



## Law Enforcement against the crime of Pounting and killing Sumatera elephants in Aceh province

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### Abstract

Law enforcement is a process of trying to enforce or function real legal norms as guidelines in society. The crime of hunting and killing elephants is regulated in Law Number 5 of 1990 concerning Conservation of Biological Resources and Ecosystems. The aim of this research is to find out and explain the causes of poaching of protected Sumatran elephants in Aceh Province and to find out and explain the efforts that can be taken to enforce the law on hunting Sumatran elephants in Aceh Province. This research is included in empirical juridical research or known as empirical law research, which is positive legal research regarding a symptom or behavior in society (behavior). Empirical juridical research is a type of research that analyzes and studies the operation of law in society. Based on the research results, it is known that the factors causing the crime of hunting protected Sumatran elephants are law enforcement factors that have not been maximized, economic factors and market demand factors. Efforts made to overcome the criminal act of poaching protected Sumatran elephants are preventive and repressive efforts. Preventive efforts are preventive efforts carried out before a criminal act occurs, in order to ensure that violations and actions that violate legal interests do not occur and handling is a efforts carried out by law enforcement agencies to resolve a criminal act.

**Keywords:** Sumatran elephant, law enforcement

### Introduction

According to data from The International Union for the Conservation of Nature (IUCN), the Sumatran elephant (*Elephas maximus sumatranus*) has the status of "Critically Endangered". The condition of the Sumatran elephant population in 2007 was identified as 2800-4800 individuals and the latest data in 2021 is that the remaining Sumatran elephant population is 924-1359 individuals. Based on this, in the last 2 decades the Sumatran elephant population has experienced a decline of 70 percent. Apart from that, the number of elephant groups has also decreased from 44 groups in 1985 to 22 elephant groups in 2021.

Aceh is one of the provinces that still has the highest population of Sumatran elephants in Sumatra. Based on the latest data, in 2020 the number of elephants in Aceh Province was identified as 539 individuals, or in other words, almost 40 percent of the elephants in Sumatra were in Aceh Province. The elephant population in Aceh is also far from safe, this is because in 2003 the number of elephants in Aceh reached 800 individuals or decreased by 261 individuals or 32 percent in 2020.

The condition of the Sumatran elephant population in Aceh is found in 6 habitat pockets, spread across 13 districts in Aceh Province (BKSDA Aceh 2020). The area of elephant habitat in Aceh Province is 1,879,390 hectares. The largest population of elephants is found in Aceh Jaya Regency with 78, North Aceh Regency 72, West Aceh Regency 70, East Aceh Regency 58, Pidie Regency 57, Pidie Jaya Regency 40, Bireuen Regency 39, Aceh Regency South 34, Bener Meriah Regency 32, Subulussalam City 21, Central Aceh 15, Aceh Besar 14 while the lowest elephant population is found in Southeast Aceh with a population of nine.

The main threat to the sustainability of Sumatran elephants is the loss of their habitat due to unsustainable logging activities, hunting and illegal trade as well as the conversion

of natural forests for plantations on a large scale. This causes conflict between elephants and humans to increase.

Various efforts have been made by the Aceh Natural Resources Conservation Center (BKSDA) as the Technical Implementation Unit (UPT) of the Ministry of Environment and Forestry to preserve the elephant population, including by installing radio collars to make it easier to monitor elephant movements and collaborating with the Aceh Government and Regional Government. by establishing a Conservation Response Unit (CRU) in areas prone to elephant conflict.

The high level of conflict over protected wildlife is due to low public knowledge and low law enforcement efforts, where the low level of punishment for perpetrators of protected wildlife crimes has an impact on the perpetrators' lack of deterrence. Illegal and excessive hunting of wild animals can result in changes to the wild animal food chain cycle. This condition encourages wild animals to look for other areas to meet their food needs. Hunting for wild boar, antelope and deer, for example, encourages predatory animals such as tigers to look for other areas to meet their food needs. For tigers, human livestock which are relatively easy to catch (compared to deer or forest goats), is seen as an opportunity to get food. That's why predatory animals enter livestock and residential areas, this is where the conflict between animals and humans begins.

This also triggers the killing of elephants by poisoning and capturing them. With elephant decline continuing to increase, saving remaining elephant habitats and connections between Sumatran elephant habitats must be a top priority. Illegal trade in endangered species poses a serious threat to the preservation of endangered species in Indonesia. Animals traded are caught from nature, not from captivity. Protected wild animal species will be threatened with extinction if hunting and trade continues.

Based on field data collection by the Leuser Conservation Forum (FKL), from January to December 2017 which was also presented at a press conference by the Aceh Natural Forest and Environment Foundation (HakA) in Banda Aceh on January 15 2018, it was concluded that there was a significant increase in poaching cases Protected wildlife in the Leuser Ecosystem Area (KEL) reached 729 cases of poaching and 814 snares for porcupines, deer, deer, bears, tigers and elephants which were successfully confiscated and destroyed.

### Research Method

Judging from its type, this research is included in empirical juridical research or known as empirical law research, which is positive legal research regarding a symptom or behavior in social interactions (behavior) (Asriwijayanti & Lilik sofian Ahmad: 2021). Empirical juridical research is a type of research that analyzes and studies the operation of law in society. Empirical juridical research is also field research by examining existing legal regulations and then combining them with data and behavior that occurs in society (Mukti Fajar ND, Yulianto Ahmad, 2010).

### Discussion

#### 1. Causes of Poaching of Protected Sumatran Elephants in Aceh Province

The hunting and killing of Sumatran Elephants that occurs in Aceh Province is very worrying and poses a serious threat to the preservation of endangered animals in Indonesia, especially Aceh Province, which incidentally has 4 charismatic animals, namely the Sumatran Elephant, Sumatran Tiger, Rhino and Sumatran Orangutan. Due to illegal hunting, the number of protected endangered animals is currently decreasing and even tends to become extinct. This must be a common concern so that these rare animals can remain alive and be passed on to the next generation as a natural wealth available in Indonesia.

The rise in cases of illegal hunting and killings carried out by the public and irresponsible parties of protected animals, especially the Sumatran Elephant, means that the population of this large mammal is decreasing over time, in fact the population of the Sumatran Elephant is shrinking faster than the rate of forest loss (Elsa Shafira Sharief, Syamsul Bahri: 2023).

From Aceh BKSDA data from 2015 to October 2022, there have been 10 cases of Sumatran elephant deaths. With details in 2015 there was 1 case, in 2017 there was 1 case, in 2018 there were 4 cases, in 2022 there was 1 case, in 2021 there were 2 cases and up to September 2022 there was 1 case. Gampong Jambo Reuhah, Banda Alam District, East Aceh Regency, 1 adult male elephant died with its tusks missing. On July 17 2017, a dead elephant carcass was found by residents in the community garden, Payalah Hamlet, Karang Ampar Village, Ketol District, Central Aceh Regency. The elephant was shot by an elephant ivory trading syndicate, when the elephant was found it was estimated to be 40 years old, in a decomposed condition.

His death was estimated to have been more than three weeks old. When he was found, the elephant's tusks were missing, the head was split (allegedly split in an attempt to take the ivory) and there was a hole like a gunshot in the skull. The latest case is the death of a Sumatran elephant due to an electric snare in Bun-Bun Indah Village, Leuser District, Southeast Aceh Regency on Tuesday, May 10 2022.

Elephants are large mammals and there are 2 species of elephants, namely the African elephant (*Loxodonta africana*) and the Asian elephant (*Elephas maximus*). Asian elephants are found in Indonesia, namely in Kalimantan and Sumatra respectively. The Asian elephants in Sumatra (*Elephas maximus sumatranus*) are spread from Aceh Province to Lampung Province. Elephants are considered a key species, this is because elephants have an important role in maintaining forest sustainability and the entire balance of the ecosystem.

Elephants are herbivorous animals that can eat up to 300 kg per day. With elephants consuming a lot of food, elephants will defecate up to 18 times per day. The leftover food and elephant droppings will help spread seeds that will grow into new trees in the forest.

The Aceh Forest area is the main contributor to the elephant population in Sumatra. the population is still significant, overall Sumatran elephants in Aceh province number 507 - 601 individuals. This group of elephants is spread across several habitat pockets such as in Seulawah - Jantho - Kemala - Tangse, Mane - Geumpang - Pameu - Balang Raweu - Halimun (Aceh Besar - Pidie) numbering 75 - 100 individuals, the Peusangan - Peudada (Bireuen) habitat pocket numbering 40 - 50 individuals, the Geureudong - Paya Bakong - Alue Buloh - Cot Girek (North Aceh) habitat pocket numbering 65 - 85 individuals, the Jambo Aye-Stepangan - Samarkilang habitat pocket - Pinding-Kappi (North Aceh, East Aceh and Gayo Lues) numbering 150 - 155 individuals, Kluet- Trumon- Bengkung-Subulussalam- Sultan Daulat- Serakung habitat pocket (South Aceh and Subulussalam) numbering 54 - 60 individuals, Lamno- habitat pocket Krueng Sabe-Teunom (Aceh Jaya) with a number of 65 - 80 individuals, Woyla Habitat Pocket- Sungai Emas, Beutong-pante Cermin-Sikundo (West Aceh) with a number of 58 - 71 individuals. Hunting and killing of Sumatran elephants is increasingly common in the forest areas of Aceh Province. Various motives for killing animals that are protected by law are carried out primarily with the intention of controlling expensive ivory on the black market, either because of the high price of ivory or because the elephants are destroying palm oil plantations belonging to the community or palm oil companies. This is increasingly believed because there are many animal carcasses. found dead in an oil palm plantation area. The habitat of elephants in forest areas has begun to be disturbed, then a lot of elephant food is planted in elephant paths, so the elephants come down to look for food, such as palm trees, rubber and bananas.

In an effort to protect endangered species in Indonesia, the government has formulated and issued Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Their Exosystems. The provisions of this law strictly prohibit the practice of hunting, owning and trading endangered animals. The prohibition on hunting, ownership and trade in endangered species as regulated in Article 21 paragraph (2) of Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Their Exosystems (hereinafter referred to as Law No. 5/1990 concerning KSDAE), explains that everyone forbidden:

- a. capture, injure, kill, store, possess, raise, transport and trade protected animals alive;
- b. store, own, maintain, transport and trade in dead protected animals;

- c. removing protected animals from one place in Indonesia to another place inside or outside Indonesia;
- d. trade, store or possess the skin, body or other parts of protected animals or goods made from these parts or remove them from one place in Indonesia to another place inside or outside Indonesia;
- e. take, damage, destroy, trade, store or possess eggs and/or nests of protected animals.

Article 40 paragraph (2) of Law No. 5/1990 concerning KSDAE, determines as follows: Anyone who intentionally violates the provisions as intended in Article 21 paragraph (1) and paragraph (2) and Article 33 paragraph (3) shall be punished with a maximum prison sentence of 5 years and a maximum fine of IDR 100,000,000 (one hundred million rupiah). Based on the formulation of Article 21 paragraph (2) in conjunction with Article 40 paragraph (2) of Law No. 5/1990 concerning KSDAE, the act of hunting, owning and trading endangered species is included in the category of criminal acts or criminal acts, which are threatened with criminal sanctions.

The Aceh government has issued regulations regarding the protection of protected animals, namely Qanun Number 11 of 2019 concerning Wild Animal Management, determining several prohibited acts related to wild animal management, which include:

- a. catching, injuring, trapping, poisoning, killing, possessing, keeping, transporting and/or trading protected wild animals alive;
- b. storing, possessing, transporting and trading in dead Wild Animals or body parts of protected Wild Animals;
- c. removing protected wild animals from one place in Aceh to another place inside or outside Indonesia;
- d. trade in part and/or the entire body of protected Wild Animals; And;
- e. store, possess, and/or trade objects made from skin, bodies, eggs or other parts of protected Wild Animals.

The legal substance governing the protection of wild animals in Qanun Number 11 of 2019 concerning Wild Animal Management is not far from the provisions regulated in Law No. 5/1990 concerning KSDAE. In other words, most of the substance of Qanun Number 11 of 2019 only reduces the provisions regulated in Law No. 5/1990 concerning KSDAE.

In Aceh Province, cases of hunting, killing and trafficking of protected species of Sumatran Elephants still frequently occur in Aceh Jaya Regency, Pidie Regency, East Aceh Regency and Kutacane. Furthermore, on January 1 2020, 5 individual skeletons of dead Sumatran elephants were found in Tuwi Priya village, Aceh district, from the results of the crime scene investigation by the Aceh BKSDA and Aceh Jaya Police investigators, it was found that there was evidence of a criminal act of killing Sumatran elephants and part of the elephant's body in the form of caling, sold by the perpetrator, the Panel of Judges at the Calang District Court decided M. Noor. B alias Pak Nur Bin Alm. Bardan and the defendant Isdul Farsi Bin Zulkifli were sentenced to 1 (one) year and 10 (ten) months in prison and a fine of Rp. 50,000,000 (fifty million rupiah) with the provision that if the fine is not paid it will be replaced by imprisonment for 2 (two) months. Sentencing the defendant Sudirman bin Abdullah in the form of imprisonment for 3 (three) years and 4 (four) months and a fine amount of Rp. 50,000,000 (fifty million rupiah) with the provision that if the fine is not

paid, it will be replaced by imprisonment for 2 (two) months.

On September 9 2020, 1 (one) dead Sumatran elephant was found in a resident's garden in Tuha Lala Village, Mila District, Pidie Regency. The results of an investigation by the BKSDA together with the Pidie Police found that there was a criminal act related to the elephant's death, the decision of the panel of judges at the Sigli District Court sentenced the defendant Bustami bin Tgk. A. Rahman in the form of a prison sentence of 6 (six) months and a fine of Rp. 3,000,000 (three million rupiah), provided that if the fine is not paid it will be replaced by 2 (two) months imprisonment.

On July 12 2021, 1 (one) male elephant was found without a head in Jambo Reuhat Village, Banda Alam District, East Aceh Regency, the results of the BKSDA investigation together with East Aceh Police Criminal Investigation Investigators found that there was no crime of poaching and killing in the death of the elephant. because the head and tusks were missing. The Idi Rayeuk Court Panel sentenced the perpetrator Jainal, the elephant killer, to prison for 3 (three) years and six months and a fine of IDR 50,000,000 (fifty million rupiah) with the provision that if the fine is not paid, it will be replaced by three months' imprisonment. Next, the Panel of Judges read out the verdict for Edy Murdani, a sentence of 3 (three) years and 6 (six) months in prison and a fine of IDR 50,000,000 (fifty million rupiah) subsidiary to three months in prison. Meanwhile, Rinaldi Antonius, Soni and Jefri Zulkarnaen were sentenced to 3 (three) years in prison and a fine of IDR 100 million, subsidiary to six months in prison. This sentence is actually lower than the previous demands of the Public Prosecutor (JPU), in the trial on Wednesday, November 24 2021, which demanded that the five defendants receive 4 (four) years and 6 (six) months in prison and a fine of IDR 100,000,000 (one hundred million rupiah) (Junaidi Hanafiah, Mongabay: 2010).

One of the consequences of Indonesia as a country of law is the existence of law enforcement efforts for every legal violation that occurs in the order of social and state life, in order to create security and order in society. Law enforcement is one of the characteristics of a rule of law state (B. Hestu Cipto Handoyo, 2010).

The Sumatran elephant is one of the protected mammals in Indonesia. Based on the explanation of Article 21 paragraph (2) letter a of Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Ecosystems, it is stated that "everyone is prohibited from capturing, injuring, killing, keeping, possessing, maintaining, transporting and trading in animals that protected while alive. Based on Article 40 paragraph (2) of Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Ecosystems, it states that "whoever intentionally violates the provisions as intended in Article 21 paragraph (1) and paragraph (2) and Article 33 paragraph (3) is punishable by a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah).

The government, through the Natural Resources Conservation Center, formed an Elephant Conservation Unit or Conservation Response Unit (CRU) to protect and prevent the extinction of the Sumatran Elephant. In fact, to date, hunting of Sumatran elephants still occurs in Aceh Province, especially in East Aceh Regency. The Aceh Province Natural Resources Conservation Center stated that

throughout 2022 there will still be cases of elephants dying as a result of illegal hunting where the elephants die by being killed.

There are many factors that cause the poaching of protected Sumatran elephants, namely due to inadequate law enforcement, market demand factors and economic factors. WWF Aceh is of the opinion that the law enforcement factor is not yet optimal, weak law enforcement, as currently experienced in cases brought to court, the verdicts against the perpetrators are still too low, and weak law enforcement is also a factor in which the deterrent effect against the perpetrators also does not appear. Cases of criminal acts against elephants, namely protected wild animals, in legal decisions never give authority for conservation efforts, in decisions taken legal decisions never give perpetrators of crimes against protected animals a deterrent effect, examples of cases brought to court, the verdicts are too low, which Usually the perpetrator is charged in accordance with the applicable provisions with a prison sentence of 5 years, some are sentenced to 3 months to 10 months. Such as in the areas of Aceh Jaya, Melaboh, and others. Weak law enforcement also means that its deterrent effect does not appear (Dede Suhendra: 2020).

Lack of public knowledge about the importance of natural resources for human life is also a factor in the poaching of wild Sumatran elephants. In this case, the community considers that the hunting they do does not affect biological natural resources and ecosystems.

General losses in Aceh Province have occurred due to conflict, namely damage to residents' housing, plantations, crop land and predation by protected animals. On the other hand, conflict between elephants and humans occurs because the government ignores the existence of elephants as part of the ecosystem which influences human activities and this is made worse by increasing illegal activities around forest areas. In these conflict conditions it can be detrimental to all parties in the conflict. The conflict that occurred resulted in negative human attitudes towards the Sumatran elephant, resulting in a lack of human appreciation for protected animals and resulting in effects that could disrupt conservation efforts.

The role of family and community is also very important in reducing poaching of protected animals which is still rampant, but in reality people still don't care about it, in fact people are wary of joining in hunting for protected animals if people know the selling value of wild animal body parts. which has become the object of hunting, because until now the community has begun to obstruct the investigation process into the perpetrators of the hunt. In more detail, the poaching and killing of Sumatran elephants in Aceh Province is due to the weakness of several factors in law enforcement against these animals. The factors consist of the following:

#### A. Legal Factor

These legal factors have the meaning of legislation that contains and regulates law enforcement against perpetrators who commit crimes against the Sumatran elephant. In Article 21 paragraph (1) Every person is prohibited from taking, cutting down, possessing, damaging, destroying, maintaining, transporting and trading in protected plants or their parts whether alive or dead. Furthermore, Article 21 paragraph (2) stipulates that every person is prohibited from

- a. catching, injuring, killing, keeping, possessing, raising, transporting and trading protected animals alive.
- b. store, own, maintain, transport and trade in dead protected animals;
- c. removing protected animals from one place in Indonesia to another place inside or outside Indonesia;
- d. trade, store or possess the skin, body or other parts of protected animals or goods made from these parts or remove them from one place in Indonesia to another place inside or outside Indonesia;
- e. take, damage, destroy, trade, store or possess eggs and/or nests of protected animals.

Article 40 paragraph (2) states that "Any person who intentionally violates the provisions as intended in Article 21 paragraph (1) and paragraph (2) and Article 33 paragraph (3) shall be punished by imprisonment for a maximum of 5 (five) years and a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah)". If the death of the Sumatran Elephant is caused by negligence then Article 40 paragraph (4) states "Any person who, through negligence, violates the provisions as intended in Article 21 paragraph (1) and paragraph (2) and Article 33 paragraph (3) shall be punished with a criminal maximum imprisonment of 1 (one) year and a maximum fine of Rp. 50,000,000.00 (fifty million rupiah)". Based on research into cases of killing and poaching of Sumatran elephants, this article contains provisions that are less effective, apart from the criminal threat of only 5 years and a fine of Rp. 100,000,000.00 (one hundred million rupiah) considering that the price of elephant ivory is Rp. 300,000,000.00 (three hundred million rupiah).

The next legal factor is regional regulations which still seem ambiguous regarding the regulation of Sumatran elephant wildlife. In Article 32 of Aceh Qanun Number 11 of 2019 concerning Wild Animal Management it is stated that "in the framework of protecting Wild Animal Habitat, every person is prohibited from":

- a. disturbing and destroying wildlife habitat;
- b. carry out activities that can damage and/or threaten germplasm;
- c. using and installing snares made from types of materials that can threaten protected wild animals;
- d. placing poisons, and/or materials that endanger the lives of protected Outdoor Animals;
- e. carry out activities and/or businesses that have the potential to cause ecological damage to corridors and/or Wildlife Habitats; And
- f. pollute water sources and/or food sources in Wildlife Habitats; And;
- g. violates local rules/local wisdom regarding Habitat and/or Wild Animals.

Regarding the above article, the provisions are regulated in Article 37 paragraph (1) which reads "every person who intentionally violates the provisions as intended in Article 31 and Article 32 shall be punished in accordance with the provisions of the statutory regulations". However, this provision does not explicitly refer to which regulations. Therefore, it is necessary to impose strict sanctions on hunters of protected wild animals, especially the Sumatran Elephant, in the form of a Qanun. As an example of the lack of effectiveness of sanctions given to perpetrators of crimes against Sumatran elephants, it can be seen in the table below:

**Table 1:** Data on TSL Case Handling in the Aceh BKSDA Working Area

No.	Criminal offense	Crime scene	Law decision	Year
1	Case of Murder with Firearms and Theft of Ivory of a Sumatran Elephant ( <i>Elephas maximus sumatranus</i> )	At the Dusun Payalah, Desa Karang Ampar, Kecamatan Ketol, Aceh Tengah	2 years 4 months in prison and a fine of Rp. 100,000,000;	2017
2	Case of Killing and Stealing the Ivory of an Elephant ( <i>Elephas maximus sumatranus</i> ) named Bunta	At the CRU Serbajadi, Desa Bunin, Kecamatan Serbajadi, Aceh Timur	4 years in prison and a fine of Rp. 100,000,000;	2018
3	Case of killing of Sumatran elephant ( <i>Elephas maximus sumatranus</i> ) with its head cut off	At the Perkebunan PT. Bumi Flora Afdeling V Desa Jambo Reuhad Kecamatan Banda Alam Kabupaten Aceh Timur	3 (three) years 6 (six) months and a fine of Rp. 50,000,000,- (fifty million rupiah)	2021
4	Cases of poaching of protected animals, namely the Sumatran elephant ( <i>Elephas maximus sumatranus</i> )	On Aceh Timur	3 (three) years 6 (six) months imprisonment and a fine of Rp. 50,000,000 (fifty million rupiah)	2021
5	Cases of trade in body parts of Sumatran elephants ( <i>Elephas maximus sumatranus</i> ) and tigers ( <i>Panthera pardus</i> )	At the Aceh Timur	3 (three) years imprisonment and a fine of Rp. 100,000,000,- (one hundred million rupiah)	2021
6	Case of Killing 5 Sumatran Elephants ( <i>Elephas maximus sumatranus</i> ) using electric wire snares	At the Desa Tuwi Peuriya Kec. Pasie Kab. Aceh Jaya	3 (three) years 4 (four) months imprisonment and a fine of IDR 50,000,000 (fifty million rupiah) 2 (two) years 4 (four) months imprisonment and a fine of IDR 50,000,000 (fifty million rupiah) III – IX 10 (ten) months imprisonment and a fine of IDR 50,000,000 (fifty million rupiah)	2021
7	The case of the death of a Sumatran elephant ( <i>Elephas maximus sumatranus</i> ) due to an electric trap	At the Kebun Masyarakat Desa Bun-Bun Indah Kecamatan Leuser Kabupaten Aceh Tenggara	2 (two) years imprisonment, a fine of Rp. 100,000,000,- (one hundred million rupiah) 1 month water subsidy II and III were not proven to have violated the KSDAE Law	2022

Based on this table, it is known that none of the perpetrators of wildlife crimes against Sumatran elephants have been sentenced to the maximum sentence. For your information, on average, judges give the harshest punishment, namely three years in prison and a fine of IDR 50,000,000 - IDR 100,000,000. This indicates that law enforcement against perpetrators of Sumatran elephant poaching still seems half-hearted.

**A. Law Enforcement**

The law enforcement factors in question are the parties who form and implement the law. Law enforcement is likened to the starting point, so that if law enforcement officials behave or act professionally and proportionally, it will have an impact on the law enforcement process. The number of investigative personnel and forest police is still not appropriate to the size of Aceh Province so they cannot optimally carry out their duties, both for patrolling areas prone to violations, and for the law enforcement process up to the court level.

The number of personnel is inadequate to handle many cases of violations according to Law no. 5 of 1990 concerning Conservation of Biological Natural Resources and Ecosystems in Aceh Province. including trading in protected plants and animals, so there are several cases that have not been revealed and processed, but law enforcement officials are trying to continue to act professionally and optimally to continue hunting down the perpetrators so that they can be held accountable if they commit violations according to Law no. 5 of 1990 concerning Conservation of Biological Natural Resources and Ecosystems in Aceh Province, despite the condition of the number of existing personnel. This can be seen in the table above for all cases that were revealed in accordance with applicable legal

provisions, so it is hoped that it will have a deterrent effect on the perpetrators.

Law enforcement is an important factor in efforts to tackle poaching of Sumatran elephants in Aceh Province. Judges as law enforcers have the authority to determine state losses. The Sumatran elephant is a protected endemic animal which is a state asset. Poaching elephants is a criminal act that is detrimental to state assets. The determination is carried out using two approaches, namely through "the value of state losses" and "additional penalties for returning state losses (R. Bayu Ferdian, Mohd. Din, M.Gaussyah: 2018) [18].

**B. Factor Facilities and Infrastructure or Facilities that Support Law Enforcement**

Facilities and infrastructure also really support law enforcement, aimed at the Aceh BKSDA office, without adequate facilities and infrastructure it is impossible for law enforcement to run well and smoothly. These facilities and infrastructure can be interpreted as a driving force for the implementation of laws and regulations. These facilities and infrastructure include the number of personnel, as well as skills, education, good organization, adequate equipment, sufficient finances/funds to carry out law enforcement. If this is not fulfilled, it will be difficult for law enforcement to achieve its goal, namely carrying out law enforcement against violations of Article 21 of Law no. 5 of 1990 concerning Conservation of Biological Natural Resources and Ecosystems in Aceh Province.

One of the means of investigating criminal acts of poaching Sumatran elephants is the Primary Test, which is a laboratory test to determine the cause of elephant death. The chemical equipment used as tools and facilities in this Primary Test is Clinical Chemistry Test System equipment, Clinical Laboratory Equipment and Clinical Toxicology

Test System. It is known that currently Aceh Province does not have this tool. So samples that become evidence in the criminal act of poaching Sumatran elephants must be sent out of the area, namely North Sumatra.

### C. Society Factor

Community factors are also important factors for law enforcement, these community factors are supporters where the law applies, in this case the Law.

No. 5 of 1990 concerning Conservation of Biological Natural Resources and Ecosystems which is enforced as a manifestation of the orders and will of the state as a legal state. In relation to this law, for example, look at whether the public is aware of these provisions, whether the public complies with them, because for example, especially Article 21 of Law no. 5 of 1990 concerning Conservation of Biological Natural Resources and Ecosystems in Aceh Province, where one of the provisions prohibits people from trading in protected plants and animals, some people still think that this is not a violation of legal provisions, relating to law enforcement if people violate Article 21 Law no. 5 of 1990 concerning Conservation of Natural Resources and Ecosystems, must still be processed under criminal law.

### D. Culture Factor

In relation to law, the aim is to harmonize the relationship between the government and the population in a sovereign state territory, develop and promote a harmonious national culture so that the life of the nation and society is harmonious and prosperous. Cultural factors are the results of work, creativity and feelings that are based on human feelings in social life. Cultural factors related to law enforcement are carried out by changing the habits of the community, including trading in protected plants and animals, including hunting protected animals for the reason of keeping them as pets or as collectors of wild animals.

## 2. Efforts that can be taken to enforce the law on hunting Sumatran elephants in Aceh Province.

Various actions have been taken by Law Enforcement Officials who are involved in enforcing the law against the Sumatran Elephant, one of which is by carrying out preventive and repressive efforts to prevent criminal acts of poaching of protected wild animals from becoming more widespread, so the Aceh Regional Police, often carry out outreach about hunting for protected wild animals.

Law enforcement has a deterrent effect on perpetrators of the crime of poaching and killing elephants so The perpetrators do not repeat their actions and have a shaking effect on other parties who have the intention to kill Sumatran elephants. Next, the author also wants to examine the factors that become obstacles in the implementation of the law. Number 5 of 1990 concerning Conservation of Natural Resources and their Ecosystems against the provisions as intended in Article 21 paragraph (1) and paragraph (2) and Article 33 paragraph (3) shall be punished with imprisonment for a maximum of 5 years and a fine of a maximum of Rp. 100,000,000 (one hundred million rupiah) and the author wants to find an ideal concept regarding efforts to protect Sumatran elephants in Aceh Province so that cases of hunting and killing of elephants in Aceh Province can be overcome.

In terms of Preventive Efforts, the Police have provided legal education regarding the sanctions or criminal threats

that will be received by perpetrators of criminal acts of poaching protected wild animals if they are caught by the police. The counseling carried out by the Aceh Regional Police aims to increase public awareness of the law in order to realize legal effectiveness in society.

Carrying out raids to overcome wildlife poaching activities that often occur. These raids should be carried out regularly, but considering the limited operational costs for carrying out routine patrols, they are still minimal, so the patrols carried out are still felt to be less than optimal. Strict action is taken by providing strict sanctions and carrying out processes according to the applicable penalties for perpetrators who are caught red-handed, so that it becomes a lesson for other people not to commit criminal acts of poaching.

Providing outreach to the public not to be afraid to report to the police if they learn that a crime has occurred. This is because there are still people who are afraid to report criminal acts to the police, which will slow down the performance of the police in handling criminal cases.

One of the repressive efforts taken or carried out by the police is law enforcement. This copying is also carried out by preventing and minimizing violative actions against irresponsible perpetrators, so the Aceh Regional Police have carried out alignment with the Police and the parties. In order to safeguard and minimize unlawful behavior committed by law enforcement officers, the Aceh Regional Police coordinates with the parties regarding reporting of unlawful acts that have been carried out by irresponsible individuals.

If the suspect has succeeded in eliminating traces of the police pursuit, the follow-up action taken is by visiting and seeking information from the suspect's close relatives and collecting evidence. If the evidence is deemed sufficient, then law enforcement officials will carry out a DPO (wanted person list) labeling process, which is a minlik (investigation administration) process written in the investigation procedure, with the presence of suspects related to the case, often associated with the practice of a punishment. The enforcement of DPOs by investigators and investigators must be carried out against individuals or groups of people who are indicated in a criminal act that has been committed but were not detected (lost any trace of their whereabouts) during the investigation and/or investigation process.

This incident often creates or creates problems in the law enforcement process. Investigators and Investigators often create differences in understanding among suspects and/or defendants as well as legal advisors with investigators or investigating parties as parties who have authority as regulated in the Criminal Procedure Code.

Other efforts that can be taken to tackle the crime of poaching protected wild animals include penal and non-penal measures. Penal measures are efforts carried out with the aim of punishing the perpetrator as severely as possible, so that the perpetrator does not repeat his actions and creates fear in the community so that they do not do the same thing. Meanwhile, non-penal efforts, namely preventive efforts, are carried out with various approaches in society, such as religious approaches, social security, maximizing the function of law enforcement, medical approaches and the participation of the community itself. This effort is aimed at increasing public awareness to stop and reduce prohibited acts against protected Sumatran Elephant wild animals in Aceh Province.

## Conclusion

1. The factors that cause criminal acts of poaching of protected Sumatran Elephants are law enforcement factors that have not been maximized, Law Enforcement Officials who do not have sufficient skills and competence in knowledge about wild animals, especially Sumatran Elephants, inadequate facilities and infrastructure factors, community factors that still consider wild animals to be pests to their crops, and cultural factors.
2. Efforts made to overcome the criminal act of poaching protected Sumatran elephants are preventive and repressive efforts. Preventive efforts are preventive efforts carried out before a criminal act occurs, in order to ensure that violations and actions that violate legal and legal interests do not occur. is an effort carried out by law enforcement to resolve a criminal act. As well as through penal and non-penal measures, namely efforts carried out with the aim of punishing the perpetrator as severely as possible, so that the perpetrator does not repeat his actions and gives fear to other people not to do the same thing.

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