

PERBANDINGAN SANKSI HUKUM TINDAK PIDANA PERDAGANGAN SATWA YANG DILINDUNGI ANTARA INDONESIA DAN AUSTRALIA

ABSTRAK

Perdagangan satwa yang dilindungi secara ilegal merupakan ancaman serius terhadap keanekaragaman hayati global, sehingga memerlukan pengaturan sanksi pidana yang tegas dan efektif di tingkat nasional. Skripsi ini bertujuan menganalisis pengaturan hukum terkait tindak pidana perdagangan satwa dilindungi di Indonesia dan Australia, serta membandingkan disparitas sanksi pidana berdasarkan regulasi masing-masing negara. Menggunakan pendekatan yuridis normatif dengan metode perbandingan hukum (*comparative law*), penelitian ini mengkaji Undang-Undang Nomor 5 Tahun 1990 tentang Konservasi Sumber Daya Alam Hayati dan Ekosistemnya serta Peraturan Pemerintah terkait di Indonesia dan Undang-Undang No. 32 Tahun 2024, dibandingkan dengan Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) beserta amendments di Australia. Hasil penelitian menunjukkan bahwa Indonesia mengatur delik perdagangan satwa melalui Pasal 40A UU Konservasi dengan ancaman pidana penjara maksimal 15 tahun dan denda Rp5 miliar, yang sering kali bersifat umum dan kurang spesifik terhadap spesies tertentu, sementara Australia menerapkan sanksi yang lebih berlapis melalui EPBC Act dengan pidana penjara maksimal hingga 10 tahun, denda mencapai 1000 *penalties unit*, termasuk penerapan *strict liability* yang ketat. Perbandingan substantif mengungkap bahwa Australia unggul dalam sanksi finansial progresif dan pertanggungjawaban korporasi, sedangkan Indonesia masih memerlukan reformasi untuk meningkatkan efektivitas penegakan hukum guna mendukung implementasi CITES. Kesimpulan penelitian merekomendasikan harmonisasi sanksi pidana Indonesia dengan standar Australia melalui revisi undang-undang dan penguatan koordinasi lintas lembaga.

Kata Kunci: Perbandingan satwa dilindungi, sanksi pidana, hukum Indonesia, hukum Australia, perbandingan hukum, CITES

A COMPARISON OF LEGAL SANCTIONS FOR THE CRIMINAL OFFENSE OF PROTECTED WILDLIFE TRAFFICKING BETWEEN INDONESIA AND AUSTRALIA

ABSTRACT

Illegal trade in protected wildlife poses a serious threat to global biodiversity, necessitating strict and effective criminal sanctions at the national level. This thesis aims to analyze the legal regulations concerning protected wildlife trade offenses in Indonesia and Australia, as well as to compare the disparities in criminal sanctions based on each country's regulations. Employing a normative juridical approach with a comparative law method, this study examines Indonesia's Law No. 5 of 1990 on Conservation of Living Natural Resources and Their Ecosystems along with related government regulations, compared to Australia's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and its amendments. The research findings indicate that Indonesia regulates wildlife trade offenses under Article 40 of the Conservation Law with a maximum penalty of 15 years imprisonment and a fine of IDR 5 billion, which is often general and lacks specificity for certain species. In contrast, Australia imposes more layered sanctions through the EPBC Act, including up to 10 years imprisonment, fines reaching 1000 *penalties unit*, along with strict liability enforcement. Substantive comparison reveals Australia's superiority in progressive financial penalties and corporate accountability, while Indonesia requires reforms to enhance law enforcement effectiveness in support of CITES implementation. The study concludes by recommending harmonization of Indonesian criminal sanctions with Australian standards through legislative revisions and strengthened inter-agency coordination.

Keywords: Protected wildlife trade, criminal sanctions, Indonesian law, Australian law, comparative law, CITES