increase in criminal threats is not followed by a differentiation of the type of act. Article 40A still links violations of Article 21 paragraph (2) in a criminal construction, so that the activity of keeping animals without a permit has the potential to be in the same sanction space as a much more serious act.

In the perspective of this study, this situation shows that there is a gap between the goal of animal protection and the principle of justice in punishment. Strengthening sanctions should be directed mainly to perpetrators who have a high level of error and

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[65] Hermanto, B. (2021, June). Discover future prospect of Indonesia criminal law reform: Questioning adat criminal law existence, Material and Formal Legislation, and Constitutional Court Decision Frameworks. In *Paper was presented at International Seminar Udayana University and University of Melbourne* (Vol. 17, pp. 1-20).

[66] Duff, R. A. (Ed.). (2010). *The boundaries of the criminal law*. Oxford University Press.

[67] Najih, M. (2018). Indonesian Penal Policy: Toward Indonesian Criminal Law Reform Based on Pancasila. *JILS*, *3*, 149.

[68] Hegarty, R. S., Tee, T. P., Liang, J. B., Abu Hassim, H., Zainudin, M. H. M., Azizi, A. A., ... & Rusli, N. D. (2024). Balancing future food security and greenhouse-gas emissions from animal-sourced protein foods in Southeast Asia. *Animal Production Science*, *64*(18), AN24183.

have a serious impact on the sustainability of animals, such as hunters, traders, smugglers, or commercial exploiters. On the other hand, for individuals who keep animals without a permit but have no commercial motive, the law should provide a mechanism for correction, coaching, surrender of animals, or proportionate administrative sanctions.

4) Government Regulations and Ministerial Regulations as Supporting Regulations

In addition to Law No. 5 of 1990 and Law No. 32 of 2024, regulations regarding protected animals are also supported by implementing regulations. The research document mentions Government Regulation Number 7 of 1999 concerning the Preservation of Plant and Animal Species as one of the legal bases for the preservation and protection of plant and animal species. The regulation provides a framework for the preservation of species and the protection of animals that have a certain status[69].

In addition, the document mentions Government Regulation Number 8 of 1999 as one of the instruments for regulating the conservation and utilization of plant and animal species. Furthermore, the Regulation of the Minister of Environment and Forestry Number P.106/MENLHK/SETJEN/KUM.1/4/2018 is an important instrument because it contains a list of protected plant and animal species. Thus, a person who wants to keep animals must first know whether the type of animal is included in the list of protected animals[70].

Normative issues then arise in the aspect of information accessibility. It is not enough for the law to only stipulate prohibitions if the public does not obtain easily accessible information about protected animal species, licensing procedures, reporting obligations, and animal surrender mechanisms[71]. The document shows that many cases of animal husbandry originate from the public's ignorance of the status of animals or licensing procedures. Therefore, regulations on the maintenance of protected animals should not be understood solely as a system of prohibitions and sanctions, but as a system consisting of prohibition, licensing, supervision, education, coaching, reporting, rescue, and a mechanism for handing over animals to conservation authorities.

5) Mens Rea Perspective, Actus Reus, and Proportionality

The main problem of the regulation of the maintenance of protected animals can be analyzed through the concepts of mens rea and actus reus. Actus reus refers to the actual deed that a person does, while mens rea relates to the inner attitude or mistake of the perpetrator.

In the context of animal husbandry, actus reus in the form of the act of keeping animals without permission may be objectively proven. However, mens rea does not always show the same level of error. One can keep animals for commercial purposes, for trade, or for exploitation. On the other hand, a person may keep an animal because

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[69] Abrar, F. R. (2025). Analis Is Perubahan Undang-Undang Nomor 32 Tahun 2024 Terhadap Undang-Undang Nomor 5 Tahun 1990 Tentang Konservasi Sumber Daya Alam Hayati Dan Ekosistemnya Dari Perspektif Hukum Pidana. *Tahkim*, *21*(1), 10-24.

[70] Magfiroh, A. N., Yulianda, F., Kurniawan, F., Taryono, T., & Zairion, Z. (2025). Dynamics of regulation and institutions of natural resource conservation in Indonesia: Historical study and policy analysis. In *BIO Web of Conferences* (Vol. 188). EDP Sciences.

[71] Nandmehar, S., & Sukmawati, S. (2025). Climate Justice in the Archipelagic State, Legal Frameworks and Future Perspectives: A Study of Indonesia. *Indonesia Law Reform Journal*, *5*(3), 442-469.

it saves an injured animal, accepts an animal as a family gift, or does not know that the animal belongs to a protected species.

These differences should have consequences in punishment. The document expressly places the principle of proportionality as one of the basis for criticism of the applicable sanctions system. Criminality must consider the degree of error and the consequences of the act. Thus, the applicable regulations can be concluded that there are still problems in the aspect of differentiation of criminal liability. Animal protection must be maintained, but it must go hand in hand with the protection of individual justice. This is the starting point for the need for legal reformulation.

3.2 Implementation of Regulations on Protected Animal Conservation Activities in Indonesia

1) Implementation through Law Enforcement

The implementation of regulations on the maintenance of protected animals is basically carried out through the mechanism of supervision, examination, confiscation, investigation[72], prosecution, and examination in court. Institutions such as the Natural Resources Conservation Center (BKSDA), the police, the prosecutor's office, and the courts have a role in ensuring that the ban on the keeping of protected animals without permission can be enforced.[73]

However, based on the cases discussed in the document, the implementation shows a tendency for unauthorised maintenance actions to be processed through a criminal approach even though the motives of the perpetrators vary. The case of I Nyoman Sukena is the most relevant illustration. Sukena raises four Javanese hedgehogs that originally came from animals owned by his in-laws. In the examination process, it was revealed that the animal developed from two to four during its keeping. Sukena stated that he did not know that the hedgehog was a protected animal.

The case shows that there is a difference between objective and subjective actions. Objectively, there are maintenance activities without permission. However, no motive was found to trade or kill the animal. Even in the trial process, the prosecutor considered the absence of malice and then proposed an acquittal. This issue shows that the legal system must have a mechanism to distinguish between administrative or conservation violations that are non-commercial in nature and the crime of animal exploitation.

Table 1. *Patterns of Cases of Animal Keeping Without Permission*

No	Decision Number	Type of Deed (Category)	Criminal Verdict
1	511/Pid.Sus LH/2024/PN Sda	Save for trading (Exploitation)	Imprisonment for 5 (five) months + Fine of IDR 5,000,000 (subsidy of 3 months of imprisonment)
2	391/Pid.Sus LH/2024/PN Sda	Maintenance without permission, not knowing	6 months + IDR 5 million fine

[72] Rees, P. A. (2017). *The laws protecting animals and ecosystems*. John Wiley & Sons.
[73] Agoramoorthy, G. (2009). Enforcement challenges of Taiwan's wildlife conservation and animal protection laws. *Journal of International Wildlife Law & Policy*, *12*(3), 190-209.

		status (Non-exploitation)	
3	1374/Pid.B LH/2023/PT MDN	Keeping and caring for animals (Non-exploitation)	4 months + IDR 50 million fine
4	868/Pid.Sus/LH/2021/PN Dps	Maintenance without permission (Non-exploitation)	1 month + fine of IDR 500 thousand
5	79/Pid.B/LH/2021/PN Srp	Keeping and caring for animals (Non-exploitation)	1 month + fine of IDR 500 thousand
6	174/Pid.B LH/2020/PT PTK	Nurture for rescue (Non-exploitation)	Dipidana (tidak dirinci)
7	9/Pid.B/LH/2020/PN Mkm	Memelihara tanpa tujuan eksploitasi (Non-eksploitasi)	3 bulan + denda Rp10 juta
8	70/Pid.Sus/2018/PN Amp	Exhibiting for tourism (Exploitation)	2 bulan + denda Rp5 juta
9	47/Pid.Sus/2018/PN Bgl	Lalai memelihara satwa (Non-eksploitasi)	1 month 15 days + fine of IDR 1 million
10	733/Pid.Sus/2017/PN Cbi	Maintaining with serious/economic value indications (Exploitation)	1 tahun 4 bulan + denda Rp70 juta
11	70/Pid.Sus/2018/PN Amp	Maintaining and exhibiting protected animals (hedgehogs, langurs, forest cats, antelopes) in private tourist rides (Exploitation)	Pidana penjara 2 bulan + Denda Rp5.000.000 subsider 1 bulan kurungan
12	713/Pid.Sus-LH/2025/PN Mdn	Trafficking in protected animals of the Bayan Parrot, even to undercover police (Exploitation)	3 years imprisonment + a fine of IDR 500 million in imprisonment
13.	193/Pid.Sus/2019/PN Smg	Trade protected animals in the form of Bali starlings or *Leucopsar rothschildi* through direct transactions. (Exploitation)	Pidana penjara 4 bulan + Denda Rp2.000.000 subsider 1 bulan kurungan
14.	256/Pid.Sus/2018/PN Bks	Trading the Brontok Eagle *(Nisaetus cirrhatus).* (Exploitation)	3 months imprisonment + fine of IDR 3,000,000 subsidy 1 month imprisonment

15.	42/Pid.Sus-LH/2024/PN Tjk	Trading protected animals through *online* media , namely the swamp cucak or *Pycnonotus zeylanicus*. (Exploitation)	Imprisonment of 4 (four) months + Fine of IDR 3,000,000 subsidy of 1 month of imprisonment

Based on the table above, the cases that have already existed show a relatively consistent pattern. First, there are people who get animals from families or other parties. Second, there are individuals who find animals in injured conditions or are around settlements and then keep them. Third, there are animal lovers who collect several types of animals for maintenance reasons. Fourth, there are maintenance that does have a commercial character or is used as a large amount of personal collection.

The case of Stevie Salimin in Manado, for example, is related to the maintenance of long-tailed macaques without permission. He stated that the animals were accepted as family inheritance and did not understand the licensing mechanism. The case shows that the public's ignorance of administrative procedures can be one of the causes of violations. The case of I Ketut Regen regarding the Balinese starling also shows a similar problem. The animals come to his yard and are then kept with the intention of caring for him before being released. However, because there is no official permission from the BKSDA, the action is still included in the law enforcement mechanism.

The case of raising baby orangutans in Karo Regency also presents the same dilemma. Residents raise baby orangutans with the aim of caring for them until they are healthy. However, the action is still seen as a violation because it is not carried out through the conservation authorities. From these various cases, it can be concluded that the implementation of the law has not fully established a clear classification between maintenance for exploitation, maintenance as a collection, maintenance due to ignorance, maintenance due to surrender from the community, and maintenance as an act of rescue[74].

2) Implementation of Commercial Maintenance

Not all maintenance actions have a low error rate. Certain cases suggest that maintenance can be part of exploitation. The case of I Ketut P. in Badung, for example, relates to several protected animals that were kept without documents and placed in an environment that functioned as a mini tourist park.

In such a context, maintenance is no longer purely a personal activity, but has an exploitation dimension[75]. If animals are used for commercial, tourism, performance, trade, or economic gain, the perpetrator's error rate should be seen as higher than that of the person who keeps the animal because he does not know its protection status[76]. The same can be seen in the case of Willianto Sudjiman who has a number of protected animals on an unregistered private farm. The ruling shows that the scale, type, and context of maintenance can provide an idea of the possibility of exploitative activities. Thus, the implementation of regulations should use a tiered approach. Acts

[74] Jęczmyk, A., Uglis, J., & Steppa, R. (2021). Can animals be the key to the development of tourism: A case study of livestock in agritourism. *Animals*, *11*(8), 2357.
[75] Markwell, K. (2015). Exploited 18 Elephants and Pampered Pets: Reflecting on Tourism–Animal Relationships. *Animals and tourism: Understanding diverse relationships*, *67*, 288.
[76] Markwell, K. (Ed.). (2015). *Animals and tourism: Understanding diverse relationships* (Vol. 67). Channel View Publications.

that contain elements of trade, commercial exploitation, poaching, or murder must receive a heavier criminal response. In contrast, non-commercial violations with a low error rate can be directed first to administrative and conservation actions.

3) Socialization and Legal Awareness Issues

The implementation of regulations also faces the problem of low socialization. The research paper said that the lack of information about protected animal lists and licensing procedures caused the public to not know that their actions constituted violations. This condition shows that the effectiveness of the law is not only determined by the severity of the sanctions. The law will be effective if the community knows the applicable norms, understands the obligations, has access to administrative procedures, and has the opportunity to comply with the law.

In the context of animal husbandry, the government through the Ministry of Environment and Forestry and BKSDA needs to provide a simple and easily accessible information system[77]. The public must be able to find out whether an animal is a protected species just by identifying the type of animal. In addition, the public needs to know what to do if they find injured protected animals, receive animals from others, acquire animals as family inheritance, or have already kept animals without permission. Without this mechanism, the criminal approach risks only being repressive. The public only found out about the existence of the ban after the authorities took action. In fact, conservation goals should encourage the community to surrender, report, or save animals through the correct procedures.

4) Implementation and Principles of the Legal Objectives of Gustav Radbruch

The implementation of animal husbandry regulations also needs to be analyzed using Gustav Radbruch's theory[78] of legal objectives which in the document is used to assess the relationship between justice, legal certainty, and utility[79]. From the perspective of legal certainty, the prohibition of keeping protected animals without permission provides relatively clear boundaries to the community[80]. The state stipulates that certain animals must be protected and maintenance cannot be carried out freely. However, legal certainty should not stand alone. If a rule results in the same sanctions against perpetrators with different levels of error, then the aspect of justice becomes problematic. Likewise, if the community does not know the procedure for obtaining permits or handing over animals, legal certainty becomes ineffective substantively[81].

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From a beneficial perspective, the goal of conservation law should not only be to punish humans who own animals, but to ensure that animals remain alive, protected, and able to provide ecological functions. If a person who has taken care of animals for many years is immediately punished without first being given a handover or coaching mechanism, then ecological goals are not necessarily optimally achieved. Therefore, justice, legal certainty, and benefits must be placed in a balanced manner. Criminalization of exploiters is a form of justice and protection of animals. On the other hand, coaching animal lovers who do not have commercial motives can also be a form of benefit because it encourages the community to participate in conservation.

5) Implementation from an Ecological Justice Perspective

The ecological justice perspective provides an additional dimension in assessing the implementation of the law. Animals are not only seen as objects of human possession, but as part of an ecosystem that has an ecological function. From this perspective, the maintenance of animals outside their habitat must be assessed based on their impact on population sustainability[82]. Maintenance aimed at trading or exploiting animals has a high risk to the sustainability of the population. On the other hand, rescue actions for injured animals can have different ecological consequences. Therefore, ecological justice does not mean giving freedom to the community to keep protected animals. Instead, this perspective demands that all maintenance activities be directed towards conservation goals. Thus, legal reform must build mechanisms so that people who own animals can be transferred to be part of the country's conservation system, not simply positioned as violators.

3.3 Reformulation of Regulations on Protected Animal Conservation Activities as an Effort to Reform the Law for Animal Lovers in the Context of Achieving Legal Goals

Regulatory reformulation is needed because changes through Law No. 32 of 2024 have not completely solved the problem of differentiation of acts. Article 40A does strengthen the protection of animals through increased criminal threats, but it has not adequately distinguished between unauthorized maintenance and acts of exploitation[83]. In fact, the absence of such a distinction has the potential to cause injustice because actions with different levels of error are placed in the same penal regime. Therefore, legal reform should not be directed at reducing the protection of animals. Instead, reformulation should strengthen protections by building a more targeted legal system. Traffickers and exploiters should be subject to heavier sanctions, while animal lovers who commit non-commercial offences should be given a legal mechanism that allows them to become part of the conservation system[84].

The first reformulation required is to normatively distinguish non-exploitative maintenance and exploitative maintenance. Non-exploitative maintenance can include caring for animals found to be injured, keeping animals obtained from families without knowing their protected status, or keeping animals without commercial or economic benefits. This category is still an offense if it is done without permission, but the level

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of offense is different. In contrast, exploitative maintenance is maintenance carried out for trade, commercial performance, tourism, reproduction for sale, or other forms of economic gain. This category must receive a heavier criminal response because it has a greater risk to the preservation of animals[85].

The differentiation can be applied by paying attention to at least five parameters: the motive of the perpetrator, the purpose of maintenance, the number and type of animals, whether or not there is an economic benefit, and the consequences for the preservation of animals. In addition, the sanction system needs to be arranged in stages. The first violation with a low error rate can be subject to administrative sanctions in the form of a reprimand, the obligation to report animals, the obligation to hand over animals to the BKSDA, coaching, or conservation training[86].

If the perpetrator continues to defend the animal after being given the opportunity to hand over or take care of legality, the sanctions can be increased. Similarly, if it is proven that the maintenance is carried out for commercial purposes, then criminal sanctions must be imposed. Such a model is more in accordance with the principle of proportionality. The law does not eliminate the unlawful nature of unauthorised maintenance activities, but it differentiates state responses based on the degree of error.

Within this framework, Article 40A needs to be reformulated so that the minimum penalty is not automatically applied to all forms of animal husbandry without a permit. Minimum penalties should be directed to categories of acts that have a high crime rate, such as trade, organized poaching, commercial exploitation, or acts that result in death and serious damage to animal populations.

The next reformulation is to build a voluntary surrender mechanism. People who realize that the animals they keep are protected animals must be given the opportunity to report and hand over animals to the BKSDA without being directly criminally charged, as long as there is no evidence of trafficking, exploitation, murder, or other criminal acts. This mechanism has two benefits[87]. First, increasing the number of animals that can be rescued and returned to the conservation system. Second, increasing public compliance because the law provides a rational outlet for people who previously did not understand the provisions. The mechanism is also in line with the recommendations in the research document which proposes that residents who unintentionally commit violations be given the opportunity to hand over animals to the authorities without being directly subjected to severe sanctions[88].

The reformulation also needs to be directed at the establishment of a licensing system that is simple, transparent, and accessible to the public. The state is not enough to just prohibit maintenance. The state needs to provide a legal mechanism for individuals or communities who have the ability and will to assist conservation. Animal lovers who meet certain requirements may be granted limited permission to carry out

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maintenance, rehabilitation, or breeding in the context of conservation. Requirements can include the ability to provide cages that meet animal welfare standards, health insurance, animal identity registration, prohibition on animal trading, reporting obligations, and periodic inspections by the BKSDA. Thus, the state does not lose control over protected animals, but instead acquires a community-based conservation network. Individuals who were previously outside the system can be integrated into the conservation system through permitting and oversight.

The next reformulation is the establishment of a national registry of protected animals that are maintained or rehabilitated by the party that obtained the permit. Each animal must have an identity, origin, legal status, and health record. The registration system can reduce illegal trade because the origin of animals can be traced. At the same time, people who have animals legally obtain legal certainty. Registration is also important to distinguish between animals from captivity, animals from rescue, animals from natural habitats, and animals obtained through other mechanisms. With this system, supervision is not only carried out on the owner but also on the life course of the animal.

BKSDA must be placed not only as a law enforcement agency, but also as a conservation service institution. BKSDA needs to provide consultations, animal status checks, reporting mechanisms, limited maintenance permits, rehabilitation, and voluntary surrender[89]. This approach is important because people often don't know what to do when they find protected animals. If the only option available is criminalization, the community can choose to hide the animals. On the other hand, if there are safe and clear reporting channels, people are more likely to hand over animals to the government[90].

The reformulation of the law must be directed to achieve the three goals of the law as emphasized in Gustav Radbruch's theory, namely justice, legal certainty, and utility. First, justice is achieved through differentiation of sanctions. Exploiters, trade, and poachers should be treated more harshly than animal lovers who commit administrative offenses without commercial motives. Second, legal certainty is achieved through clear norms regarding animal categories, permit procedures, reporting obligations, submission mechanisms, and classification of acts. The public must be able to easily know what is allowed and what is prohibited[91].

Third, benefits are achieved by ensuring that legal policies provide real results for conservation. The final goal is not only the number of people who are convicted, but the increase in the number of protected animals, the reduction of illegal trade, the increase in public awareness, and the maintenance of animal populations in nature. Thus, the success of conservation laws cannot be measured solely by the number of arrests or criminal convictions. Success must be measured by its impact on animal conservation and community compliance.

The principle of proportionality must be at the core of regulatory reform. Criminality must be proportionate to the level of the offense and the consequences of the act. First, administrative violations due to ignorance and the absence of commercial

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motives can be subject to coaching and the obligation to hand over animals. Second, unlicensed maintenance that is carried out consciously but not for profit may be subject to heavier administrative sanctions or minor penalties if the perpetrator does not comply with the order of the conservation authority[92]. Third, maintenance accompanied by trade or exploitation must be subject to criminal penalties. Fourth, poaching, killing, smuggling, and organized trade should be placed as the most severe category because they have a direct impact on populations and ecosystems. Such a structure reflects the application of mens rea and actus reus more comprehensively. It is not enough to simply prove that a person keeps animals; It must also be seen how animals are obtained, what are the purposes of maintenance, how animals are treated, whether there are economic benefits, and what are the consequences of these acts on conservation.

Legal reformulation must also consider the interests of animals and ecosystems. Therefore, the protection of animal lovers does not mean giving free ownership rights to protected animals. Animal lovers must be placed as potential conservation partners. The right to maintain can only be granted if the activity supports conservation objectives. Animals that cannot be returned to their habitat should receive proper care, while animals that are still possible for rehabilitation should be directed to release. Thus, the reformulation must place humans as managers and guardians, not as absolute owners of animals. This concept can bring together the interests of animal protection with the interests of animal lovers[93].

Based on the overall analysis, the regulatory reformulation model can be built in five layers. First, the classification layer of acts, which distinguishes between non-exploitative maintenance, unlicensed administrative maintenance, commercial maintenance, trade, poaching, and killing. Second, the layer of classification of perpetrators, namely distinguishing between animal lovers, people who do not know the status of animals, professional keepers, commercial actors, and organized trade actors. Third, the layer of legal response, namely coaching, reprimands, the obligation to hand over animals, administrative sanctions, minor crimes, and severe crimes. Fourth, the licensing layer, which provides limited maintenance, rehabilitation, and conservation breeding permits for communities that meet the requirements. Fifth, the layer of supervision, namely registration, reporting, inspection, animal health monitoring, and supervision of possible trade. The model will produce a legal system that is not only repressive but also preventive, educational, rehabilitative, and conservative[94].

The reform of the law for animal lovers is not intended to provide a broad exception to the prohibition on keeping protected animals. The reforms are directed to create a responsible legal space for communities that have the capacity and intention to help conservation. Animal lovers can be part of the solution if the state provides a clear legal channel. They can help with rehabilitation, breeding, community education, research, and animal preservation. However, all of these activities must be under state supervision. Thus, the reformulation must change the paradigm from "animal owners as potential offenders" to "communities as conservation partners that must be

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regulated and supervised". This paradigm still maintains the state's authority to sanction abuse, but provides space for the public to contribute legally. In the end, regulatory reformulation must be able to bring together three main interests, namely the interests of animal protection, the interests of the community, and the interests of law enforcement[95].

The importance of animal protection is realized through the prohibition of trade, poaching, killing, smuggling, and exploitation. The interests of the community are realized through clear permit procedures, voluntary surrender mechanisms, coaching, and proportionate treatment of animal lovers who do not have commercial motives. The importance of law enforcement is realized through a more measurable classification of violations and sanctions. Thus, the law does not lose its protective function, but instead becomes more effective because law enforcement resources can be focused on perpetrators with a high error rate. This approach can also increase the legitimacy of the law in society. That the existing cases show that the main problem is not just the existence of prohibitions, but the imbalance between prohibitions, licensing procedures, socialization, and the sanction system. Therefore, the reformulation must be carried out comprehensively, not just by raising the criminal threat.

That the regulation of protected animal conservation activities in Indonesia rests on the 1945 Constitution of the Republic of Indonesia, Law No. 5 of 1990 as amended through Law No. 32 of 2024, Government Regulation No. 7 of 1999, Government Regulation No. 8 of 1999, as well as regulations of the Minister of Environment and Forestry regarding the list of protected plant and animal species. The main provisions are contained in Article 21 paragraph (2) which prohibits the activities of storing, possessing, maintaining, transporting, and trading protected animals, while the criminal provisions are contained in Article 40 and Article 40A. However, the regulation still has weaknesses because it does not adequately distinguish between non-exploitative maintenance and exploitative acts[96].

In addition, the implementation of regulations still tends to use a penal approach to maintenance activities without permission. The cases of I Nyoman Sukena, Stevie Salimin, I Ketut Regen, the raising of baby orangutans in Karo, the raising of animals in Cikarang, and various court decisions show that people who keep animals without permission can be prosecuted based on criminal provisions even though the motive and level of guilt are different. Implementation issues are also influenced by limited socialization, access to information, and public understanding of licensing procedures. As a result, implementation has not fully reflected the principles of proportionality, justice, legal certainty, and usefulness[97].

And that regulatory reformulation is necessary by establishing a differentiation between non-exploitative maintenance and exploitative maintenance. The reformulation needs to include a tiered sanction system, a voluntary surrender mechanism, coaching for offenders with a low error rate, a licensing scheme for animal lovers who meet the requirements, animal registration, BKSDA supervision, and heavier penalties for trade, poaching, murder, smuggling, and commercial exploitation.

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This approach is more in line with the theory of mens rea and actus reus, the principle of proportionality, Gustav Radbruch's theory of legal objectives, and the perspective of ecological justice[98].

Thus, the renewal of the law does not mean weakening the protection of protected animals. Instead, the reforms are directed to make protection more effective and equitable. The law must be able to distinguish between people who keep animals out of ignorance or rescue purposes and people who deliberately capture, trade, and exploit animals for economic gain. As affirmed in the research paper, appropriate regulation should allow individuals and communities to contribute to the maintenance and breeding of animals for the benefit of conservation without losing the state's oversight function. In the end, the paradigm of legal reform offered is from a **"**prohibition and punishment" approach to "protection, regulation, education, conservation, and proportional punishment[99]**."** The state must still provide maximum protection for protected animals, but legal instruments must be able to distinguish violations based on motive, purpose, degree of error, and ecological impact. With this approach, well-meaning animal lovers are not solely positioned as objects of law enforcement, but can be integrated as responsible conservation partners. The reformulation can ultimately create a balance between legal certainty**,** because the community obtains clear rules and procedures; justice**,** because sanctions are adjusted to the level of offense; and utility**,** because the ultimate goal of the law is to ensure the preservation of animals and ecosystems. Thus, the renewal of regulations on the maintenance of protected animals is part of the reform of criminal law and conservation law that is oriented towards ecological protection as well as respect for the principle of justice in criminal justice[100].

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exploit animals for economic gain[102]. As affirmed in the research paper, appropriate regulation should allow individuals and communities to contribute to the maintenance and breeding of animals for the benefit of conservation without losing the state's oversight function. In the end, the paradigm of legal reform offered is from a "prohibition and punishment" approach to "protection, regulation, education, conservation, and proportional punishment[103]." The state must still provide maximum protection for protected animals, but legal instruments must be able to distinguish violations based on motive, purpose, degree of error, and ecological impact. With this approach, well-meaning animal lovers are not solely positioned as objects of law enforcement, but can be integrated as responsible conservation partners. The reformulation can ultimately create a balance between legal certainty, because the community obtains clear rules and procedures; justice, because sanctions are adjusted to the level of offense; and utility, because the ultimate goal of the law is to ensure the preservation of animals and ecosystems. Thus, the renewal of regulations on the maintenance of protected animals is part of the reform of criminal law and conservation law that is oriented towards ecological protection as well as respect for the principle of justice in criminal justice

4. Conclusion

Based on the results of the research, it can be concluded that regulations for the maintenance of protected animals in Indonesia basically have a strong legal basis through Law Number 5 of 1990 as amended by Law Number 32 of 2024, as well as various implementing regulations regarding conservation and types of protected animals. However, the construction of norms that still place the act of keeping, owning, capturing, transporting, trading, and exploiting animals in a relatively uniform prohibited space raises issues of fairness and proportionality. The amendment through Article 40A actually strengthens the repressive approach through the threat of a minimum penalty, without adequately distinguishing the motive, degree of error, purpose, and ecological impact of each act.

The implementation of regulations shows that the maintenance of animals without permission still tends to be resolved through a criminal approach, including against individuals who have good faith to save, care for, or defend animal life. This condition shows that there is a gap between *das sollen* and *das sein*, especially due to limited socialization, access to information, and licensing and reporting mechanisms that are easy for the public to understand. Therefore, conservation laws need to be directed not only to be repressive, but also preventive, educational, rehabilitative, and conservative.

Regulation reformulation needs to be carried out by distinguishing between the types of acts and perpetrators, applying proportionate sanctions based on *mens rea*, *actus reus*, conservation objectives, and ecological impacts, and building a mechanism for permitting limited maintenance, rehabilitation, and conservation captivity that is simple, transparent, and accessible. In addition, national registration, reporting obligations, periodic inspections, and voluntary submission mechanisms to the BKSDA

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are required. Thus, animal lovers can be placed as responsible conservation partners, not solely as potential lawbreakers. The reformulation is expected to be able to realize a balance between animal protection, legal certainty and justice for the community, and ecosystem sustainability.

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