

Rethinking Institutionalized Impunity Through Wildlife Trafficking Case in Indonesia

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Abstract

Impunity in Indonesia has often been examined through its physical expressions like State violence. This study broaden the concept of impunity as a structural condition that produces non-physical harm, such as the degradation of ecosystems and the erosion of community life. Using a conceptual, historical–legal, and case approach, this normative research traces how institutionalized impunity within the security apparatus (TNI and Polri) shapes environmental law enforcement and enables state actors' involvement in illegal wildlife trafficking (IWT). Through the 2024 Asahan pangolin-scales case, where military and police personnel received lenient or delayed prosecution compared to civilian defendants, the paper exposes the mechanisms through which impunity distorts justice and accelerates environmental destruction. By reconstructing ecological and social transformations before and after wildlife extraction, the study shows how IWT undermines local ecological balance, alters community livelihoods, and entrenches asymmetrical power relations. Drawing on John H. Knox's framework on the human right to a clean, healthy, and sustainable environment, Paul Gordon Lauren's critique of sovereignty as a barrier to accountability, and Lawrence M. Friedman's theory to evaluate the defective legal enforcement, this paper argues that impunity-driven environmental degradation constitutes a violation of human rights. It situates this argument within Indonesia's legal and historical context, bridging environmental law, human rights theory, and state accountability. The analysis demonstrates that environmental harm, when enabled by institutional impunity, is not merely ecological damage but a juridical failure that endangers fundamental rights and the moral legitimacy of law itself.

Keywords: *Impunity, illegal wildlife trade, human rights*

Introduction

With its extraordinary biodiversity, Indonesia faces a major challenge in illegal wildlife trafficking (IWT). Despite the fact that IWT threatens species survival, spreads invasive animals and diseases, and damages ecosystem functions,¹ its growth has not slowed. While driven by profit for sellers,² most buyers of illegal wildlife act out of temporary motives to keep animals as

¹ Claudia Baez Camargo and Gayle Burgess, *Behavioural Drivers of Corruption Facilitating Illegal Wildlife Trade: Problem Analysis and State of the Field Review*, Working Paper 39 (Basel: Basel Institute on Governance, 2022), 33, <https://baselgovernance.org/sites/default/files/2022-05/WP39%20SNBC.pdf>

² Andreas Schloenhardt and Gian Ege, *Wildlife Trafficking: Criminological, International and Criminal Law Perspectives* (2020): 2, <https://doi.org/10.25365/phaidra.187>.

pets, collecting them, displaying them, or using them as food, medicine, or decoration.³ In reality, IWT sacrifices something much greater: the sustainability and balance of nature itself.⁴

Under international law, Indonesia has ratified CITES.⁵ According to CITES, each member state determines its own sanctions for violations, including the form (criminal, civil, or administrative) and duration.⁶ At the national level, Law No. 32 of 2024, which amends Law No. 5 of 1990 on the Conservation of Biological Resources and Their Ecosystems ("Law 32/2024"), already provides comprehensive penalties, including a minimum sentence of three years.⁷ The legal framework, therefore, is not the main issue. However, IWT crimes are structured, systematic, and large-scale because they are part of organized crime.⁸ They have also become harder to trace due to the use of social media, which helps perpetrators hide their identities.⁹

Another barrier to law enforcement is the involvement of state officials themselves in the trafficking of protected wildlife.¹⁰ The main issue lies in enforcement failures, including corruption through bribes to police, customs officers, or forest rangers to ignore illegal shipments or leak patrol routes and animal habitats.¹¹ This shows that IWT is deeply tied to impunity and a tradition of power abuse within state institutions.¹² In other words, the persistence of IWT equals

³ B. R. Scheffers, B. F. Oliveira, I. Lamb, and D. P. Edwards, "Global Wildlife Trade across the Tree of Life," *Science* 366 (2019): 71–76, <https://doi.org/10.1126/science.aav5327>

⁴ Pedro Cardoso et al., "Scientists' Warning to Humanity on Illegal or Unsustainable Wildlife Trade," *Biological Conservation* 263 (2021):, <https://doi.org/10.1016/j.biocon.2021.109341>

⁵ Keputusan Presiden (Keppres) Nomor 43 Tahun 1978 yang Mengesahkan *Convention on International Trade in Endangered Species of Wild Fauna and Flora*.

⁶ Eryan, Adrianus (2024) "Review on Illegal Wildlife Trade Provisions in Indonesia: Cost-Benefit Analysis and Law Enforcement," *Indonesian Journal of International Law*: Vol. 21: No. 5, Article 4, page 45. DOI: 10.17304/ijil.vol21.5.1877

⁷ Berlaku ketentuan dalam Pasal 40A ayat (1)(f) UU 32/2024 yang berbunyi: "*Orang perseorangan yang melakukan kegiatan: menyimpan, memiliki, mengangkut, dan/atau memperdagangkan spesimen, bagian-bagian, atau barang-barang yang dibuat dari bagian-bagian dari Satwa yang dilindungi sebagaimana dimaksud dalam Pasal 21 ayat (2) huruf c dipidana dengan pidana penjara paling singkat 3 tahun dan paling lama 15 tahun dan pidana denda paling sedikit kategori IV dan paling banyak kategori VII.*"

⁸ Agus, Aditiarman. 2025. "Organized Crime in the Trade of Endangered Fauna: A Study of Environmental Law and Criminal Law Policies and Their Enforcement in Indonesia". 2025. *Jurnal Sosial, Sains, Terapan Dan Riset (Sosateris)* 13 (2): 48-56. <https://doi.org/10.35335/n13cxm42>.

⁹ Panggalo, Andi T., Martina Agustina Langi, and Hengki Johanis Kiroh. 2024. "Study Of Wildlife Trade Protected By Social Media and Law Enforcement Efforts: Case Study At The Center For Safety and Environment Law Enforcement and Forestry In The Sulawesi Region Section III Manado". *Jurnal Agroekoteknologi Terapan (Applied Agroecotechnology Journal)* 5 (1):152. <https://doi.org/10.35791/jat.v5i1.55426>.

¹⁰ Hadyan Hindami, and Nelvitia Purba. 2025. "Efektivitas Penegakan Hukum Oleh Penyidik Pegawai Negeri Sipil Kehutanan Terhadap Perdagangan Satwa Liar Yang Dilindungi: (Studi Kasus Pada Seksi Wilayah I Balai Pengamanan Dan Penegakan Hukum Lingkungan Hidup Dan Kehutanan Wilayah Sumatera)". *Federalisme: Jurnal Kajian Hukum Dan Ilmu Komunikasi* 2 (2):46. <https://doi.org/10.62383/federalisme.v2i2.582>.

¹¹ *Ibid*, 10.

¹² Wyatt, T., Johnson, K., Hunter, L. et al. Corruption and Wildlife Trafficking: Three Case Studies Involving Asia. *Asian Criminology* 13, 35–55 (2018). <https://doi.org/10.1007/s11417-017-9255-8>

accelerating species extinction and driving environmental degradation.¹³ More importantly, this study argues that IWT driven by impunity constitutes a human rights violation.

This research begins from a case in which military and police personnel received lighter sentences and delayed prosecution compared to civilian defendants, even though all had equal roles in selling 320 kilograms of pangolin scales, part of a 1.2-ton stockpile seized from the Asahan District Police warehouse in North Sumatra.¹⁴ The study redefines impunity as a structural condition that causes not only physical but also non-physical harm, such as ecosystem degradation and the loss of living communities. Using normative legal methods, along with conceptual, case, and statutory approaches, this research demonstrates that state impunity not only leads to ecological destruction but constitutes a juridical failure that endangers both fundamental rights and the rule of law.

Problem Formulation

How can illegal wildlife trafficking (IWT), supported by state impunity, be understood as a process that transforms ecosystems, reshapes social relations within local communities, and ultimately constitutes a violation of human rights?

Methodology

This study applies a normative legal research method combined with conceptual, historical-legal, and case approaches. The normative analysis examines how impunity operates within Indonesia's security apparatus (TNI and Polri) in environmental law enforcement and their involvement in illegal wildlife trafficking (IWT), using the 2024 Asahan pangolin-scales case as a focal point. Through conceptual analysis, the study reinterprets impunity as a structural condition that produces non-physical harm such as ecosystem degradation and species extinction. This two-step approach—analytical description followed by conceptual reconstruction—links legal doctrine with institutional behavior. The theoretical framework draws on Paul Gordon Lauren's critique of sovereignty as a shield for human rights violations and John H. Knox's framework connecting environmental degradation to human rights. Legal sources include Law No. 32 of 2024 on Conservation of Biological Resources and Their Ecosystems, Ministerial Regulation No. 18 of 2024 on the Use of Wildlife, Kisaran District Court Decision No. 168/Pid.Sus-LH/2025/PN Kis, and relevant UN General Assembly Resolutions (75/311 and 76/300). Together, these materials form the basis for evaluating how state impunity enables environmental destruction and constitutes a violation of human rights.

Discussion and Result

¹³ L. J. Hughes, O. Morton, B. R. Scheffers, and D. P. Edwards, "The Ecological Drivers and Consequences of Wildlife Trade," *Biological Reviews* 98 (2023): 776, <https://doi.org/10.1111/brv.12929>

¹⁴ "Sindikatan Penjual 1,2 Ton Sisik Trenggiling: Warga Sipil Dituntut 7 Tahun, 2 Anggota TNI Divonis Setahun Penjara," *Tempo.co*, July 16, 2025. <https://www.tempo.co/hukum/sindikatan-penjual-1-2-ton-sisik-trenggiling-warga-sipil-dituntut-7-tahun-2-anggota-tni-divonis-setahun-penjara-2015771>

1. Kajian Impunitas yang Menciderai Keadilan dan Mempercepat Kerusakan Lingkungan

The 2024 trafficking of 1.2 tons of pangolin scales¹⁵ stands as the largest wildlife crime case in North Sumatra, involving the National Police (Polri) and the Armed Forces (TNI).¹⁶ The case began with a public report on illegal sales of pangolin scales in Kisaran, Asahan Regency. A joint enforcement team from the Forestry Law Enforcement Agency (Gakkum Kehutanan), the Military Police Command I/Bukit Barisan, and the North Sumatra Police arrested a civilian, Amir Simatupang (AS), two army personnel, Sergeant Major Muhammad Yusuf Harahap (MY) and Sergeant Rahmadani Syahputra (RS), and a police officer, Brigadier Alfi Hariadi Siregar (AH).¹⁷

The four coordinated to retrieve confiscated pangolin scales from the Asahan District Police's evidence warehouse and resell them to a buyer in Aceh. On 11 November 2024, before the shipment could be completed, the joint team intercepted 322 kilograms of scales packaged for delivery and later uncovered another 858 kilograms stored in an East Kisaran warehouse, bringing the total to 1.2 tons.¹⁸

Legal proceedings revealed a striking disparity in sentencing. The civilian defendant (AS) was tried before the Kisaran District Court (Case No. 168/Pid.Sus-LH/2025/PN Kis)¹⁹ and convicted under Article 40A(1)(f) in conjunction with Article 21(2)(c) of Law No. 32 of 2024, receiving three years' imprisonment and a fine of IDR 500 million.²⁰ By contrast, the two TNI personnel were tried before the Medan Class I Military Court and sentenced to only one year of imprisonment and a fine of IDR 100 million under the same provision.²¹ The police officer (AH), identified as

¹⁵ Status trenggiling (*manis javanica*) sebagai jenis satwa yang dilindungi diatur dalam lampiran Peraturan Menteri Lingkungan Hidup dan Kehutanan Republik Indonesia Nomor P.106/MENLHK/SETJEN/KUM.1/12/2018 Tentang Perubahan Kedua Atas Peraturan Menteri Lingkungan Hidup dan Kehutanan Nomor P.20/MENLHK/SETJEN/KUM.1/6/2018 Tentang Jenis Tumbuhan Dan Satwa Yang Dilindungi, halaman 11.

¹⁶ *Vide* keterangan Kepala Balai Gakkum Kehutanan Wilayah Sumatera, Hari Novianto. *Vide* "Ketika Tentara dan Polisi yang Hendak Menjual 1,2 Ton Sisik Trenggiling dari Gudang Polres Asahan," *Tempo*, 2025, <https://www.tempo.co/hukum/ketika-tentara-dan-polisi-yang-hendak-menjual-1-2-ton-sisik-trenggiling-dari-gudang-polres-asahan-1394233>.

¹⁷ Kompas, Dewantoro and Teuku Muhammad Valdy Arief, "2 Anggota TNI dan 1 Polisi Diduga Terlibat Perdagangan Sisik Trenggiling di Sumut," *Kompas.com*, November 26, 2024, sec. Medan, <https://medan.kompas.com/read/2024/11/26/181533778/2-anggota-tni-dan-1-polisi-diduga-terlibat-perdagangan-sisik-trenggiling-di>

¹⁸ Atalya Puspa, "Gakkum Kehutanan Bongkar Jaringan Perdagangan Sisik Trenggiling 1,2 Ton di Sumut," *Media Indonesia*, March 7, 2025, <https://mediaindonesia.com/humaniora/749808/gakkum-kehutanan-bongkar-jaringan-perdagangan-sisik-trenggiling-12-ton-di-sumut>

¹⁹ Putusan Pengadilan Negeri Kisaran Nomor 168/Pid.Sus-LH/2025/PN Kis. Diakses dari <https://putusan3.mahkamahagung.go.id/direktori/putusan/zaf06cf0d9f05a2cb652303935363535.html>

²⁰ *Ibid*.

²¹ Putusan Dilmil I 02 Medan Nomor 10-K/PM.I-02/AD/II/2025, hal. 75.

the intellectual actor, filed a pretrial motion in May 2025 and remained unprosecuted as of October 2025,²² reportedly even promoted in rank.²³

Such disparity directly contravenes Article 40A(1)(f), which establishes a minimum sentence of three years and a maximum of fifteen, with fines up to IDR 5 billion. The leniency afforded to state officials exemplifies the structural impunity embedded within Indonesia's dual justice system. Drawing from Jean Bodin's notion of sovereignty as absolute authority²⁴ and Marx's critique of the state apparatus as an instrument of arbitrary power,²⁵ the case illustrates how sovereignty is frequently distorted into a license for unaccountability. Paul Gordon Lauren's modern critique sharpens this view that sovereignty often functions as a shield against responsibility,²⁶ allowing states to evade both domestic and international accountability under the pretext of non-intervention.²⁷ Sovereignty, however, is meant to secure collective self-determination, not institutionalized immunity.²⁸

In international law, impunity is understood as a State's failure to fulfill its obligations to investigate legal and human rights violations, prosecute perpetrators, compensate victims, reveal the truth, enforce justice, and prevent recurrence.²⁹ In the *Arrest Warrant* case, Judge Wyngaert, in her dissenting opinion, emphasized that immunity often leads to impunity.³⁰ These ideas show that the growth of impunity cannot be separated from the privileged legal status of state officials, who often enjoy protection from accountability unlike ordinary citizens. This phenomenon is particularly relevant when analyzed through Lawrence M. Friedman's systems theory, which

²² "Aipda Alf, Aktor Intelektual Sisik Trenggiling 12 Ton, Akhirnya Ditahan," *Kompas Medan*, 18 September 2025, <https://medan.kompas.com/read/2025/09/18/153400478/aipda-alfi-aktor-intelektual-sisik-trenggiling-12-ton-akhirnya-ditahan>.

²³ Goklas Wisely and Ferril Dennys, "Nyanyian 2 Prajurit TNI, Diminta Bripka Alf Bawa dan Jual Sisik Trenggiling dari Gudang Polres Asahan," *Kompas.com*, 1 Mei 2025, <https://medan.kompas.com/read/2025/05/01/112056978/nyanyian-2-prajurit-tni-diminta-bripka-alfi-bawa-dan-jual-sisik-trenggiling?page=all>.

²⁴ Jean Bodin, *Les Six Livres de la République* (1576), quoted in Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*, 3rd ed. (Philadelphia: University of Pennsylvania Press), 31.

²⁵ Seri, Guillermina. "'The Dream of State Power': Accumulation, Coercion, Police." *Social Justice* 47, no. 3/4 (161/162) (2020): 51. <https://www.jstor.org/stable/27094592>.

²⁶ Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*, 3rd ed. (Philadelphia: University of Pennsylvania Press), hlm. 31. ("Paul Gordon")

²⁷ Paul Gordon, 154.

²⁸ Mares, Gabriel. "Recovering African Contestation and Innovation in Global Politics: Francis Deng and Sovereignty-as-Responsibility." *International Theory* 16, no. 3 (2024): 359. <https://doi.org/10.1017/S1752971924000083>.

²⁹ Economic and Social Council, 'Promotion and Protection of Human Rights: Impunity: Report of the Independent Expert to Update the Set of Principles to Combat Impunity, Diane Orentlicher: Addendum: Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity', E/CN.4/2005/102/Add.1 (2005).

³⁰ *Case Concerning the Arrest Warrant of 11 April 2000* (Democratic Republic of Congo v. Belgium), Judgment of 14 Feb. 2002, reprinted in 42 ILM (2003), Dissenting Opinion of Judge van der Wyngaert [34].

views law enforcement as the synchronization of three elements: legal substance, legal structure, and legal culture.³¹

Based on Lauren's and Friedman's frameworks, it becomes evident that in the 2024 Asahan pangolin-scales case, IWT crimes are protected by the internal legal culture³² of institutions such as TNI and Polri, which normalize legal immunity and preserve impunity under the guise of sovereignty. Impunity undermines justice in society, obstructs law enforcement, and erodes legal certainty. This is reflected in the lighter sentences imposed on state officials compared to civilians, when in fact, legal, moral, and social justice should all be upheld. Instead, these forms of justice³³ are neglected, replaced by the failure of substantive justice caused by a deeply rooted culture of legal immunity that corrodes the legal system itself.

Regarding sentencing disparity, in practice, judicial discretion in litigation often creates room for unequal punishment.³⁴ Sentencing disparity refers to the imposition of different penalties for comparable crimes without reasonable justification, which can be evaluated by the gap between minimum and maximum penalties.³⁵ The negative consequence of such disparity is public skepticism toward the judicial system, as it damages the sense of justice in society.³⁶ This inconsistency hampers law enforcement, as uneven sentencing is frequently observed.³⁷ Accordingly, this paper reviews the indicators of sentencing disparity in the Kisaran District Court Decision No. 168/Pid.Sus-LH/2025/PN Kis, compared with several other IWT cases decided after the enactment of Law No. 32 of 2024, to demonstrate this disparity in practice.

	Putusan Dilmil I 02 Medan Nomor 10-K/PM.I-02/AD/II/2025	Putusan Pengadilan Negeri Kisaran Nomor 168/Pid.Sus-LH/2025/PN Kis	Putusan Pengadilan Negeri Martapura 170/Pid.Sus - LH/2025/P N MTP	Putusan Pengadilan Negeri Kandangan Nomor 100/Pid.Sus-LH/2025/PN Kgn	Putusan Pengadilan Negeri Jantho Nomor 57/Pid.Sus-LH/2025/PN Jth
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³¹ Rahayu, Derita P., Faisal Faisal, Rafiqs Sari, and Ndaru Satrio. "Law Enforcement in the Context of Legal Culture in Society." *LAW REFORM* 16, no. 2 (2020): 278, <https://doi.org/10.14710/lr.v16i2.33780>

³² Sally Engle Merry, "What is Legal Culture? An Anthropological Perspective," *Journal of Comparative Law* 5 (2010): 40.

³³ Kartika, Moh. Eka. 2016. "Hukum Yang Berkeadilan: Pembentukan Hukum Oleh Hakim". *Jurnal IUS Kajian Hukum Dan Keadilan* 4 (3):383-95. <https://doi.org/10.29303/ius.v4i3.410>.

³⁴ R. A. Bhakti, N. S. Putrajaya, and P. Pujiyono, "Disparitas Pidana dalam Putusan Hakim di Pengadilan Negeri Semarang terhadap Tindak Pidana Pembunuhan," *Diponegoro Law Journal* 6, no. 4 (October 2017): 6, <https://doi.org/10.14710/dlj.2017.19779>

³⁵ Gulo, Nimerodi. "Disparitas Dalam Penjatuhan Pidana." *Masalah-Masalah Hukum* 47, no. 3 (2018): 216. <https://doi.org/10.14710/mmh.47.3.2018.215-227>

³⁶ Lalitasari, Ajeng A., Pujiyono, and Purwoto. "Disparitas Pidana Putusan Hakim Dalam Kasus Korupsi Yang Dilakukan Secara Bersama-Sama Di Pengadilan Negeri Tindak Pidana Korupsi Semarang." *Diponegoro Law Journal* 8, no. 3 (2019): 1691. <https://doi.org/10.14710/dlj.2019.24555>

³⁷ Viano Lewi Kong Ateng, Kenny, and Ade Adhari, "Kriteria Disparitas Pemidanaan yang Dapat Dipertanggungjawabkan," *Jurnal Ilmu Hukum, Humaniora dan Politik* 5, no. 3 (2025):2021., <https://doi.org/10.38035/jihhp.v5i3.3843>

Tahun perkara	Juli 2025	Juli 2025	Oktober 2025	Agustus 2025	Juni 2025
Pasal yang Dijatuhkan	Pasal 40A ayat (1) huruf d jo. Pasal 21 ayat (2) huruf a UU 32/2024.				
Ketentuan Minimum Sentencing	Berlaku ketentuan <i>minimum sentencing</i> penjara 3 tahun.				
Jenis Satwa	Satwa liar dilindungi.				
Modus	Diduga melalui jaringan terorganisir (kolaborasi militer & sipil)	Diduga melalui jaringan terorganisir (kolaborasi militer & sipil)	Luring (perdagangan secara fisik, disimpan untuk dijual)	Daring dan luring (hibrida)	Luring (perdagangan secara fisik, disimpan untuk dijual)
Lama Penjatuan Pidana Penjara	1 tahun	3 tahun	3 tahun	3 tahun	3 tahun
Golongan Pelaku	Militer	Sipil	Sipil	Sipil	Sipil
Jumlah Pidana Denda	Rp 100.000.000-atau penjara 1 bulan.	Rp 500.000.000-atau penjara 6 bulan.	Rp 10.000.000-atau penjara 2 bulan.	Rp 50.000.000-atau penjara 1 bulan.	Rp 50.000.000-atau penjara 1 bulan.
Barang Bukti	Sisik Trenggiling seberat 858,3 kilogram dalam 16 karung plastik besar dan 5 karung plastik kecil.	Sisik Trenggiling seberat 320 kilogram yang dikemas dalam 9 kotak kardus rokok merk Sampoerna.	Sisik Trenggiling seberat 12,27 kilogram.	Sisik Trenggiling sebesar 0,865 kilogram.	Sisik Trenggiling seberat 30,4 kilogram, 3 tengkorak bertanduk kepala Rusa Sambar, 6 potong tanduk Rusa Sambar, 3 kulit kambing hutan Sumatera, 1 kulit kancil, 1 paruh burung Rangkong Gading.

Tindak Lanjut Barang Bukti	Dirampas untuk dimusnahkan.	Dikembalikan ke Penuntut Umum untuk digunakan dalam perkara oknum Polri (Alfi Hariadi Siregar).	Dikembalikan ke BKSDA untuk dimusnahkan dengan cara dibakar.	Dirampas untuk Negara cq. BKSDA Provinsi Kalimantan Selatan.	Dirampas untuk dimusnahkan.
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This systemic disparity not only distorts justice but also produces measurable ecological and moral consequences. In the 2024 Asahan pangolin case, the total confiscated evidence reached 1,178 kilograms, approximately 1.2 tons, equivalent to the killing of an estimated 4,700 to 7,000 wild pangolins for their scales.³⁸ These numbers are not abstract statistics but indicators of an ecological collapse. Pangolins are classified as *Critically Endangered* and have been listed in Appendix I of CITES since 2016, which prohibits all international trade involving live animals, carcasses, or body parts.³⁹

By volume and institutional involvement, the Asahan case represents one of the most serious IWT offenses in Indonesia. The perpetrators included members of both the TNI and Polri, who coordinated to embezzle 1.2 tons of pangolin scales from the Asahan District Police evidence warehouse. This method reveals the organized nature of wildlife crime operating within the law enforcement system itself. In contrast, civilian defendants in other cases – *Martapura District Court Decision No. 170/Pid.Sus-LH/2025/PN MTP*, *Jantho District Court Decision No. 57/Pid.Sus-LH/2025/PN Jth*, and *Kandangan District Court Decision No. 100/Pid.Sus-LH/2025/PN Kgn* – were sentenced to three years in prison for smaller-scale offenses conducted through offline trade or social media platforms such as Facebook Marketplace. The two TNI personnel in the Asahan case, however, received only one year of imprisonment, in clear violation of the minimum three-year sentence prescribed by Law No. 32 of 2024.

In Indonesia, impunity is often understood through visible state violence which procedurally flawed arrests or police brutality against demonstrators.⁴⁰ Yet the Asahan case reveals a more entrenched form of state impunity: one where state officials themselves participate directly in organized environmental crime and are shielded from proportional accountability. The lenient sentencing of TNI and Polri personnel demonstrates institutional complicity rather than mere enforcement failure.

³⁸ United Nations Office on Drugs and Crime, *Pangolin Scales, Map 1 “Trafficking flow map – Pangolin Scales (2007-2018)”*, 2020, hml. 67

³⁹ Challender, D., Willcox, D.H.A., Panjang, E., Lim, N., Nash, H., Heinrich, S. & Chong, J. 2019. *Manis javanica*. *The IUCN Red List of Threatened Species* 2019: e.T12763A123584856. <https://dx.doi.org/10.2305/IUCN.UK.2019-3.RLTS.T12763A123584856.en>. Accessed on 26 October 2025.

⁴⁰ Ismail, Fakhri Lutfianto Hapsoro, & Andi Muhammad Rezaldy. (2023). Akuntabilitas Penegakan Hukum Terhadap Aparat Kepolisian yang Melakukan Tindak Kekerasan. *Jurnal Hukum IUS QUIA IUSTUM*, 30(3), 610. <https://doi.org/10.20885/iustum.vol30.iss3.art7>

The consequences extend beyond environmental degradation caused by the mass killing and commodification of pangolins. They reach into the moral foundation of law itself. When the state protects its agents rather than the public interest, the law loses its legitimacy as an instrument of justice and human rights protection. The Asahan case illustrates how state impunity not only destroys ecosystems but also reshapes social relations within affected communities, ultimately amounting to a violation of human rights. It is widely regarded as only the visible peak of Indonesia's broader illegal wildlife trade crisis.⁴¹

2. Reconstruction of Ecological and Social Transformations Caused by IWT

The entrenched culture of state impunity within Indonesia's TNI and Polri institutions obstructs environmental law enforcement and enables the involvement of state actors in illegal wildlife trafficking (IWT). Beyond legal implications, IWT disrupts local ecological balance, undermines community livelihoods, and reinforces asymmetrical power relations between civilians and state authorities. To reconstruct these transformations, this analysis draws on the principles articulated by John H. Knox in the *Framework Principles on Human Rights and the Environment* (2018), which emphasize that human rights and environmental protection are interdependent.⁴²

2.1. IWT Merusak Keseimbangan Ekologi Lokal

IWT directly disrupts local ecosystems by spreading diseases and threatening the survival of traded species, thereby destabilizing broader environmental systems. UN General Assembly Resolution 75/311 underscores that biodiversity plays a vital role in human well-being and must be preserved across generations, given the interdependence among all living systems. Knox's first principle asserts that:

"State should ensure a safe, clean, healthy, and sustainable environment in order to respect, protect, and fulfil human rights."

Then his second principle further complements it:

"State should respect, protect, and fulfil human rights in order to ensure a safe, clean, healthy, and sustainable environment."

These principles establish that states bear reciprocal obligations: to protect the environment as part of fulfilling human rights, and to safeguard human rights as a condition for environmental protection.

Legally, Indonesia already possesses a comprehensive regulatory framework through Law No. 32 of 2024. Legal wildlife trade, quarantine procedures, and welfare standards are also stipulated

⁴¹ Penulis menyoroti adanya kemungkinan jaringan IWT yang lebih besar, yang didukung oleh keterlibatan oknum TNI dan Polri dari berbagai kasus sebelumnya yang melibatkan oknum TNI dan Polri, *vide* BBC Indonesia, "Dua anggota TNI diduga selundupkan 40 ekor landak di Sumatera Barat", 18 September 2017, <https://www.bbc.com/indonesia/majalah-41304774> dan Mongabay, "Oknum Tentara dalam Perdagangan Paruh Bangkok Papua." 19 Oktober 2022, <https://mongabay.co.id/2022/10/19/oknum-tentara-dalam-perdagangan-paruh-bangkok-papua-1/>.

⁴² John Knox, *Framework Principles on Human Rights and the Environment*, United Nations Human Rights Council, 2018, 6.

in Ministerial Regulation No. 18 of 2024.⁴³ However, empirical data reveal a stark contrast between regulation and practice. Ecologically, IWT facilitates disease transmission because trafficked animals typically bypass quarantine and welfare protocols.⁴⁴ This accelerates the spread of pathogens both among wildlife species and from wildlife to humans.

Another ecological impact arises from the hunting of medium- and large-sized mammals in tropical regions, which alters predator-prey dynamics.⁴⁵ The 2024 Asahan pangolin case exemplifies this. Pangolins are natural predators of termites and ants; their population decline leads to unchecked growth of these insects, disrupting ecosystem stability by eliminating natural pest control.⁴⁶ The resulting imbalance increases the risk of zoonotic disease transmission and pest outbreaks, both of which directly affect human environments.

Prima facie, IWT may appear as a crime without direct consequences for humans. In reality, its indirect and often invisible effects are severe.⁴⁷ In line with Knox's principles and UN General Assembly Resolution 76/300, biodiversity and a healthy, sustainable environment are integral to human rights. Consequently, the State's failure to prevent and prosecute IWT not only damages local ecological balance but also represents a failure to uphold those human rights.

2.2. IWT Mengubah Mata Pencaharian Komunitas

IWT was once perceived as a minor, sporadic environmental issue. It has since evolved into a large-scale operation controlled by organized criminal networks.⁴⁸ The high prices and enormous profits from illegally traded wildlife have become strong incentives for people in impoverished regions, especially where law enforcement is weak, to participate in IWT.⁴⁹ During economic crises, this tendency becomes even more pronounced as communities turn to wildlife trafficking

⁴³ Peraturan Menteri Lingkungan Hidup Dan Kehutanan Nomor 18 Tahun 2024 tentang Pemanfaatan Jenis Tumbuhan dan Satwa Liar dalam Bentuk Penangkaran, Pemeliharaan untuk Kesenangan, Perdagangan, dan Peragaan, Pasal 128. ("Permen LHK 18/2024")

⁴⁴ Bezerra-Santos MA, Mendoza-Roldan JA, Thompson RCA, Dantas-Torres F, Otranto D. Illegal Wildlife Trade: A Gateway to Zoonotic Infectious Diseases. *Trends Parasitol.* 2021 Mar;37(3):184. doi: 10.1016/j.pt.2020.12.005. Epub 2021 Jan 13. PMID: 33454218.

⁴⁵ Benítez-López, A, Alkemade, R, Schipper, A M, Ingram, D J, Verweij, P A, Eikelboom, J A J and Huijbregts, M A J (2017) The impact of hunting on tropical mammal and bird populations. *Science*, 356 (6334). pp. 180-183.

⁴⁶ Takandjandji, Mariana & Sawitri, Reny. (2016). PENANGKAPAN DAN PERDAGANGAN TRENGGILING JAWA (*Manis javanica* Desmarest, 1822) DI INDONESIA. *Jurnal Analisis Kebijakan Kehutanan*. 13. hlm 91. 10.20886/jakk.2016.13.2.85-101.

⁴⁷ Mozer, Annika & Prost, Stefan. (2023). An Introduction to Illegal Wildlife Trade and its Effects on Biodiversity and Society. *Forensic Science International: Animals and Environments*. 3. 100064. 10.1016/j.fsiae.2023.100064. (page 4).

⁴⁸ Viollaz, Julie & Graham, Jessica & Lantsman, Leonid. (2018). Using script analysis to understand the financial crimes involved in wildlife trafficking. *Crime, Law and Social Change*. 69. 10.1007/s10611-017-9725-z.

⁴⁹ Wilson-Holt O and Roe D (2021) Community-Based Approaches to Tackling Illegal Wildlife Trade—What Works and How Is It Measured? *Front. Conserv. Sci.* 2:765725. doi: 10.3389/fcosc.2021.765725

as a survival strategy.⁵⁰ Thus, IWT not only drives ecological degradation but also transforms local livelihoods, particularly among forest-dependent communities tempted to hunt and sell protected species for financial gain.

At first glance, the short-term profits from IWT may appear attractive. Yet because the practice is inherently unsustainable, it produces long-term harm. The depletion of wildlife populations destroys the very natural resources that rural communities depend on, particularly those engaged in ecotourism or sustainable forest use.⁵¹ In this sense, IWT directly harms local populations living near conservation areas and relying on natural ecosystems for survival.

As articulated in John H. Knox's tenth principle:

"States should provide for access to effective remedies for violations of human rights and domestic laws relating to the environment."

The State therefore bears the responsibility to ensure access to effective remedies for environmental and human rights violations. When IWT destroys livelihoods, affected communities are entitled to legal protection and restorative measures to recover their well-being. The State's inability to guarantee such access only deepens the social and economic vulnerability of these communities.

2.3. IWT and the Reinforcement of Asymmetrical Power Relations

UN General Assembly Resolution 75/311 explicitly recognizes that illegal wildlife trafficking (IWT) undermines governance, weakens the rule of law, and even threatens national stability.⁵² This occurs because the mechanisms of IWT reinforce power asymmetries, allowing state actors with privileged access to wildlife resources to exploit them without accountability. In such systems, corruption becomes normalized. Bribes are used to facilitate and conceal trafficking activities like granting access to protected forests, falsifying documents, evading law enforcement, or preventing prosecution altogether.⁵³

Furthermore, as a form of organized crime, IWT is often controlled by transnational criminal networks that exacerbate social conflict and erode governance structures within affected regions.

⁵⁰ Lorde, Troy & Jackman, Mahalia & Naitram, Simon & Lowe, Shane. (2016). Does crime depend on the state of misery. *International Journal of Social Economics*. 43. 1124-1134, pg. 1.

⁵¹ Madubun, Rifki Alif Mediaanta, Rully Novie Wurarah, and Siti Aisah Bauw. 2024. "The Economy Behind the Forest: Understanding the Effects of Hunting and Wildlife Trade on the Lives of Tamberau People". *Holistic: Journal of Tropical Agriculture Sciences* 2 (1):55. <https://doi.org/10.61511/hjtas.v2i1.2024.1050>.

⁵² Resolution adopted by the General Assembly on 23 July 2021 A/RES/75/311 ("Resolusi Majelis Umum PBB 75/311"), *preamble*.

⁵³ J. Viollaz, J. Graham, and L. Lantsman, "Using Script Analysis to Understand the Financial Crimes Involved in Wildlife Trafficking," *Crime, Law and Social Change* 69 (2018): 595–614, <https://doi.org/10.1007/s10611-017-9725-z>.

Communities may become divided between those who participate in IWT for personal gain and those who support conservation efforts but face intimidation and violence. This division breeds insecurity and weakens social cohesion.

As articulated in John H. Knox's twelfth principle:

*"States should implement **training programmes** for law enforcement and judicial officers to enable them to understand and enforce environmental laws, and they should take effective steps to **prevent corruption** from undermining the implementation and enforcement of environmental laws."*

Following this principle, the State must ensure effective law enforcement against IWT, particularly when committed by its own agents. It bears responsibility to prohibit, prevent, and prosecute all forms of corruption that facilitate wildlife trafficking.⁵⁴ This includes investigating and sanctioning corrupt practices linked to IWT. The State must also strengthen its legal and institutional frameworks by providing anti-corruption measures and specialized training for law enforcement officers.

Without such efforts, IWT will continue to erode governance, devastate ecosystems and livelihoods, and ultimately undermine the legitimacy of the law itself, transforming environmental degradation into a human rights violation.

Conclusion

Building on Paul Gordon Lauren's critique of sovereignty as a shield for the State, this study demonstrates that illegal wildlife trafficking (IWT), when sustained by state impunity, operates as a process that transforms ecosystems, reshapes social relations within local communities, and ultimately constitutes a violation of human rights. In the 2024 Asahan pangolin case, state impunity was institutionally maintained by the TNI and Polri. This not only accelerated environmental destruction but also undermined justice and revealed a systemic legal failure that endangers fundamental rights and the moral legitimacy of the law itself.

When compared with other pangolin-scale trafficking cases—such as *Martapura District Court Decision No. 170/Pid.Sus-LH/2025/PN MTP*, *Kandangan District Court Decision No. 100/Pid.Sus-LH/2025/PN Kgn*, and *Jantho District Court Decision No. 57/Pid.Sus-LH/2025/PN Jth*—where civilian offenders were sentenced to three years in prison despite smaller quantities of evidence (for example, only 12.27 kilograms in Martapura) and less structured methods (offline sales or Facebook Marketplace transactions), it becomes clear that the courts in those cases applied the minimum sentencing requirements properly.

Ironically, in the 2024 Asahan case, where 1.2 tons of pangolin scales were trafficked through an organized network involving state officials, the sentences imposed on the TNI and Polri personnel were disproportionately lenient. This disparity creates manifest injustice: harsh punishment for small offenders, leniency for organized crimes protected by state institutions.

⁵⁴ Resolusi Majelis Umum PBB 75/311, paragraf 30.

Such unequal enforcement perpetuates impunity, confirming that IWT driven by state protection constitutes a human rights violation.

Therefore, a comprehensive legal reform is urgently needed, beginning with the principle of sovereignty itself. The State must dismantle impunity within its institutions by holding TNI and Polri officials accountable, ensuring that all law enforcement bodies operate under the supremacy of law and refrain from shielding illegal activity. Independent oversight mechanisms involving civil society must be strengthened to prevent impunity.

A human rights-based approach should also be integrated into environmental policy, using John H. Knox's principles as a normative framework to affirm that the right to a healthy environment is inseparable from human rights.

Furthermore, following Lawrence M. Friedman's legal system theory, structural, substantive, and cultural reforms are necessary to close gaps of impunity and reinforce institutional capacity. The State must prioritize community welfare and empower local populations, while involving civil society organizations and imposing stricter supervision on law enforcement personnel across regions. It must also guarantee broad access to justice and legal protection for local communities as part of a stronger and more accountable strategy to combat IWT.

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